



**PRACTICE DIRECTION
NO. 1 OF 2024**

ISSUED BY

**THE CHIEF JUDGE OF AKWA IBOM STATE
HON. JUSTICE EKAETE F. FABIAN-OBOT**

PRACTICE DIRECTION
NO. 1 OF 2024
HIGH COURT OF JUSTICE
AKWA IBOM STATE

COMMENCEMENT

In exercise of the power conferred upon me by Section 274 of the Constitution of the Federal Republic of Nigeria 1999 and by virtue of all the powers enabling me in that behalf, I, Hon. Justice Ekaete F. Fabian-Obot, Chief Judge of Akwa Ibom State hereby issue the following Practice Direction for Akwa Ibom State High Court:-

ARRANGEMENT OF SECTIONS

1. Applicability
2. Objective and Guiding Principle
3. Duty of the Defendant
4. Conduct of the Trial

1. APPLICABILITY

- (1) This Practice Direction shall save to the extent and as may otherwise be ordered by the Chief Judge of Akwa Ibom State pursuant to Section 274 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

apply to all criminal trials in Akwa Ibom State when it comes into operation.

- (ii) This Practice Direction shall not apply to Part-heard matters after the prosecution has closed its case.

2. OBJECTIVE AND GUIDING PRINCIPLE

The purpose of this Practice Direction is to expedite the trial of criminal cases by eliminating the delay occasioned in the proceedings by stopping the substantive proceedings and conducting a trial-within-trial when the Defendant raises objection to the admissibility of a Confessional Statement on the ground that same was not obtained voluntarily.

3. DUTY OF THE DEFENDANT

Where a Defendant is desirous of objecting to the admissibility of a Confessional Statement in any criminal proceedings on the ground that same was not obtained voluntarily, he shall not later than 14 (fourteen) days after the service on him of the charge or information or at such later date as the Court may permit cause to be filed and served on the prosecution, a notice that he intends to object to the admissibility of the Confessional Statement in the Court of trial on the aforesaid ground.

4. CONDUCT OF THE TRIAL

- (i) When the Defendant raises objection to the admissibility or otherwise of the Confessional Statement on the ground that it was not voluntarily obtained, the prosecution witnesses shall adduce evidence to prove that the said statement was obtained voluntarily.
- (ii) The Defendant shall then as part of his defence adduce evidence and/or call witnesses to adduce evidence to prove that the Confessional Statement was not obtained voluntarily.
- (iii) The Parties shall thereafter, at the close of evidence, in their final addresses include consideration of the Counsel's submission regarding the admissibility or otherwise of the Confessional Statement of the Defendant.
- (iv) The Court shall in its final Judgment give a ruling on the admissibility or otherwise of the said Confessional Statement.

COMMENCEMENT

This Practice Direction takes immediate effect.

DATED MONDAY, THE 8TH DAY OF APRIL, 2024.

Signed
HON. JUSTICE EKAETE F. FABIAN-OBOT
CHIEF JUDGE
AKWA IBOM STATE