

Guiding
principles of
the Bill

- 1 **2.** The Guiding principles of the law is to:
- 2 (a) balance the protection of private rights and public interest, and
- 3 promote a fair and equitable society;
- 4 (b) to adopt the Magna Carta principle of justice for a citizens driven
- 5 criminal justice system;
- 6 (c) to promote transparency and accountability in public service with
- 7 citizens' deciding the verdict of defendant public officials;
- 8 (d) to deepen citizens inclusion as stakeholders and sustain their
- 9 active participation in governance, via the criminal justice system as jurors;
- 10 (e) to empower citizens to make positive and useful contribution to
- 11 the advancement, progress and well-being of their community and country;
- 12 (f) to engender patriotism and rectitude and familiarization with
- 13 criminal and anti-corruption laws amongst citizens;
- 14 (g) to ensure that criminal justice is solely based on facts and evidence
- 15 and the values and will of the society;
- 16 (h) to promote shared responsibility in criminal adjudication and
- 17 reduce the workload on the judges in order to ensure fair, equitable and speedy
- 18 dispensation of justice;
- 19 (i) to integrate incorrupt and patriotic citizens into the fight against
- 20 corruption and injustice,
- 21 (j) to encourage citizens to render assistance to appropriate and lawful
- 22 agencies in the maintenance of law and order, in order to promote widespread
- 23 compliance with the rule of law;
- 24 (k) to provide clarity and responsibility to jurors in compliance with
- 25 Section 93C sub section 3e of the Criminal Code Act

Administration
of Jury Service

- 26 **3.** The Jury Service department, which shall be under the office of the
- 27 Chief Registrar and supervised by the Federal Judicial Service Commission,
- 28 shall be responsible for the selection of jurors into the jury pool, jury panel and
- 29 the administration of the Jury Service (Act), with its functions as follows:
- 30 (a) liaise with the Department of State security (DSS) where

1 necessary in the screening and selection of patriotic, responsible, incorrupt
2 citizens as jurors into the jury pool;

3 (b) liaise with the office of the respective court registrar and
4 presiding judge in the selection of jurors from the jury pool as case jurors in
5 jury panel;

6 (c) ensure the overall welfare and wellbeing of case jurors,
7 throughout their Jury service;

8 (d) implement the provisions of this Bill;

9 (e) undertake recruitment into the Jury service department, jury
10 protection unit;

11 (f) investigate and prosecute jurors where evidence have been
12 found against them breaching any of the provisions of this Act during their
13 Jury service;

14 (g) prepare an annual report and financial budget for the
15 administration of the jury service to the office of the Chief Registrar and
16 Federal Judicial Service Commission;

17 (h) maintain a secure database with the profiles of all jurors in the
18 jury pool;

19 (i) liaise with the FRSC, NIMC, INEC in randomly selecting
20 prospective jurors from their respective database.

21 **4.-(1)** Without prejudice to other sections of this Bill, the procedure
22 for jury trial shall be in compliance with this section of this bill shall regulate
23 and guide jurors in discharging their civic duties on jury panel, which
24 process shall include:

Procedure for
Jury Trial

25 (a) invitation of prospective jurors to apply to be selected into the
26 jury pool, using database of FRSC, NIMC, INEC;

27 (b) prospective juror's online and virtual screening;

28 (c) publication of all successful juror applicants in three national
29 newspapers and two online news media platforms and the Jury service
30 department's website;

- 1 (d) DSS screening of eligible jurors to determine their qualification
2 for jury pool selection;
- 3 (e) qualified jurors summoning;
- 4 (f) jury pool selection;
- 5 (g) juror for Jury panel selection;
- 6 (h) selection of three (3) alternate jurors.
- 7 (2) Case juror selection for jury panel shall only be from the jury pool,
8 which process shall include:
- 9 (a) invitation of eligible jurors from the jury pool;
- 10 (b) voir dire examination of summoned jurors by litigants, where
11 opposing counsels may each remove and replace two of the summoned jurors
12 from serving on case jury panel, before the empaneling of a case jury;
- 13 (c) alternate jurors' selection;
- 14 (d) case juror's oath taking.
- 15 (3) Filing for trial by Jury shall comply with provisions of ACJA,
16 criminal code Act and other extant laws, after which:
- 17 (a) the Registrar shall notify the jury service department of the need
18 for jury summoning for juror selections, for cases under Section 3 of this Bill;
- 19 (b) Jury panel deliberation shall be guided by the jury handbook
20 which shall be issued before the jury trial, but verdicts shall be decided by
21 jurors voting as provided in section 13(1);
- 22 (c) Jury trial shall only be the arbiter of evidence and facts, limited to
23 evidence, witness testimony, witness cross-examination as presented by the
24 litigants in court with a verdict reached only as stipulated in section 13(1);
- 25 (d) Jury verdict shall be hand written by the jury foreman and passed
26 on to the presiding judge to read as the verdict of the court;
- 27 (e) sentencing by the presiding judge shall follow afterwards, in
28 accordance with the ACJA, Criminal Code Act and other applicable extant
29 laws/Acts of the ACAs. Where sentencing is delayed, it shall be delivered
30 within the timeframe stipulated for bench trial;

1 (f) Virtual court sitting and witness cross-examination shall be
2 accommodated, in line with the relevant procedural laws and rules as
3 directed by the Chief Justice of Nigeria, by hand of the Chief Judge of the
4 Federal High Court or High Court of the Federal Capital Territory (F.C.T);

5 (g) All alternate jurors shall be present in court throughout the jury
6 trial, but shall not participate in jury deliberations until he/she replaces a
7 juror;

8 (h) No case where a jury panel has given verdict shall be retried by
9 another jury, except it is a hung jury;

10 (i) prosecution and defence counsels shall each have the
11 opportunity of obtaining a single extension for a maximum of not more than
12 ten court sittings, upon recommendation by JSD and presiding judge, and
13 final approval by the Chief judge;

14 (j) requests for extension shall state the number of sittings required
15 by the party to close its case, before it may be approved by the Chief Judge of
16 the Federal/Abuja High Court;

17 (k) jury trial procedure shall be reviewed by the Chief Justice of
18 Nigeria, by the hand of the Chief Judge of the Federal/Abuja High Court,
19 who shall give practice direction;

20 (l) the Chief Justice of Nigeria by hand of the Chief Judge Federal/
21 High Court of the F.C.T or designate specific courts as Special crimes/
22 offenses and corruption courts with presiding judge(s), where jury trials
23 shall be hold;

24 (m) the procedure for the trial by jury created by this bill shall be as
25 stated in this section, with a Practice direction and Jurors hand book made by
26 the Chief Justice of Nigeria by the hand of the Chief Judge of the Federal
27 High Court and/or the Chief Judge of the High Court, with the concurrence
28 of the National Judicial Council and published in the Federal Government
29 Gazette;

30 (n) such practice direction and Jurors handbook shall be altered in

1 such a manner to suit the changing circumstances of the jury system following
2 the procedure in subsections (3) and (5) above of this section;

3 (o) without prejudice to the foregoing, the extant criminal procedure
4 Acts shall apply mutatis mutandis alongside this law or as the Chief Justice of
5 Nigeria shall deem fit;

6 (p) in the event of conflict with any Act or practice direction, this Act
7 shall prevail;

8 (q) after defendant's plea has been taken, if not guilty, then a signal for
9 Jury panel selection shall be sent to the JSD; after which, once jury trial
10 commences, matters on the substantive case being tried by the jury panel
11 seeking to stop jury trial shall not be entertained by another High Court but;

12 (r) matters not related to the evidence on the substantive case, such as
13 technical matters or matters of law in the substantive case:

14 (i) shall not be entertained in the presence of the jury;

15 (ii) shall not last more than two days;

16 (iii) shall require an order from the Appellate court in that division,
17 before it can be entertained by the judge presiding over the jury trial;

18 (s) jury trials shall take place in the Federal High Court in the State or
19 F.C.T where the alleged crime was committed; including the High Court of the
20 F.C.T, where it has jurisdiction to hear such cases;

21 (t) the Jury Service Department shall cull its list of prospective jurors,
22 in line with the provisions of section 5 of this Bill, and randomly send not less
23 than five thousand prospective jurors per State invitation to apply for jury
24 service;

25 (u) Prospective jurors shall be required to answer a set of integrity test
26 questions online, in line with the provisions of section 5 and, if successful and
27 also willing to be available for jury service in the next twelve months, his/her
28 name shall be published at least 30 days prior to commencement of selection
29 process, and in line with Section 5;

30 (v) petitions received from the general public on eligible jurors shall

1 be duly investigated by the DSS for the purpose of recommending not more
2 than one thousand honest and patriotic citizens of unquestionable
3 characters, to the JSD who shall be shortlisted for jury pool selection;

4 (w) qualified jurors shall be further screened by the JSD, to
5 determine the seven fifty hundred (750) who shall be selected into the jury
6 pool, and selection into jury pool shall be conducted quarterly in each of the
7 Jury service jurisdictions;

8 (x) jurors shall only be selected unto a jury panel from the jury
9 pool;

10 (y) a jury panel shall consist and be duly constituted with 12 jurors;

11 **5.** Jury service, which is an esteemed duty of citizenship, shall be
12 considered a civic responsibility of persons who are:

Eligibility and
qualification for
Jury Service

13 (a) patriotic, incorrupt and of unquestionable character by the
14 general public and the Department of State Security (DSS);

15 (b) on the database of the NIMC, FRSC, INEC, Possessing valid
16 identification cards from any two of these three;

17 (c) citizens by birth in line with sections 25, 26, 28, 31 of the
18 Nigerian Constitution and who have not renounced their citizenship nor
19 possess dual nationality, or a naturalized Nigerian who possesses a Nigerian
20 national passport and has been resident in Nigeria full time for the last five
21 years, in addition to sub section 2 above, as well as a tax clearance for the last
22 year for a working-class Nigerian;

23 (d) between the ages 21 - 65;

24 (e) able to speak and understand and communicate in English, or
25 where interpreters are available, any of the other three major languages in
26 Nigeria (Igbo, Yoruba, Hausa);

27 (f) residents of the State where the crime was committed, and jury
28 trial would be undertaken in the Federal High Court of that State;

29 (g) proven to be of unquestionable and impeccable integrity and
30 character, by his/her community via a referral form and the general public,

Contempt of
Jury service

1 after their names have been published in three national dailies at least 30 days
2 before the selection process for the general public to scrutinize and forward any
3 allegation of crime, corruption, bankruptcy, etcetera and investigated by the
4 DSS;

5 (h) available for Jury service in the next twelve months;

6 **6.-(1)** Contempt of jury service by a juror shall include:

7 (a) refusal to acknowledge and attend jury summoning in court,
8 without communicating an acceptable or reasonable cause as may be decided
9 by the Court;

10 (b) lying under oath about eligibility or qualification for jury service;

11 (c) communicating with interested parties in a case before his/her jury
12 panel;

13 (d) Jury tampering;

14 (e) endangering the lives and families of fellow jurors;

15 (f) witness tampering;

16 (g) accomplice to evidence and/or jury and/or witness tampering, or
17 refusing to report a case of jury or witness tampering, where evidence exists;

18 (h) desecration of court.

19 (2) Contempt of jury service by a witness:

20 (a) lying under oath while giving evidence;

21 (b) communicating with jurors;

22 (c) refusing to honour court summons to give evidence without the
23 permission of the Court or JSD or an admissible reason;

24 (d) evidence tampering;

25 (e) accomplice to witness and/or evidence and/or jury and/or witness
26 tampering, or refusing to report a case of jury or witness tampering where
27 evidence exists.

28 (3) A counsel/lawyer shall be in contempt of the jury service if he/she:

29 (a) amends charges more than two times after jury trial has
30 commenced;

1 (b) attacks the integrity of any of the jurors on the jury panel (in
2 court) without concrete admissible evidence, and before making a
3 complaint with evidence to the JSD and Chief/court registrar;

4 (c) questions a juror when he feels they have been compromised,
5 not reporting a juror to the Chief registrar and JSD, which shall first Conduct
6 an investigation and give a report in not more than 14 days to malign the jury
7 panel in open court;

8 (d) introduces interlocutory motions and legal debates/arguments,
9 to stall or derail the trial, except motions on the admissibility of (new)
10 evidence and witness testimonies;

11 (e) communicates with jurors;

12 (f) engages in evidence tampering, witness tampering, jury
13 tampering and communicates with opposing counsel's witness outside
14 witness deposition;

15 (g) accomplice to witness and/or evidence and/or jury and/or
16 witness tampering, or refusing to report a case of jury or witness tampering
17 where evidence exists;

18 7. A Nigerian shall be exempted from jury service if the person is Exemption from
19 a/an: jury service

20 (a) lawyer, judicial officer in service;

21 (b) practicing medical practitioner;

22 (c) clergy;

23 (d) serving personnel or member of any of the Armed Forces of
24 Nigeria, Nigerian Police Force, Nigerian Customs Service, Nigerian
25 Immigration Services, Nigerian Security and Civil Defense Corp or
26 National Youth service Corps;

27 (e) person with known ties to cult or secret society organizations, or
28 member of any proscribed/terrorists' organization;

29 (f) has served on a jury panel thrice within the space of twelve
30 months or five times in the last twenty-four months;

1 (g) serving law enforcement personnel in any of the prosecuting
2 agency including the EFCC, ICPC, NFIU, CCB, CCT;

3 (h) ex-convict of any felony offence, or currently undergoing criminal
4 prosecution, or has been declared bankrupt;

5 (i) serving elected public official, political appointee; or vying for
6 political office at the time of the Jury summoning/ trial;

7 (j) Federal or State civil servant of the level of Director and above;

8 (k) with links, ties or interest in the case or the accused;

9 (l) of questionable character by the general public and/or his
10 community;

11 (m) has served jail time of more than 5 years, or has been convicted of
12 such offences as this Bill is to be applied to;

13 (n) if his community development association, or employee, or
14 education institution, or clergy who acts as the prospective juror's referee gives
15 a negative attestation to his character, fairness and impartiality, and patriotism;

States discretion
for Jury trial

16 **8.-(1)** The prosecutor of the State who desires to have its case tried
17 outside the jury system shall apply by notice of motion to the presiding judge
18 stating cogent reasons why such case which falls within the category of cases
19 triable by jury should go for bench trial, and the Chief Judge shall have the final
20 approval to determine if such a case should proceed to bench trial.

21 (2) The cases triable by the Jury shall include Economic, financial and
22 corruption crime cases of not less than ten million Naira (N10,000,000), under
23 the EFCC, ICPC, NFIU, CCB, CCT, Criminal Code Acts, ACJA as amended
24 (2015) and penal code;

25 (3) Only the prosecution shall have the discretion to request/choose
26 bench trial.

Rights and
responsibilities
of a juror

27 **9.-(1)** A qualified juror in the jury pool has the right to refuse jury
28 duties but communicate same to the jury service department and Court only
29 under the following circumstances, and not more than twice in a row or thrice
30 in one calendar year:

1 (a) is medically indisposed at the time of the summoning for jury
2 pool or case juror's selection, with doctors' letter;

3 (b) has already planned a trip, with evidence of same;

4 (c) there is a family or work emergency;

5 (d) is out of State at the time of the summoning;

6 (e) has served two times within twelve months or four times within
7 twenty-four months.

8 (2) Jurors shall not be held liable for the discharge of their official
9 jury duties.

10 (3) A juror shall report to the Jury service department, Court
11 registrar and Judge in writing with substantial evidence, if any member of
12 the jury has been contacted by any interested party to the case; or if he has
13 been contacted, directly or indirectly by any interested party to the case
14 within forty-eight hours but not later than seventy-two hours, else such shall
15 be liable to the offense of jury tampering.

16 (4) A juror who reports a case of jury tampering with evidence,
17 where it is monetary or the evidence is an asset that can be monetized, shall
18 be entitled to a percentage of the recovered sum or value of the assets, as
19 stipulated in the whistle blowers policy.

20 (5) An employer shall permit their employee to appear for jury
21 service, for not more than two (2) times within the space of twelve months or
22 three staffs within a space of twelve months, without penalty or sack.

23 (6) A juror shall be entitled to:

24 (a) jury duty allowance as shall be determined by the Chief
25 Registrar on the recommendation of the JSD and shall take into cognizance
26 the number of days of sitting;

27 (b) wages or salaries of at least three weeks, from employers;

28 (c) being excused from continuing jury service if there is a family
29 or health emergency, and shall forthwith be replaced by an alternate juror;

30 (d) jury protection in trial cases that warrant jury sequestration;

- 1 (e) a jury orientation program and a jury handbook;
- 2 (f) shall only be investigated by the JSD (and DSS with request for
3 support by the JSD) where a Criminal allegation is levelled against a juror;
- 4 (g) an alternate juror shall be entitled to half of a serving juror's
5 allowance, if he never served on the jury panel to determine the verdict;
- 6 (h) petition the legal practitioners disciplinary committee where he
7 feels a legal practitioner/counsel is in breach of the provisions of this bill, with
8 evidence;
- 9 (i) with the consent of the majority members of the jury panel, petition
10 the National Judicial Council, with evidence, where he/she feels the presiding
11 judge is in breach of the provisions of this Bill.
- 12 (7) A juror shall be restricted from:
- 13 (a) speaking or writing on his/her jury service experience (jury room
14 deliberations) in any media until after five (5) years, but with written
15 permission from jury service department;
- 16 (b) conducting research on the case they are adjudicating;
- 17 (c) communicating with any interested party or counsels throughout
18 the period of jury duty.
- 19 (8) A juror shall take the judicial oath or affirmation when being
20 sworn into a jury panel;
- 21 (9) A juror shall participate in a voir-dire examination by counsels, in
22 the presence of the presiding judge, before serving on jury panel, after which
23 the registrar shall select three alternate jurors;
- 24 (10) The jury panel's first duty shall be to select a foreman by simple
25 majority, after being inaugurated;
- 26 (11) Abdicating from Jury service shall be an offence punishable by a
27 fine of not less than N100,000 or community service of sixty days or both;
- 28 (12) No juror shall serve as a case juror in more than one case
29 simultaneously or in the consecutive case immediately after his previous case;

- 1 **10.** Every jury trial shall have a presiding judge, and it shall be the
2 responsibility of the presiding Judge to: Responsibilities
of presiding judge
- 3 (a) take the plea of the accused/defendant, in the absence of the
4 jury;
- 5 (b) moderate and rule on the arguments of the counsels on issues of
6 the law, and guide the jury panel on evidence and comments of counsels to
7 uphold;
- 8 (c) determine the admissibility of evidence and witness testimony
9 and guide the jury panel accordingly;
- 10 (d) read the jury verdict presented by the jury foreman on behalf of
11 the jury panel as the verdict of the court;
- 12 (e) instruct the jury without bias;
- 13 (f) deliver the sentencing or punishment according to the ACJA
14 2015 (as amended) or Criminal code Act or ACA's Acts, (whichever is
15 applicable) where the jury panel declares a 'guilty' verdict; or acquit the
16 accused of charges where jury panel's verdict is 'not guilty';
- 17 (g) rule on any technical law issues arising from the case in the
18 absence of the jury panel, only after excusing the jury panel;
- 19 (h) comply with and enforce the jury trial procedures of this bill,
20 and practice directions and rules of the Chief Judge;
- 21 (i) ensure that trial by jury does not exceed twenty-one (21) court in
22 not more than twenty-eight (28) working days, without the express approval
23 of the Chief Judge one week before expiration of this trial limit;
- 24 (j) ensure jury trials proceed daily or not less than three times in a
25 week, until jury verdict is reached;
- 26 (k) recommend to the head of court and Chief Justice if a counsel
27 deserves the extension of not more than ten sitting days, to conclude his
28 case;
- 29 (l) mandate counsels to close their defence and prosecution, and

1 give their closing arguments once the trial limit and/or extension has been
2 reached;

3 (m) recommend for disciplinary action to the legal practitioners
4 disciplinary committee and/or body of benchers, any uncooperative counsel
5 seeking to bribe or apply dilatory tactics during jury trial;

6 (n) administer oath/affirmation or swear-in and dismiss jury panels
7 before commencement of jury trial and after jury verdict has been declared,
8 respectively;

Sentencing in
compliance with
the Criminal
Code Act, ACJA,
ACAs Acts

9 **11.**-(1) The sentencing and judgment for all crimes, corruption cases
10 and other offenses prosecuted under this Bill shall be in compliance with the
11 Criminal Code Act, ACJA 2015 (as amended) or/ and any other relevant
12 criminal law or ACA's Act of the Federal Republic of Nigeria.

13 (2) The presiding judge shall only pronounce a sentence when the jury
14 panel has returned a guilty verdict after its final deliberation; otherwise, where
15 a 'not guilty' verdict is reached by the case jury panel, the judge shall declare the
16 accused discharged and acquitted; but in a hung jury, case shall either proceed
17 to bench trial or State may seek the constitution of a fresh jury panel;

18 (3) Take the recommendation of the jury panel on minimum
19 sentencing, where a guilty verdict is returned, and not give a sentence lower
20 than the jury's recommended verdict;

Jury verdict

21 **12.**-(1) The Jury panel shall have reached a 'guilty' verdict if:

22 (a) a simple majority of the jurors vote to declare the accused guilty
23 where no juror abstains from voting, and;

24 (b) no more than two jurors abstain from voting with the jury panel
25 still returns a majority vote declaring the defendant guilty;

26 (c) no less than ten jurors vote and a simple majority vote of six jurors
27 declare a guilty verdict;

28 (d) ten jurors shall form a quorum and a simple majority vote guilty;

29 (2). The Jury panel shall reach a 'not guilty' verdict if:

30 (a) there is a simple majority of jurors vote 'not guilty' in support of

- 1 defendant, and no more than two jurors abstain from voting;
- 2 (b) more than six jurors vote 'not guilty' or in support of the
3 defendant; where no juror abstains from voting;
- 4 (c) not less than ten jurors vote and a simple majority of at least five
5 jurors vote 'not guilty';
- 6 (3) A hung jury shall be declared if:
- 7 (a) one third of the jurors or more abstain from voting;
- 8 (b) there is a tie of votes, such that majority votes cannot be
9 declared.
- 10 (4) A jury panel shall be disbanded before reaching a verdict if:
- 11 (a) more than three jurors would be removed by JSD for any
12 allegation that shall proceed to their prosecution, with approval of the Chief
13 Judge of the Federal High Court;
- 14 (b) the judge or staff of the jury service department is proven to
15 have committed an offense under Sections 18 and 20 of this Bill.
- 16 (5) No case shall be retried by another jury after a verdict has been
17 reached, except:
- 18 (a) three or more jurors are found guilty by a competent court after
19 prosecution by JSD and sentenced for jury
- 20 (b) tampering, witness tampering, felony, perjury by a competent
21 court with jurisdiction; which would also cause their verdict overturned and a
22 retrial, even after verdict;
- 23 (c) an appeal court found out that evidence relied upon by the
24 prosecution and jurors in determining the 'guilt or otherwise' of an accused
25 was falsified, or fresh evidence unavailable at the time the jury trial was
26 concluded and verdict reached, is brought before the Court of Appeal;
- 27 (d) there is a hung jury.
- 28 (6) The jury shall recommend a minimum sentence to the Presiding
29 judge, whenever they return a guilty verdict;

Jury service
Department

1 **13.**-(1) (a) There shall be a Jury Service Department, created under
2 the office of the Chief registrar, headed by a director not lower than level 16 in
3 the civil service or his equivalent in the private sector, who is a qualified lawyer
4 with at least twelve years Post Bar call experience,

5 (b) the JSD Director shall be responsible for the overall monitoring
6 and coordination of the JSD in each of the Court;

7 (c) there shall be a JSD in each of the Federal high court in each of the
8 states, attached to the court registrar's office, headed by an assistant director or
9 a civil servant not lower than level 13;

10 (d) the JSD Director shall be appointed by the Federal Judicial
11 Service Commission;

12 (e) an acting Director not less than level 14 may act for three months
13 only, until a substantive Director is appointed;

14 (f) civil service rules shall apply to all staffs of the JSD.

15 (2) There shall be an Information technology unit headed by an
16 Information and Communication technology expert with not less than ten
17 years' experience, and not lower than level 14, with he/she and the unit's
18 responsibilities to:

19 (a) design, create and maintain a webpage and mobile application for
20 prospective jurors' application and host qualified jurors' profile and database;

21 (b) liaise with the INEC, NIMC, FRSC Information and
22 communication technology team to collate names and data for jury invitation
23 to apply;

24 (c) maintain a secure database of all Jurors in the jury pool

25 (d) resolve any challenge encountered by jurors during juror
26 application using the webpage, conducting an online juror feedback survey;
27 recording all jury trial sessions; releasing an online annual report of the jury
28 service.

29 (3) There shall be an Administration unit, headed by a civil servant not
30 lower than level 14, whose unit shall:

- 1 (a) conduct recruitment for the non-directorate staffs of the
2 department;
- 3 (b) monitor and supervise jury service staffs;
- 4 (c) ensure adequate maintenance and operation of the jury lodges;
- 5 (d) liaise with the Nigerian Security and Civil Defense Corps to
6 manage the security personnel under the jury protection unit;
- 7 (e) liaise with the IT unit throughout the process of qualified jury,
8 jury pool and jury panel selection and summoning;
- 9 (f) conduct jury orientation programs for jurors, using the Jury
10 handbook, and provide jurors with feedback questionnaire;
- 11 (g) see to the welfare and smooth experience of jurors throughout
12 their jury service;
- 13 (h) verify all documents and information jurors present in court
14 with the legal unit;
- 15 (i) replace jurors with alternate jurors where necessary in
16 compliance with the proof this bill;
- 17 (j) recommended for investigation and prosecution or disciplinary
18 action, any juror who breaches the provisions of this bill, to the legal unit;
- 19 (k) supervise the miscellaneous staffs and operations of the jury
20 lodges.
- 21 (4) There shall be an Audit and finance unit headed by an
22 accountant or auditor with not less than ten years post ICAN or ANAN or
23 CITN certification, of a level not lower than level 14 of the civil service,
24 whose unit shall:
- 25 (a) prepare an annual budget, produce quarterly and annual report
26 with the administrative unit to the Chief registrar and Chief Judge and the
27 National Assembly;
- 28 (b) pay jury service department staffs and personnel's, pay juror
29 allowances.
- 30 (5) There shall be a Legal and disciplinary unit to be headed by a

1 lawyer with not less than ten years post call experience and shall be a civil
2 servant not lower than level 14, whose unit shall:

3 (a) ensure compliance of the Jury service with all the provisions of
4 this Bill;

5 (b) swift review of cases for prosecution of juror(s), counsels who
6 breach the provisions of this Bill;

7 (c) filing jury verdicts with case files;

8 (d) liaise with their respective Chief Judge on new practice directions
9 and procedures for jury trials;

10 (e) investigate allegations against presiding judges and transmit
11 findings to the NJC;

12 (f) investigate allegations against JSD members with the partners of
13 the DSS;

14 (g) gazette the approvals by/of the Chief Judge that, amongst other
15 approvals, permit jury trials to extend beyond 28 working days in compliance
16 with section 11 (8) to (11);

17 (h) there shall be Miscellaneous staffs including personnel like cooks,
18 chauffeurs, cleaners, medical workers who shall work from the Jury lodges;

19 (i) there shall be at least one registered and practicing medical doctor
20 of not less than 7 years post-qualification experience and two nurses always in
21 each of the jury lodges;

Jury protection
unit

22 **14.**-(1) During jury trial, the jury panel shall be entitled to
23 sequestration under the full protection of the Jury Protection Unit, when the
24 safety of the jury panel is under threat or the JSD feels it necessary.

25 (2) Where necessary, same protection shall be extended to the nuclear
26 family of the jury panel, if they come under threat.

27 (3) The Jury Protection unit shall be a tactical deployment of men of
28 the Nigerian Security and Civil Defense Corps;

Financial and
administrative
autonomy

29 **15.**-(1) (a) the Jury service department shall be an independent
30 agency within the judicial arm;

1 (b) the Jury service department shall conduct its own financial
2 audit and present its budget to the Chief Justice of Nigeria by the hand of the
3 Chief Judge and National Judicial Council, and receive allocations directly
4 through the National Judicial Council;

5 (c) its staffs shall be entitled to pension;

6 (d) its budget and assets shall not be annexed under the Chief
7 registrar's office but exclusively as an independent agency.

8 (2)(a) The Jury service department shall have administrative
9 autonomy, but report to the NJC and National Assembly;

10 (b) the director of the JSD and his assignee shall conduct
11 recruitment for the department while the DSS vets each staff before
12 confirming their appointment, and it shall be regularized by the Federal
13 Judicial Service Commission;

14 (c) the department shall take responsibility for the welfare and
15 conduct of jurors;

16 (d) its web page shall be independent of the Federal high court and
17 judiciary's webpage;

18 (e) the jury service department shall have the powers to remove,
19 replace.

20 **16.-(1)** Witness tampering shall have been committed if:

Other related
issues arising
from jury trial

21 (a) a person communicates with the witness in the absence of the
22 counsel;

23 (b) a juror shall communicate with any witness at any point in the
24 trial;

25 (c) anyone shall attempt to intimidate, blackmail, coerce or
26 financially induce a witness to give a testimony in favor of a counsel's case,
27 or change his testimony and statement under duress;

28 (d) anyone attempts to alter or prevent the testimony of witness;

29 (e) a person threatens, maim, murder, bribe or attempt to bribe,
30 maim, murder a witness in a case.

1 (2) (a) Evidence tampering shall be said to have been committed
2 when a person alters, conceals, falsifies, or destroys evidence with the intent to
3 interfere or mislead or divert the outcome of an investigation (usually) by a
4 law-enforcement, prosecuting agencies governmental, or regulatory authority;

5 (b) If anyone is in breach of the Evidence Act.

6 (3) Perjury shall have been committed when a witness lies under oath.

7 (4) Jury tampering is a criminal act which shall include:

8 (a) communicating with the jury panel or any juror, directly or by
9 proxy, within or outside the court premises;

10 (b) unduly attempting to influence the composition and/or decisions
11 of a jury panel;

12 (c) attempting to intimidate, bribe, financially induce, blackmail a
13 fellow juror to vote for a specific verdict;

14 (d) discuss a pending case with a fellow juror outside the jury
15 deliberation room, especially with the intention to sway their decisions
16 towards a specific verdict.

17 (5) A person found guilty of violating this Section shall be liable of a
18 fine of not less than N250,000.00 and/or half of the offered financial
19 inducements or value of the asset, and not less than, and a prison sentence of not
20 less than three years;

Prosecution
of a juror

21 **17.-(1)** Any juror who is investigated by the JSD and found to have
22 contravened any provision of this Bill shall be prosecuted in accordance with
23 provisions of this Bill, the criminal code Act, the ACAs Act, the ACJA and any
24 other relevant law, if:

25 (a) any prospective juror discovered to have provided false
26 information about himself and criminal records, shall be given five (5) years
27 ban from jury service and a three years jail sentence, in with/out a fine of not
28 less than N200,000;

29 (b) he/she 'provided false Information' to jury service department
30 with an intent to participate In jury service (if not already served), which shall

1 carry a maximum sentence of six (6) months Imprisonment;

2 (c) any juror who had served on jury panel before he is discovered
3 to have under oath as a juror, shall be liable to felony charge and a sentence
4 of at least five years imprisonment (or for perjury), refunding of total juror
5 allowance paid for that case and/or a fine of N350,000.00 and be banned
6 from jury service for at least seven years;

7 (d) any juror currently serving on a jury panel found to have
8 provided false information and lied under oath as a serving juror shall be
9 sentenced to of at least four years imprisonment, and/or a fine of
10 N250,000.000, five years ban from jury service, and shall be removed and
11 from jury panel and replaced with an alternate jury while the case continues;

12 (e) any juror that abdicates from jury trial shall be prosecuted by
13 the JSD and liable to six months imprisonment and/or a fine of
14 N150,000.00;

15 **18.-(1)** Jury panel manipulation: staffs of the Jury service Anti-corruption
16 department shall be found liable of corrupt practices and prosecuted if:

17 (a) he/she is found to have influenced the selection of a juror into
18 the jury pool or into a jury panel;

19 (b) he/she is found to have collected cash or kind gifts from any
20 interested party in any of the case;

21 (c) he/she is found liable of jury tampering;

22 (d) he/she becomes an accomplice to jury tampering;

23 (e) he/she exposes the contact information of any case juror(s) to
24 any person interested in the case, or anyone at all;

25 (f) he/she disclosed the location of the Jury sequester lodge to
26 anyone.

27 (2) Any JSD staff found liable of breaching this section shall be
28 prosecuted for criminal breach of the Jury service Act, and if found guilty
29 shall face a minimum of two years imprisonment and a maximum of seven
30 years imprisonment.

1 (3) if prosecuted by any anti-corruption agency, he shall be tried and
2 sentenced under the ACJA or Criminal Code Act.

3 (4) A presiding Judge shall be found liable for investigation by the
4 JSD and DSS on suspicion of corrupt practices, and the findings and
5 recommendation forwarded to the National Judicial Commission for action if
6 the trial and presiding judge:

7 (a) rejects any evidence which was lawfully gotten and not under
8 duress;

9 (b) delays or stalls any jury trial under their docket;

10 (c) shall without cause, justify or otherwise, explain or impugn an
11 evidence or witness testimony that would be admitted;

12 (d) receives cash or kind from any interested party in the case;

13 (e) influences the selection of any juror into the jury pool or jury
14 panel;

15 (f) is found to have engaged in jury, witness or evidence tampering,
16 directly or through a proxy;

17 (g) obtains the contact details of any juror;

18 (h) adjourns a jury trial without written permission from the Chief
19 Judge;

20 (i) annuls the verdict of the jury panel;

21 (j) (re)constitutes the jury panel for a jury trial in his court without
22 approval from the Chief judge;

Interpretation

23 **19.** Alternate juror: a juror who is always present in court during jury
24 trial to replace a case juror, but cannot participate in jury deliberations and
25 verdict; “ACA”: Anti-Corruption Agency;

26 “AMCON”: Assets Management Corporation of Nigeria, saddled with the
27 responsibility of managing assets and funds recovered by the Government and
28 her agencies; ANAN: Association of National Accountants of Nigeria;

29 “Arraignment”: reading the charges brought before an accused/defendant,
30 he/she can enter his plea in court;

- 1 “Chief registrar”: the chief clerical officer of the Federal judiciary;
- 2 “Chief Judge”: Chief Judge of the Federal or Abuja High Court judge;
- 3 Chief Registrar or National Judicial Council, Court: shall assume the
4 meaning attributed to them under the constitution of the Federal Republic of
5 Nigeria and other relevant extant laws;
- 6 “Citizen”: a Nigerian who is born in Nigeria, by Nigerian parents or
7 naturalized citizen for a minimum of five years and who has lived in Nigeria
8 full time for the last three years; all of whom must possess valid
9 identification card (see Sections 25-32 of the Nigerian Constitution);
- 10 “CITN”: Chartered Institute of Taxation of Nigeria;
- 11 “Nigerian Constitution”: The constitution of the Federal Republic of
12 Nigeria, 1999, as amended;
- 13 “Corruption”: as defined by the various statutes creating such offences
14 including the criminal code, Penal code, ACJA, EFCC Act, ICPC Act and
15 similar statute creating offences;
- 16 “Crimes”: acts or omissions that has been stated by the Constitution and
17 other extant laws to be criminal offences;
- 18 “DSS”: Department of State Security;
- 19 Eligible jurors: persons who meet criteria stipulated by this law to be
20 selected into the jury pool and serve as a case juror;
- 21 “Federal High Court”: shall assume the meaning attributed to it as defined in
22 part C of the Constitution, but with powers to accommodate jury trials;
- 23 “Foreman”: the Jury panel's lead/head juror, moderating jury deliberations
24 and spokesperson of the jurors;
- 25 FRSC: Federal Road Safety Commission;
- 26 “INEC”: Independent National Electoral Commission;
- 27 ICAN: Institute of Chartered Accountants of Nigeria;
- 28 Jury panel: a panel of sworn jurors selected from the pool of eligible jurors;
- 29 Juror: an eligible citizen sworn to oath to serve or is serving on a jury panel;

1 Juror summoning: the act of commanding the appearance of an eligible juror
2 before a court;

3 Jury deliberation: the review of facts, evidence, witness testimony viz-a-viz
4 counsels' presentation and presiding judges' direction, by jurors/jury panel

5 Jury trial: trial conducted by a jury panel, according to the provisions of this
6 law and any Act made applicable by this Act.

7 Jury tampering: successful or unsuccessful attempts to make contact with or
8 bribe or financially and materially induce or threaten any case juror of a jury
9 panel or their families and friends, with the intention to influence the jury
10 verdict; JSD: Jury Service Department;

11 LEA: Law Enforcement Agency;

12 NIMC: National Identity Management Commission;

13 NJC: National Judicial Council;

14 Perjury, jury tampering, public fund, witness tampering shall assume the
15 meaning attributed to them under the extant laws including the criminal code
16 act, penal code, Administration of Criminal Justice Act, Evidence Act etc.;

17 Perjury: lying under oath in court;

18 "Public funds": money or/and assets belonging to the (Federal or State or
19 Local) government and people of Nigeria amounting to not less than ten
20 million Naira (N10,000,000);

21 "Private funds": money and/or assets belonging to a publicly quoted company
22 in Nigeria, or any private firm to the tune of not less than ten million Naira;
23 (N10,000,000); Special crimes and offenses: these shall include any offense
24 created by this Bill, and any other definition to special crimes and offenses
25 given by any Act or law, or offense triable by any court with jurisdiction to try
26 special crimes and offenses;

27 "Verdict": the decision of guilty or not guilty reached by the jury panel based on
28 facts, evidence, witness testimony, witness cross-examination, in a case tried
29 by the jury; Whistle blowers' policy: the policy of the Federal Government that
30 provides for financial compensation to anyone who informs) law enforcement

1 agencies and anti-corruption agencies of a corrupt practice that leads to the
2 successful recovery of public or private funds of whatever value.

3 **20.** The Bill may be cited as the Administration of Jury Trials Citation
4 Criminal Justice Bill, 2023.

EXPLANATORY MEMORANDUM

This Bill seeks to establish trial by Jury, jury service and, the Jury Service Department under the judiciary which shall administer this Bill; integrate honest, patriotic, Nigerians of unquestionable character and integrity who have some form of education, a high sense of rectitude and reside in the society where the alleged crime/corruption act of not less than Ten Million Naira occurred, and whose data is available on any of the Federal government's national database, to adjudicate as a court empanelled Jury of not more than 12 jurors, in such cases which the anti-corruption agencies (ACAs) decide to prosecute with jury trial. It is prescribed to comply with Section 98C subsection 3e of the Criminal Code Act, which recognises members of jury as judicial officers, and provide the implementation framework for which these judicial officers shall function, to ensure speedy dispensation of justice, and that all criminal cases to be prosecuted under this Bill focuses only on the facts and evidence as presented in court rather than legal technicalities, and reach a verdict based on the citizens of the societies' decision on the questions of the facts. It shall also promote citizens participation in governance, and provide a platform for patriotic citizens to contribute meaningful and positively to the society where they reside and country at large.