



Ten years of Justice Sector Reform in Nigeria:

A 360 DEGREE REVIEW



3rd Federal Integrity Meeting for the Justice Sector

Ladi Kwali Hall, Sheraton Hotel Abuja

2nd and 3rd April 2009



UNODC
United Nations Office on Drugs and Crime



This project is funded by the European Union

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This publication has been made possible thanks to a contribution by the European Commission.

This publication has not been formally edited.

Cover page design: Ms. Karin Krumphals, UNODC

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INTRODUCTION

The overall objective of the UNODC/EC project titled “Support to the Economic and Financial Crimes Commission and the Nigerian Judiciary” was to enhance good governance and financial accountability, and to counter the incidence of fraud, waste, financial crimes and corruption in Nigeria through support to the Economic and Financial Crimes Commission and the Judiciary, as well as to other relevant institutions.

The judicial component of the project, which is being implemented both at the Federal level and in ten pilot States, aims to support the Nigerian Judiciary to strengthen judicial integrity and capacity through the development and implementation of a comprehensive strategy.

This conference was convened by UNODC in collaboration with the Security, Justice and Growth Programme of DFID and the National Judicial Institute. The target audience was the entire leadership of the justice sector, including the Chief Justice of Nigeria, the President of the Court of Appeal, the Chief Judge of the Federal High Court, the President of the National Industrial Court, the Chief Judges of all the State Judiciaries and the Federal Capital Territory, the President of the Customary Court of Appeal, the Grand Kadis of the Shariah Court of Appeal, the Attorney General of the Federation and Minister of Justice, the Solicitor General of the Federation and Permanent Secretary of the Federal Ministry of Justice, the Inspector General of Police, the Comptroller-General of Prisons, the Members of the National Assembly, the Chairman of the Nigerian Law Reform Commission, the Nigerian Bar Association, and international partners who have provided support for, and civil society organizations active in, justice sector reform in Nigeria.

The purpose of this conference of stakeholders was to engage in a comprehensive review and evaluation of the judicial reform efforts at both Federal and State levels over the past ten years. The review was conducted through four working groups that addressed the following themes: A: Access to Justice and Public Trust; B: Continuing Professional Education; C: Case Management and Information and Communication Technology; and D: Integrity and Accountability.

ACKNOWLEDGEMENTS

This report has been prepared under the Framework of the EU/UNODC project on “Support to the Economic and Financial Crimes Commission and the Nigerian Judiciary” NGA S08.

UNODC wishes to acknowledge the valuable contributions made by all participants in the Conference on “Ten Years of Justice Sector Reform in Nigeria: A 360 Degree Review”, held on 2-3 April 2009, in Abuja, Nigeria. In particular, UNODC is grateful to the Hon. Justice Idris Legbo Kutigi, GCON, CJN, the Hon. Justice M.L. Uwais, GCON, CJN Rtd. and the Hon. Senator Umaru Dahiru, for their guiding words which inspired and guided participants in their deliberations.

UNODC also wishes to thank the conference moderators for their efforts in guiding the discussions in the working groups. In particular, UNODC wishes to thank the Hon. Justice L.H. Gummi, OFR (CJ FCT), the Hon. Justice Umaru Eri, OFR (NJI), the Hon. Justice Kashim Zannah (CJ Borno State), the Hon. Justice J.N. Ndajiwo, OFR (CJ Niger State and Member of NJC), Hon. Justice I. Hwande (CJ Benue State); the Hon. Justice R.P.I. Bozimo, (CJ Delta State), Prof. Mohammed Tabiu (SJG), the Hon. Justice A.A.I. Banjoko (FCT High Court) and Prof I.A. Ayua.

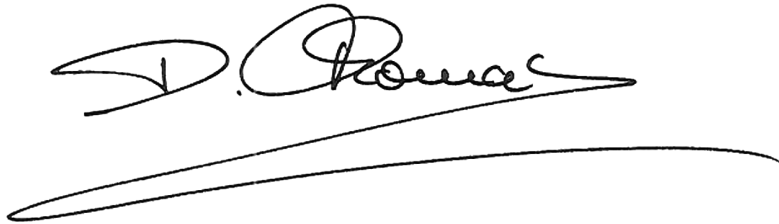
We further wish to express our gratitude to all the panellists for informing the discussions in the working groups through their well prepared interventions. In particular, UNODC wishes to thank Dr Uju Agomuo (PRAWA), Mr Joseph Oteh (Access to panellists and facilitators of Justice), Ms Ezinwa Okoroafor (FIDA), Ms Ugonna Ezekwem (UNODC), Prof. Mamman Tahir (Nigerian Law School), Mr. Rotimi Akeredolu, SAN (NBA), Prof. Alimika (DG NIPSS), Mr. Dele Peters (NJI), Mr. Yusuff Olaniyi (UNODC), Hon. Justice Ayo (Lagos State High Court), Barr. Emeribe (MoJ Enugu State), Prof. Yemi Akinseye George, Hon. Justice C. Nweze and Hon. Justice Amina Agie (Court of Appeal), Dr. Nihal Jayawickrama (UNODC consultant), Hon. Justice Lawan Shuaibu (Federal High Court), Mr. Chino Obiagwu (LEDAP), Ms Saudatu Mahdi (WRAPA), Mr. Orakwe (Prison Service), Mr. Ojukwu (Commissioner of Police, FCT), Mr. Austin Iwar (NPS), Prof. Taofiq Ladan, Mr. Dele Peters (Director of Research, NJI), Ms. Phoebe Ayua (Director Studies, NJI), Panelists: Mr. John Yisa Doko, Hon. Justice Biola Okikiolu (Lagos State High Court), Hon. Justice H.L. Balogun (Kaduna State High Court), Dr. Oliver Stolpe (UNODC), Mr. Gabriel Aduda (EFCC), and Mr. Darius Khobo (CR Kaduna High Court).

A very special thanks is due to the working group rapporteurs, Mr. Agada Elachi, Ms. Julcit Daudu (NJI), Ms Emiola Oyefuga (SJG) and Mr. Idris Bawa (SJG), for their accurate documentation of the proceedings and help in preparing this report. In particular, UNODC wishes to thank the Conference Rapporteur, Dr. Nihal Jayawickrama, for preparing the overall report.

Last but not least, UNODC would like to acknowledge the contributions made by the conference facilitators, Ms Ukamaka Osigwe (UNODC), Mr. Mahmud Gama (NJI) Ms Hadiza Saeed, Mr. Abdulazeez Olumo (NJI) Mr. Peter Omenka (SJG), Osmond Otobo (NJI) and Mr. Gilbert Tor (NJI), as well as all other staff of the National

Judicial Institute, the Security, Justice and Growth Programme and the United Nations Office on Drugs and Crime, who helped in preparing and servicing the conference.

Abuja 28 May 2009

A handwritten signature in black ink, appearing to read 'D. Thomas', with a long, sweeping horizontal line underneath it.

Dagmar Thomas
Representative
UNODC Country Office Nigeria

OPENING SESSION

The Opening Session commenced with a welcoming address by **The Hon. Justice Umaru Eri (Rtd.), OFR, Administrator of the National Judicial Institute (NJI)**. He noted that UNODC, in collaboration with the NJI, had been responsible for the execution of the principal project: “Support to the Economic and Financial Crimes Commission and the Nigerian Judiciary”. Phase 1 of the project had commenced in 1999 and ended in 2002 in the three pilot States of Borno, Delta and Lagos. Phase 2 had seen the expansion of pilot States to ten, namely, Anambra, Benue, Borno, Delta, Enugu, Kaduna, Katsina, Lagos, Rivers State and the Federal Capital Territory. He observed that as part of the implementation of Phase 2, consultants had been engaged to conduct training in Judicial Ethics, Alternate Dispute Resolution (ADR) and Restorative Justice (RJ) for judicial officers and stakeholders at a series of workshops. UNODC had worked with the National Judicial Institute with the aim of enhancing the capacity of NJI staff, judges and magistrates to train others in the relevant State Judiciaries under the project. A Training Manual on Judicial Ethics and a Manual on Alternative Dispute Resolution and Restorative Justice had been produced.

The Administrator noted that the project is also aimed at increasing public trust and confidence in the justice sector. In this connection, town hall meetings had been held in some pilot States to provide a platform for citizens to interact with the justice sector. Judiciary media relations officers and journalists were trained at special sessions held for them at these town hall meetings in order to improve the quality and quantity of reporting on judicial matters. The production of the court user’s guides on Arrest, Detention and Bail, Basic Criminal Procedure, Victims and Witnesses, Alternative Dispute Resolution and Basic Civil Procedure, were some of the activities undertaken under the project. A training on the handling of corruption casework was also designed with a view to building sustainable training capacity of judges and prosecutors on handling corruption cases. He expressed the hope that when Judicial Research Centres, another vital component of the project, were equipped and made functional in the pilot States, judicial officers and court staff would have greater access to information and international best practices as well as online resources to enhance continuing education and the training of judicial officers and staff in the FCT and at the State level.

Since the beginning of the project, the UNODC and NJI teams had assisted the pilot States with the production of State action plans in collaboration with the State Action Plan Implementation Committees. The National Working Group, the Project Steering Committee, the Chief Judges of the ten pilot States, the chairmen and members of the Implementation Committees including the Chief Registrars, and other stakeholders such as the Ministry of Justice, the Nigeria Police, the Nigeria Prisons Service, and the Nigerian Bar Association, had very actively participated to make the project succeed. He also expressed his appreciation to the successive Chief Justices, The Hon. M.L. Uwais, GCON, The Hon. S.M.A. Belgore, GCON, and The Hon. I.L. Kutigi, GCON, for the contribution they had made to the success of the project. Finally, he thanked the diplomatic community for deploying both financial and human resources to support the reform of the justice sector in Nigeria, and called on the UNODC to explore the possibility of expanding the project to the other 27 States.

Professor Muhammed Tabiu, Head of the Justice Component, Security, Justice and Growth Programme, explained the nature and scope of that programme. It had commenced in 2002 as the “Safety, Security and Access to Justice Programme” and been initially implemented at the federal level and in the DFID-UK “focal” States of Benue, Ekiti, Enugu and Jigawa. Following a review in 2003, it was re-designed, re-focused and re-named “Security, Justice and Growth” and, in a major shift in the geographical focus to reflect new priorities, the activities in Benue and Ekiti were scaled down and Lagos and Kano added. The programme seeks to support the development of Nigeria-led justice sector reform in order to ensure that pro-poor policies were implemented. The security component seeks to establish community policing as the core operating principle of the NPF; improve informal policing structures; and integrate policing processes with conflict management. The justice component seeks to strengthen legislative and policy frameworks; develop the capacity of justice institutions for effective service delivery; and promote rights awareness and opportunities for redress. The growth component seeks to strengthen both the legal and regulatory environment to facilitate private sector pro-poor growth, and selected anti-corruption institutions.

Ms. Dagmar Thomas, UNODC Country Representative, in her address (which was read out on her behalf by Dr Oliver Stolpe) observed that the UNODC project on strengthening judicial integrity in Nigeria had commenced in 2001 following the participation of the then Chief Justice, The Hon. M. L. Uwais, in the preparatory meeting of the Judicial Integrity Group convened by UNODC in Vienna, Austria, in April 2000. At its second meeting held in Bangalore in February 2001, when work commenced on the drafting of the Bangalore Principles of Judicial Conduct, Chief Justice Uwais, together with the Chief Justices of Uganda and Sri Lanka, had expressed the wish to initiate justice sector integrity and capacity reform in their respective countries. The first federal integrity meeting was held in Abuja on 26-27 October 2001. That was the launching pad for the first judicial integrity project. The meeting prepared a comprehensive list of reform measures aimed at enhancing access to justice, improving the quality and timeliness of justice delivery, strengthening the accountability and integrity of courts, and increasing public confidence in the justice system. The meeting also selected the first three pilot States. The second federal integrity meeting was convened in December 2002 to review the results of the assessment of judicial integrity conducted in the three pilot States and to identify measures that had proven to be successful.

Ms Thomas acknowledged the funding provided by the European Commission that enabled the second phase of the project to commence in 2006 and to expand assistance to ten pilot States. She thanked the NJI for its relentless support and the Chief Judges of the pilot States and members of the implementation committees for their vision and unwavering commitment to judicial reform. This conference would look back at past efforts and evaluate them with a view to identifying lessons learned and good practices gathered. The ultimate objective of the conference was to document and further inform and inspire justice sector reform in Nigeria, drawing from the large variety of promising and successful projects, programmes and initiatives. She hoped that the conference would provide essential insights into what had worked and what had not; what reform measures should be deployed in all the States of the Federation, and what measures should be redesigned or even

discontinued. These insights had been missing so far and were crucial for charting a clear and definitive course for the future.

The Hon. Mohammad Lawal Uwais, GCON, former Chief Justice of Nigeria, recalled the Preparatory Meeting of Chief Justices held in Vienna in April 2000 at which he had participated. In the context of growing evidence of corruption in judicial systems, the meeting had been convened to consider means of strengthening judicial institutions and procedures and to develop a concept of judicial accountability. It was attended by ten Chief Justices from Africa, Asia and the Pacific region. He noted the presence at the conference of two persons who had been instrumental in convening that meeting: Dr Nihal Jayawickrama and Dr Oliver Stolpe. He had had no hesitation in admitting that Nigeria was also a jurisdiction in which corruption was prevalent in the judicial system. At the second meeting of the Judicial Integrity Group held in Bangalore in February 2001, he offered Nigeria as a focus country for a pilot programme of judicial reform, to commence with an assessment of the integrity and capacity of the justice system. That marked the beginning of the UNODC project on strengthening judicial integrity in Nigeria, and he wished to express his deep satisfaction at the progress that had been achieved in the past eight years.

The Hon. I. L. Kutigi, GCON, Chief Justice of Nigeria and Chairman of the Board of Governors of the NJI, observed that the conference was significant in the sense that it provided a forum for the Chief Judges of the States, as well as lawyers and other key players, to brainstorm on topical issues relating to the administration of justice and recommend means of moving forward the reform process in the justice sector. There were no better persons to undertake that responsibility since they knew what the reforms had achieved and the areas that required improvement. He called on them to discuss the thematic areas freely, critically and constructively. In declaring the conference open, he expressed his appreciation of the efforts of all the organizations represented, and his belief that at the end of the conference they would have a document that would inform and inspire greater achievement in justice sector reform in Nigeria.

Dr Oliver Stolpe, UNODC Senior Project Coordinator, and Mr Chino Obiagwu, Legal Defence and Assistance Programme, presented the main findings of the impact review of ten years of justice sector reform in Nigeria (see Appendix 1 for the detailed presentation made by them). The assessment was based on the opinions of 10,000 stakeholders drawn from ten States. Those interviewed included judicial officers, court staff, prosecutors, police, lawyers, court users, the business community and prisoners awaiting trial. The overall finding was that significant progress had been made in all areas of justice delivery. For instance, on average, the time required to dispose of a case had been reduced from 27 months in 2002 to 12.2 months in 2007. The percentage of lawyers from whom a bribe had been requested had decreased from 77% in 2002 to 16% in 2007, and similar requests from court users had decreased from 43% to 2%. In respect of prisoners, the time spent in remand awaiting trial had come down from 20 months to less than 12 months, while their access to legal services had increased from 38% to 56%. Public trust in the courts had also significantly increased. It was not known which reform efforts had contributed to this success, which efforts had not been effective, and the relative weight of each

reform effort in terms of its contribution to the overall progress. The comprehensive review at this conference would serve as a basis for future planning of reform.

Mr Austin Iwar, Deputy Commissioner of Police, and The Hon. Senator Umaru Dahiru, Chair of the Senate Committee on the Judiciary, also spoke at the opening session.

CONCLUSIONS OF THE WORKING GROUPS

A: ACCESS TO JUSTICE AND PUBLIC TRUST

Measures to Enhance Transparency and Information Dissemination to Court Users

Establishment of media units

The media units have been responsible for handling issues of publicity for the Judiciary. They are intended to improve relationships with the media and the public. They have been very effective, but could perhaps be more effective if they function under the Ministry of Information acting in partnership with the Judiciary. That would introduce the professionalism necessary in publicity work which judges and lawyers do not possess. It was suggested that an information unit or a customer service desk be placed at the court entrance to provide necessary information to court users. It is recommended that media units be established in all the States.

Town Hall Meetings and other fora to engage court users

The town hall meetings have been extremely effective in providing an opportunity for court users to interact with the Judiciary on the problems that they have experienced. Stakeholders have been able to express their concerns and discuss issues that could lead to improved service delivery. These meetings have also helped to demystify the courts and the judicial system and generally enhance public confidence in the Judiciary. It was suggested that town hall meetings be held more frequently and perhaps also in rural areas. A suggestion that these meetings be segregated to allow female participants to feel more comfortable in expressing their views was not generally favoured since experience had demonstrated that women had no inhibitions in discussing even offences such as rape, and that in any event it was desirable that men be present in order that they might appreciate such issues. It is recommended that the concept of town hall meetings be adopted by other States as a matter of priority.

Websites

The websites have enabled court users to access relevant information, including new laws, with greater ease. Legal speeches from the respective States that are posted on the websites provide detailed information about the judiciary. Court users should be able to download court forms from the internet and make online payment of court fees. In time, it should be possible for case lists and judgments of courts to be made accessible through the websites. However, three impediments to the current utility of websites were noted, namely, the cost of operation, the frequent power breakdowns and the low level of computer literacy among court users. The effectiveness of this measure could be enhanced by providing training to lawyers and judges to enable

them to be computer literate, and by posting information on websites in the local languages as well. Nevertheless, it has been a very effective measure which is recommended for adoption by the Judiciaries of other States. It was suggested that NGOs be encouraged to establish community information centres in rural areas and provide both internet services as well as IT training at such centres.

Radio and TV programmes

The radio and TV programmes have been extremely effective in enabling the dissemination of information about the functioning of the judicial sector and, in particular, the courts. It was suggested that these programmes should be expanded to include a phone-in segment. It is recommended that such programmes be organized in all States as a matter of priority.

Court user guides, posters, and other printed information materials

These materials have provided the public with the basic information necessary to understand the judicial process, how to access the judicial system, and to know their rights within it. However, it is essential that these materials should also be published in the local languages, perhaps in a simplified format. This is an extremely effective measure that is recommended for adoption in all the States as a matter of priority.

Alternative Dispute Resolution Mechanisms

Multi-Door Court House

The multi-door court house is a court-annexed programme that offers a variety of alternative dispute resolution processes. The multi-door refers to the various options that are available. These include case evaluation, mediation, arbitration, conciliation and complex case management. These services are usually provided by more than 40 skilled, experienced mediators, case evaluators and arbitrators, and are available before the filing of a lawsuit or at any stage of litigation. The multi-door court house provides potential litigants and their attorneys with effective alternatives for resolving disputes or grievances, whether it be family or business, and whether it relates to commercial, employment, banking, maritime, or energy issues. Further information on multi-door court houses is available at www.amdcng.net and www.thelagosmultidoor.org

Even when ADR mechanisms do not produce an immediate settlement, they help to clarify or narrow the scope of the dispute. They also offer greater procedural flexibility by taking account of non-legal human factors such as an interest in preserving a relationship or acknowledging the hurt caused by the dispute to both parties. Since resort to ADR mechanisms is a mutual decision, there is also a greater willingness by the parties to abide by the terms of settlement. Among ADR mechanisms, the multi-door court house enjoys greater popularity and is proving to be

more effective than others that have been established under the auspices of the Ministry of Justice. The latter suffer from excessive bureaucratic interference and a dearth of skilled personnel with knowledge of ADR processes. The multi-door court house, on the other hand, benefits considerably from the presence of the ADR judge whose role is to endorse the settlement between the parties as a consent judgment. The only possible disadvantage is that its annexure to the court may sometimes create in the mind of parties to a dispute a fear that it is part of the regular court process.

The multi-door court house has proved extremely effective and it is recommended that it be adopted by all other States as a matter of priority. It is also recommended that it be decentralized by being extended to local communities.

Amicable Settlement Corridor

This concept has been implemented in the Borno State Judiciary. It is a court related dispute resolution centre that offers litigants a cost effective alternative to the conventional means of resolving civil disputes. The Borno Amicable Settlement Corridor provides four additional doors or options which may be utilized to resolve a dispute, namely, Early Neutral Evaluation, Mediation, Arbitration and Sulhu. The Sulhu door is intended to take account of local values, practices and beliefs in the resolution of disputes relating to matters such as inheritance, maintenance, custody and marriage. This reform measure has proved extremely effective, and is recommended for adoption in other States.

Enhanced involvement of traditional rulers in ADR

The involvement of traditional rulers in ADR has the potential to reduce the workload of the courts, especially in civil matters and land disputes. However, owing to the possibility of the non-observance by them of human rights standards, it would be necessary to provide training for traditional rulers on ADR methods and human rights.

Private ADR Centres

Private ADR centres could sometimes prove more expensive, but they should also be encouraged and supported

Access to Legal Services

Legal Aid Office (Ministry of Justice)

The farming out of briefs by the Federal Ministry of Justice has not been successful. Lawyers are not encouraged to provide free services, but are instead paid N200,000 per case. Moreover, there is no credible monitoring system to determine the actual work done. This measure has not proved to be effective, and it is recommended that it

be discontinued. On the other hand, the Legal Aid Council should be strengthened, and NGOs that offer free legal services should be encouraged and assisted. The Legal Aid Council, in partnership with NGOs and civil society, is also in a position to play a significant role in coordinating all legal aid activities.

Office of the Public Defender

The Office of the Public Defender has been extremely effective in enhancing access to justice, especially since its intervention may be sought in respect of any criminal matter. It also complements the work of the Legal Aid Council. It is recommended that it be adopted in all other States.

Increased pro-bono services by lawyers (NBA)

These services provide broad based support for access to justice. They have been extremely effective, and the decision of the Nigerian Bar Association to make the offering of pro-bono services a requirement for attaining the rank of Senior Advocate of Nigeria has generally enhanced the quality of the services provided. However, there is a need for better coordination of the distribution and management of cases.

Legal Aid clinics and other legal aid schemes run by NGOs

Services at the Legal Aid Clinics are usually provided by qualified lawyers. They are coordinated by branches of the Nigerian Bar Association with the assistance of young lawyers or law students, especially those undergoing their national youth service. These clinics are in touch with the grassroots and, therefore, have a broader reach. They are also inexpensive. Consequently, they have expanded access to justice by the provision of more legal services to the indigent. However, there has been a tendency to focus more on urban areas, probably due to the lack of professionally qualified persons in rural areas. They have been extremely effective but could be improved and, as with pro-bono services by lawyers, better coordination is required. A greater focus on rural areas is also necessary. The intervention of donor agencies should be sought to provide more support, capacity building and equipment. NGOs providing these services should be mapped and relevant information made available to the public.

Police Human Rights Desks

This is a good measure that has been very effective. However, better coordination could be achieved through the intervention of the Bar Association in collaboration with the Legal Aid Council and the Human Rights Commission.

Prison Visits (Jail Delivery)

This is a reform measure that has the potential to contribute to decongesting the prisons. It is cost effective, enhances agency collaboration, and engenders public trust in the justice system. However, there is a need for better coordination among the stakeholders in the justice sector. The failure of information sharing among key shareholders was also noted. This was particularly evident in situations where prison officials continued to hold persons who had been released by the jail delivery process on the ground that they were yet to receive the warrants. That is, even though released by order of the Chief Judge, they continued to remain in custody. There is also no tracking process or data to determine which groups or classes of prisoners are being released. All this underscored the importance of coordination among the different stakeholders involved in the prison delivery exercise.

The exercise should also be better structured, particular attention being paid to what needs to be done prior to, during, and after the jail delivery exercise, including the need for post release training for prisoners by NGOs to ensure better reintegration. In this connection, reference was made to the practice in the Federal Capital Territory. There, the criminal justice administration committee, consisting of representatives of the Police, Justice, NGO, FIDA and the Legal Aid Council, proceeds to the prison together. Anyone who has been in prison longer than he or she would if convicted is released. Releases are also made on health grounds. Enugu State was also cited as another example of a State that had implemented jail delivery with multi-agency participation. It is recommended, therefore, that a good practice would be to gather all the stakeholders and to proceed to prison together. Release warrants should also be prepared and taken along and, when signed by the Chief Judge, the prisoner should be released immediately and provided with transport money to return home.

It was noted that regular jail delivery exercises also serve an oversight function and help to monitor the activities of the courts, the police and the DPP in respect of specific cases. It was suggested that a practice guide or manual identifying the procedure to be observed prior to, during, and after, a jail delivery exercise be developed. It was also suggested that it might be useful to create and maintain a national database containing information on each delivery exercise, including the date of such exercise, the State in which it was conducted, the criteria adopted, and information relating to the categories of prisoners who benefitted from such exercise.

Other measures to enhance access to justice

Payment of Witness fees

This measure was introduced in Kano and Kogi States and has encouraged witnesses to come forward to testify, thereby facilitating the speedy dispensation of justice. It is an extremely effective measure that should be adopted in all the States.

Legal Aid Council

The Legal Aid Council is a very effective body. However it has only 120 Legal Officers who are distributed fairly evenly among the States. There are also restrictions on the types of cases that the Council may handle, but this is being sought to be remedied through a bill now before the National Assembly. More funding should be made available to the Legal Aid Council to enable it to function in a more systematic manner, identifying areas where legal aid is lacking, and coordinating the activities of NGOs and other bodies. Donor agencies should also be encouraged to support the work of the Council.

Justice Sector Reform Teams

Kano was cited as a success story. The team in that State was very inclusive and included representatives of the Ministries of Information and Women's Affairs, as well as of the National Drug Law Enforcement Agency and civil society. It has been able to achieve cohesion at federal and state levels on the issue of the transport of accused persons to court, and to persuade the State government to provide transportation for all the stakeholders in the justice sector including those providing legal aid. It succeeded in having x-ray machines installed at the airport and a vehicle provided for Kano command to meet the challenges posed by drug users. It also advised the Inspector General of Police on the handling of rape victims and on human rights issues generally. In some other States, including Ekiti and Benue, the experiment has been less successful.

During discussions in plenary, it was suggested that before proceeding to create such a body, consideration be given to the option of expanding and strengthening existing mechanisms, such as the Administration of Justice Commission or the Implementation Committee for Action Plans, rather than duplicating the mechanisms and thereby contributing to a lack of coordination. Reference was made to Lagos State where a justice sector reform team exists together with an implementation committee and several other subsidiary committees whose membership is different from that of the reform team. This was likely to lead to a conflict in decision-making, an insufficient information flow and, potentially, a waste of resources.

Overall, Justice Sector Reform Teams are cost effective and are able to coordinate solutions to problems, engage in strategic planning, secure increased funding, and improve capacity. By bringing all the stakeholders together, an opportunity is created for collective planning. However, changes in leadership, unless anticipated and provided for, could adversely affect their capacity to plan. In view of their potential, it is recommended that such sector reform teams be established in every State.

Prerogative of Mercy Committees

This is a very effective measure. However, there is need for better coordination between the State and Federal Committees. There is also need for the establishment of clear guidelines and criteria in order to help standardize procedure.

Public Complaints Committees

These committees provide an opportunity for court users to channel their complaints against judicial officers and court staff and contributes towards reducing corruption in the judiciary. Encouraged by the experience of Lagos State, which was very positive, it is recommended that a public complaints committee be established in each State.

Reintroduction of Assizes

In Kogi State, following discussions between the judges, the police and the legal aid personnel, it was decided to restore the Assizes. This enabled the judges to sit in parallel sessions in different locations simultaneously. Within two weeks, most of the criminal cases had been disposed of and, consequently, the Kogi prisons no longer held persons beyond two years. The Kogi experience suggests that the reintroduction of Assizes in other States could lead to the expeditious disposal of criminal matters.

B. CONTINUING PROFESSIONAL EDUCATION

Training of Judicial Officers

Continuing academic education (e.g. LLM or PhD programmes)

Continuing academic education pursues two goals: remedial and enrichment. Both are equally important. The National Judicial Institute (NJI) has provided in-service training for judicial officers, especially in emerging areas of law such as environmental law and tax law. Unfortunately, in the absence of a training needs assessment methodology, it is not very clear whether the services of those trained in these new disciplines are being adequately utilized. It is necessary, therefore, to remedy that deficiency and make a proper evaluation of training needs before training is conducted. It is also desirable that the NJI be upgraded to be able to offer advanced degree courses in law.

Skills based training:

- IT skills
IT skills enable judicial officers to conduct research, access data, and write their own judgments without depending on secretaries or other support staff. Unfortunately, at present, the capacity to do so appears to be quite low. Therefore, it is recommended that basic capacity building should commence immediately by providing IT facilities in more jurisdictions and offering intensive training to all judicial officers. It is also recommended that the NJI, upon the establishment of the Judicial Training Centre, should include training in IT skills in all its programmes for the different categories of staff in the judiciary.
- Judgment writing skills
The NJI had conducted training on judgment writing. This is necessary, but needs to be complemented by the provision of court recording equipment. The manual recording of proceedings and the lack of basic facilities in the lower courts are impediments to the development of judgment writing skills.
- Case Management skills
To some degree, every judge must manage as well as decide cases. The judge is responsible for the efficient administration of justice in his or her court, and this involves case management, including the prompt disposition of cases. The acquisition of management skills is now a sine qua non for judicial officers. However, training in this area should be accompanied by the provision of adequate facilities in the lower courts.
- Trial management skills, including effective hearing process
Trial management skills should form part of the training provided to judicial officers, both on appointment and while in-service.

- People management skills
The NJI conducts training on establishing and maintaining good personal relationships. It is now recognized that a judicial officer must take reasonable steps to maintain and enhance the personal qualities necessary for the proper performance of judicial duties.

Knowledge based training

- Restorative Justice
While recourse to restorative justice has the advantage of decongesting the courts and securing the social bonding of the accused and the victim, it could also lead to victim frustration and may not provide room for remorse on the part of the accused. It was noted that the concept of restorative justice was not fully applicable in Nigeria, and has therefore not been generally effective. Nevertheless, it is recommended that the Government should establish the appropriate framework to accommodate restorative justice, make the concept better known among the public, and facilitate appropriate training for judicial officers.
- ADR
Alternative dispute resolution mechanisms were acknowledged to have been very effective. Although resisted by some legal practitioners, they contributed to the speedy dispensation of justice, helped in decongesting the courts, created a good relationship between parties, and provided cheap and easy access to justice. Appropriate training for judicial officers in ADR is recommended.
- New laws and legislation at national level
While acknowledging that the NJI has organized training for judicial officers on new areas of the law, it is recommended that such training courses should be conducted more frequently to enable more judicial officers to participate.
- New developments in international law
It is recommended that training in new developments in international law is necessary, and should be conducted by the NJI.
- Procedural law in particular
It is recommended that training in procedural law be continued to be conducted by the NJI.
- Substantive law in particular
It is recommended that training in substantive law be continued to be conducted by the NJI.

Professional ethics and compliance with the code of conduct

The training so far conducted had been extremely effective. It is recommended that training in judicial ethics be continued to be conducted by the NJI.

Training of Court Support Staff

Skills based training:

- IT skills
The majority of court support staff are not computer literate. Therefore, basic capacity building in this area is very important. It is recommended that intensive training on IT be provided for court support staff while improving existing IT facilities in all the jurisdictions.
- Drafting skills
This measure has so far been effective, and continued training of staff on drafting skills is recommended.
- Record keeping
This measure has been only somewhat effective, mainly due to the fact that most jurisdictions have yet to become proficient in the efficient management of their records. It is recommended that while the training of staff continues, the automation of all courts and the creation of backups be considered, and more storage facilities be provided to courts
- Organization, time-management and procedures
This measure has been only somewhat effective since it is quite evident that court support staff do not manage time effectively. In this connection, it has to be noted that most courts do not yet have a schedule of duties for their staff. It is recommended that all support staff should be trained in organizational skills, time management and procedures.
- Teamwork and effective communication
This measure has been only somewhat effective. Accordingly, it is recommended that there be more training of staff in this regard.

Training of Legal Practitioners (Prosecutors in particular)

Continuing academic education (e.g. LLM or PhD programmes)

This measure has been effective, and continued training is recommended for legal practitioners in all the States. The NBA, in particular, should encourage younger lawyers to undertake continuous training. It was also noted that there were several who had undergone training in various disciplines but were not making adequate use of their knowledge.

Skills based programmes:

- IT skills
This measure has been effective. It was noted that basic capacity building in IT was very important, and that legal training institutions should include IT as a component in their training curricula.
- Presentation and drafting skills
This was considered to have been very effective. However, it was suggested that no newly qualified legal practitioner should be permitted to establish a chamber within two years of pupillage.
- Cross examination
This measure has been effective. The NBA was commended for establishing a continuing legal education department for planning training needs.
- People management skills
This measure has been effective, and continued training for all lawyers in interpersonal relationships is recommended.
- Effective negotiation
This measure has been only somewhat effective. Continuing legal education for lawyers in ADR is essential.

Knowledge based training

- New laws and legislation at national level
This measure has been very effective. It was acknowledged that the NBA, in collaboration with relevant bodies, organizes training courses for legal practitioners in new areas of law. However, these training courses should be held more frequently to enable more lawyers to participate.

Professional ethics and compliance with the code of conduct

This measure was considered to have been effective. However, it was noted that there was no proper monitoring mechanism, and no information was provided to the public and court users on how and where to report instances of impropriety.

Training of IPOs and Police Prosecutors

Continuing academic education (e.g. Professional degrees, LLM or PhD programmes)

This has been only somewhat effective. The training curriculum of the Police School is highly academic, and should therefore be revised to reflect more skills based training.

Skills based training:

- IT skills
It is necessary that an increasing number of police officers be provided with improved and more frequent training.
- Presentation and drafting skills
There is a need for improved and more frequent training in this area.
- Investigative techniques
Training in this area is non-existent. An inhibiting factor could be frequent police transfers. There is a need to equip and train IPOs in this vital area.
- Interrogation skills and management of witnesses
Training in this area is non-existent. Apart from frequent police transfers, there has been a disconnect between the Ministry of Justice and the Police, between whom there should be more coordination and cooperation.
- People management skills
This measure has been effective, especially with the introduction of community policing.

Knowledge based training

- New types of crimes
Training in this area has not been effective. With the emergence of new crimes such as cyber crime and terrorism, and an increase in kidnapping, more training is required in that regard.
- Criminology
This is a new field in Nigeria, and any training conducted so far has not been effective.
- Crime Prevention
More training is required in this area.
- New approaches to effective policing
The introduction of community policing has been very effective. The Police should now educate the public in that regard.
- Law of Evidence
This is a new field in Nigeria and more training is required for the Police. Measures so far have not been effective.
- Victim-Offender Mediation
While police officers should be trained in mediation techniques, they should also be cautioned that not all crimes could be compounded

Professional ethics and compliance with the code of conduct

The code for police officers is to be found in the Police Act, and it is understood that it is being taught in schools. There is a need to make the code available to all police officers and its contents to be made known to the public. Any action taken in this regard so far does not appear to have been effective.

C. CASE MANAGEMENT AND INFORMATION AND COMMUNICATION TECHNOLOGIES

Case Management

Review and revision of procedural law and rules

This measure has been very effective and is recommended for adoption by all States. The cases are now of shorter duration and, with the requirement of disclosure, the element of surprise has been eliminated. Discovery has led to settlements, and proceedings are now both cost effective and time effective, and frivolous litigation has been discouraged. It was suggested that the pre-trial stage could be managed better, and that time frames should be imposed for trials. These, and the other suggestion that default penalties should be imposed for non-conformity with the rules, may need to be considered with caution in the context of the right to a fair trial to which everyone is entitled.

Multi-track case management system

This measure was considered to have been effective, and therefore appropriate for adoption by other States. It has allowed easy access to court records and helped to manage the case flow. It has allowed for performance reporting based on established standards and measures, and is a useful tool for performance management. It is a means of generating useful statistical data that could form the basis for future planning. It has made the judicial process easy to understand and improve upon, increased the collection of court revenue, and reduced case processing times and backlogs. On the other hand, it was noted that the successful application of this system requires capacity building and a buy-in by both judges and court support staff. The IT systems and software used should be kept as simple as possible, and an effective study should be undertaken before designing the system – documented process management. Its success also requires strong oversight and leadership as well as effective monitoring. In the circumstances, it is recommended that, before it is introduced in other States, lessons should be learnt from the experience of Lagos and Enugu.

Integrated (multi-agency) case management system

This measure, which has provided a platform for effective coordination between agencies, and has the potential to be an excellent management tool, was considered to have been effective. The problems encountered include federal issues, the difficulty of proper coordination, and the lack of high level or decision-maker representation. Accordingly, it was suggested that implementation be phased, ensuring that it has worked well in each agency before integration takes place. Relationships need to be developed between the heads of the institutions, and a federal buy-in is an essential pre-requisite since some of the agencies involved, such as the police and prisons, are

federal agencies. Finally, it is necessary that the system be adapted to the peculiar realities of each State.

Court Management

Reorganization of Registry

This measure has been very effective. It has created easy access to court records and allowed for quick retrieval of reliable information. The tracking of files and of the archives has been made simpler, and revenue collection more efficient. Since the bailiff functions under the Registry, the service of process has also been expedited. Indirectly, it has also resulted in reform in the manual system, promoting the reliability and integrity of case files. Overall, it has made a positive contribution to combating corruption in the judicial system. On the other hand, there is a continuing danger of the inputting of false or incorrect data, and the excessive dependence on an uninterrupted supply of electricity. It is necessary that back-up systems be put in place and penalties imposed for inputting wrong data. Prudence also dictates that, for the present, parallel manual records should be maintained alongside the electronic records. These could be phased out when circumstances permitted.

Management training for judicial officers and court staff

This measure has been extremely effective. It has enhanced the performance of the Judiciary and increased support staff productivity. It was suggested that the training be managed in such a way that judicial work was not adversely affected.

Creation of new positions of “court managers” (professionals with business of public administration background)

This measure is not recommended for implementation at this stage. In a country plagued by endemic corruption, this measure could well compound the problem further. Moreover, the level of professionalism in Nigeria is such that this reform should be carefully considered and not rushed into. It is preferable, at least for the time being, to re-direct and re-focus the work of the assistant and deputy registrars to court management and its responsibilities.

Information and Communication Technologies

Electronic court recording machines

- Digital e-court recording machines
- Analog e-court recording machines
- Stenographers

Electronic recording has the advantage of saving the time of the court, providing a more accurate record of the proceedings, being easier to archive, speeding up the trial, and perhaps also prolonging the lives of judges. There are also disadvantages. The information captured is voluminous since irrelevant matter may also be recorded. It is capital intensive, dependent on an irregular power supply and, due to the poor maintenance culture in Nigeria, requiring high maintenance. There is also the possibility that judges who are relieved of the task of taking down notes may lose track of the proceedings, even occasionally falling asleep. It was suggested that a hardware or software solution should be sought to enable the switching on and off of the recording process to ensure that irrelevant matter was not unnecessarily recorded. It was also suggested that a maintenance contract might ensure sustainability. In all the circumstances, digital recording is very effective and should be adopted by all the States.

The position is different in regard to analog e-court recording machines. There is the danger of a backlog of un-transcribed judgments, and lawyers may not have quick access to proceedings. Continuity may also be an issue with analog machines since the tapes required for such machines are not available in Nigeria. Accordingly, it is recommended that analog recording be discontinued. Stenographers should also be discontinued.

PC for all judicial officers and court staff

Providing personal computers to all the judges is an extremely effective measure that will have a positive and immediate impact on productivity. They will be able to engage in research and information sharing, and produce their own judgments expeditiously and securely. It was suggested that certain support measures will be necessary: an IT help desk; files will need to be backed up; an anti-virus system; and a requirement that a general storage file be maintained by each judge in which all work related files should be stored.

Internet access

Providing internet access to judges is an extremely effective measure. It is an important research tool and, therefore, a necessity. A service level agreement with the ISP will need to be in place, as well as a content level agreement. Firewall and security systems will also be necessary. A computer use policy statement may need to be signed by all court support staff; in particular, internet access may be restricted to those members of staff who actually require it for official use.

Establishment of Intranet

The Intranet is a very effective measure for information sharing. Judges will be able to share their rulings, etc., with colleagues, and also engage in internal messaging. Circulars and administrative information may also be disseminated among staff. Unauthorized access will need to be prevented, especially through the issue of secure

passwords and role-based permission, and responsibility for content management will also need to be instituted.

Judicial Research Centres and similar “open” IT-facilities for judicial officers and support staff

This is a very effective measure that is cost effective since it is a single source that could be shared by all. The materials available should be relevant to the Nigerian context and be updated regularly.

IT training for:

- Judicial officers
- Court registrars
- Bailiffs and Sheriffs
- Other support personnel

This training is very necessary to enhance job performance, especially in respect of the case management systems. There is, of course, the risk that a highly skilled officer becomes “poachable” by other organizations. It was suggested that a needs assessment be carried out before training, and that for future recruitment of court support staff, IT skills should be a requirement – at least proficiency in word processing.

Hire ICT support personnel

Hiring external ICT support personnel could be an extremely effective measure. However, in the event of out-sourcing the maintenance of the IT systems, it would be prudent to include in the agreement a condition that the company would build internal capacity. Moreover, only IT support should be out-sourced; the overall management should remain in-house in order to institutionalise the new system and promote stake ownership.

Other measures to enhance case management and ICT

The development of a public website containing information useful to court users such as court sitting times and relevant case information.

A Data Protection and Evidence Act to enable counsel to present evidence through the use of electronic tools.

A review of existing legislation to allow ICT based material to be presented as evidence in court.

The formulation of a national policy on the application of ICT in judicial proceedings may need to be considered.

D. INTEGRITY AND ACCOUNTABILITY

Professional Standards

Code of Conduct for Judicial Officers

While recognizing that compliance with the ethical standards enunciated in a code of conduct would enhance confidence in the administration of justice, concern was expressed at the lack of knowledge among stakeholders in the justice sector on the implementation of the present Code of Conduct for Judicial Officers of the Federal Republic of Nigeria. There was a lack of clarity as to its legal status, and its provisions were not fully understood by all judicial officers. Reference was made to the fact that the definition of “judicial officer” in the Code (which included holders of office in “any inferior court whatsoever”) was different from the definition in the Constitution (which did not consider a magistrate to be a judicial officer). The Code did not provide for rules of engagement with the media and members of the public; nor were contemporary international standards fully reflected in it.

It was agreed that the Code needed to be reviewed and revised to conform to the current international standards as expressed in the Bangalore Principles of Judicial Conduct. It was important that the processes that lead to the appointment of judges be consistent with the values enunciated in the Bangalore Principles. Moreover, the principles of judicial conduct should not only be made known to all judicial officers, but should be explained to, and understood by, the community as a whole.

Rules of Professional Conduct for Legal Practitioners

The mechanisms in place to address discipline in the legal profession have not been very effective. The Rules of Professional Conduct are found in the Legal Practitioners Act, and are hardly known to court users. A review of the Act is necessary to make provision for continued professional legal education and for the issue of licences to practising lawyers. Meanwhile, support was expressed for the proposed amendments to the Act currently before the National Assembly that are designed to enhance the integrity of the legal profession.

Code of Conduct for Court Employees

Concern was expressed at the multiplicity of rules applicable to court employees. They appeared to be subject to the Judicial Service Commission Rules, Civil Service Rules and the Code of Conduct for Court Employees, thereby creating an ambiguous disciplinary system. Despite the training provided to court employees in some States, there was a general lack of knowledge of the Code of Conduct, and the level of adoption of the Code across the country was poor. It is recommended that the Code of Conduct be adopted in all the States and its status clarified, and that training be undertaken or continued to inform court employees of their obligations under it.

Oversight Bodies

National Judicial Council

The National Judicial Council has been very effective in strengthening the independence and integrity of the judiciary due to the monitoring and evaluation processes it has instituted and the disciplinary measures it has taken. However, it was suggested that, in evaluating the performance of judges, quality rather than quantity should be taken into account, and therefore less emphasis should be placed on the number of judgments delivered and more on the quality of those judgments. It was also suggested that the handling of motions and interlocutory applications should form part of the assessment. A view was expressed that there was a need for a career path for judges.

Judicial Service Commissions

Concern was expressed at the continuing impact of political patronage in the judicial appointment process at the State level. While some were of the view that the independence of the State Judicial Service Commission depended largely on the integrity of the Chief Judge, others considered the presence of the two “independent” members nominated by the Governor, who were often politicians, to be the source of political interference. Strong support was expressed for the present system of nomination to be replaced by open and transparent schemes of recruitment, similar to the procedure in South Africa where candidates for judicial office are required to apply and are then interviewed at public sittings.

Code of Conduct Bureau

- Review of code of conduct
- Asset declaration

Very little was known to the public about the mandate or activities of the Code of Conduct Bureau, and no internal assessment appears to have been made of its performance. The fact that there is no publication or disclosure of asset declarations, or even of the names of those who have made such declarations, does not allow for public trust or confidence in the process. This Bureau has not been effective, and it was suggested that efforts be made to better inform the community of its activities

Public Complaints Committees and similar ad-hoc committees tasked to review and act upon complaints of court users

These measures have been effective, but the non-acknowledgment of complaints that are lodged with the committees is eroding public trust in the process. Proper feedback is also a very necessary element in maintaining public confidence. A strategy for effective service delivery is another necessary element.

Public Complaints Mechanisms

Complaints boxes

This measure has been effective since complaints are dealt with regularly and errant officers are disciplined. However, it should not be an inflexible rule that anonymous complaints will be disregarded. In certain circumstances, anonymous complaints may contain valuable information pointing to a vulnerable area or strengthening suspicions already entertained.

“Open-door” policy of the Chief Judge or Chief Registrar for complaints

The open door policy has been very effective, and has enhanced confidence in the judicial system, but does not appear to have been widely utilised.

Public complaints software

This measure has been effective, but has not been fully operational. The judiciary perhaps lacks the capacity to manage the project. When it does become fully operational, the project will serve the needs of researchers, students and policy makers, and the data collected will facilitate the reform processes in the judiciary.

Human Resource Policies and Management

Merit based recruitment process

This measure has been effective in some States whenever examination results were used as the basis for recruitment to the Judiciary. It was noted, however, that lobbying and influence have not been altogether eliminated.

Merit-based promotion process

The Annual Performance Evaluation has helped to strengthen the integrity of the promotion process where such evaluations have been conducted with utmost diligence. Unfortunately, that has not been the invariable rule. Moreover, the Annual Performance Evaluation has not always been the basis for promotion.

Performance incentive and motivation

- Awards and recognitions

This measure has been very effective in that it has boosted the morale of those judicial officers who have been awarded case incentives and certificates, and placed those who have not been thus recognized on notice that their performance needs to be improved. However, this measure has not been applied in all the courts across the country.

Establishment of career path

The establishment of a career path will encourage specialization and induce judicial officers to undergo appropriate training. However, this is made difficult by the regular transfer of judges, particularly those serving in the Court of Appeal.

Regular performance evaluation of court staff

This measure has not been very effective because it has not been carried out in some of the States with the required degree of seriousness. In those States in which it has been implemented properly, it has encouraged professionalism among the court support staff, while enabling those who have not been productive to be moved out of the system.

Court Monitoring and Performance Management

Court-User Surveys

This measure has been effective in identifying the weaknesses in the judicial process in those pilot States in which the surveys were conducted. The results have been useful for policy makers as well as for researchers. It is recommended that court-user surveys be conducted in all the States.

Regular review and analysis of court user complaints

This measure has been effective in those pilot States in which it was implemented. It is recommended for other States as well.

Court inspections

- Ad-hoc (un-scheduled)
- Scheduled

Ad-hoc inspections (unscheduled) have been effective in assessing the actual state of the infrastructure and staff strengths. Unfortunately, they have not been conducted regularly in some of the States. Scheduled inspections are not recommended since they are unlikely to reveal the true state of affairs.

Bar-Bench Fora:) – role, functions and effectiveness.

Bar-Bench fora (eg. criminal justice committees, administration of justice committees) have been very effective in providing an opportunity for lawyers and judges to engage in self-criticism, and thereby contribute to the reform of the judicial process. However, these have not been conducted on a regular basis, nor across all the States.

Other Measures to enhance integrity and accountability

Financial independence for the judiciary

It is essential that the provisions of article 121 of the Constitution are complied with by the executive branch of government and that funds voted by the Legislature are made available to the Judiciary promptly.





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The Assessment



Assessment I, 2002

5,766 Stakeholders interviewed in three States (Borno, Delta, and Lagos)

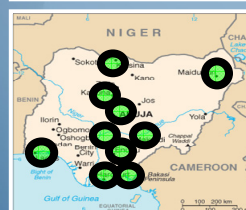
Assessment II, 2007

10,000 Stakeholders interviewed in ten States:

- Borno, Delta, Lagos
- Anambra, Benue, Enugu, FCT, Kaduna, Rivers and Katsina

Stakeholders interviewed:

Judicial officers, court staff, prosecutors, police, lawyers, court users, business community and prisoners awaiting trial



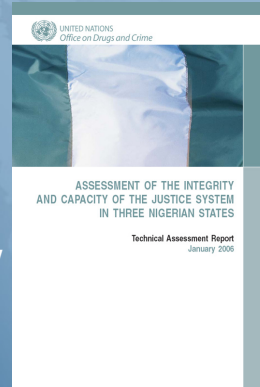
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Issues covered by the Assessment

- Access to justice
- Timeliness of justice delivery
- Quality of justice delivery
- Independence, impartiality and fairness
- Accountability, integrity and transparency
- Coordination in the justice sector
- Public trust





The Past



Access to Justice

- Average number of months prisoners awaiting trial spent in remand reduced from 30 months (2002) to less than 12 months (2007)
- Prisoners' awareness of bail has increased from 43% (2002) to 68% (2007)
- Prisoners' access to legal services increased from 38% (2002) to 56% (2007)
- Prisoners in remand benefiting from providing pro bono services increased from 1,4% (2002) to 11,4 %





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Timeliness of Justice Delivery

- Number of months that it had taken the courts to resolve the case reduced from 27 months (2002) to 12,2 months (2007)
- Number of times court users had already come to the court by the time of the interview to attend to their case reduced from 7.7 times (2002) to 2.6 times (2007)
- In 2002, 67% of the court users perceived the courts to be never or seldom quick, in 2007, only 30% shared that view



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Quality of Justice Delivery

- Percentage of judicial officers considering record-keeping efficient or very efficient has increased from 44% (2002) to 87% (2007)
- Access to basic IT infrastructure for judicial officers has increased from 9% (2002) to 28% (2007)





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Independence of the Judiciary

- Lawyers perceiving judicial decisions being influenced by politics reduced from 52% (2002) to 24% (2007)
- Judges claiming to be aware of an judicial appointments being influenced by political considerations (rather than merit) during the last 12 months reduced from 19,2% (2002) to 8% (2007)
- Court users agreeing or completely agreeing with the statement: *“The justice system works only for the rich and powerful”* reduced from 38% (2002) to 23% (2007)



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Accountability, Integrity and Oversight

- Lawyers claiming to having been requested for a bribe during the last 12 months reduced from 77% (2002) to 16% (2007)
- Court Users claiming to having been requested for a bribe during the last 12 months reduced from 43% (2002) to 2% (2007)
- Judges claiming to be aware of court users having given a bribe to a court staff reduced from 17% (2002) to 3% (2007)
- Judicial officers being evaluated at least once a year has increased from 61% (2002) 91% (2007) and judicial officers who never had been evaluated during their entire career reduced from 32 % (2002) to 3% (2007)



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Public Trust in the Courts

- Court users stating that they had not used the courts during the last two years despite a need to do so reduced from 42% (2002) to 36% (2007)
- Court users stating that they would use the courts again based on their experience increased from 58% (2002) to 69% (2007)



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The Present





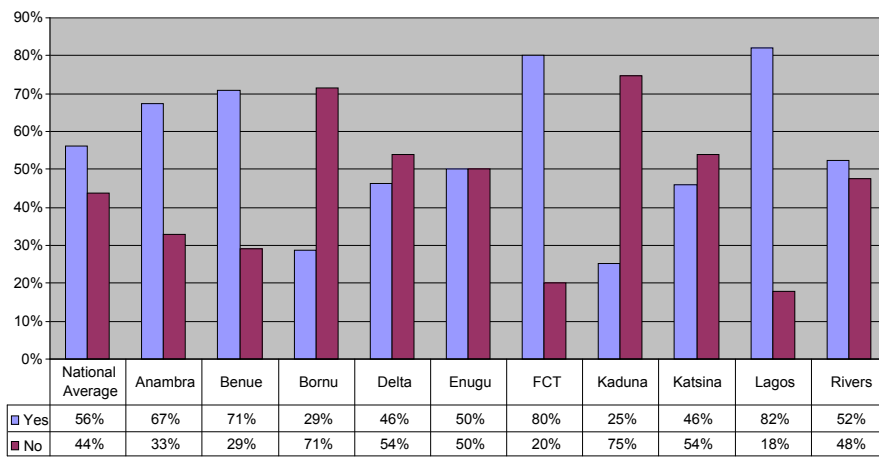
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Access to Legal Services

Have you retained a lawyer? (PAT)



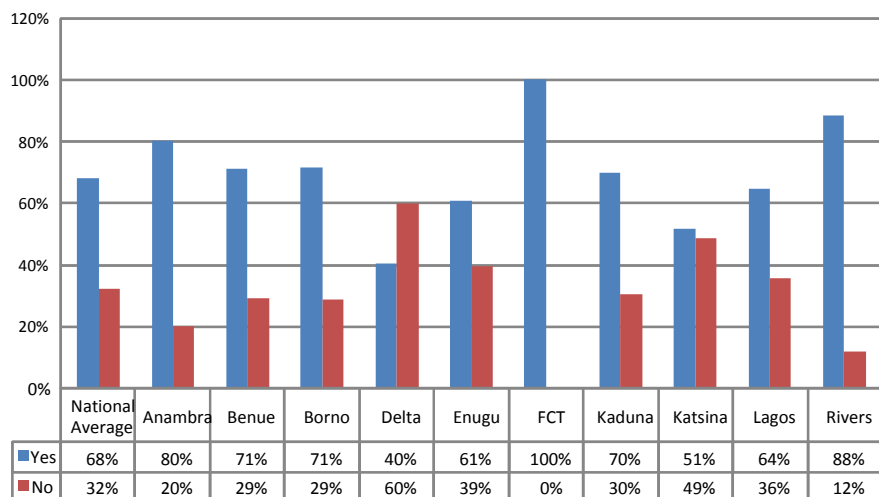
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Access to Information

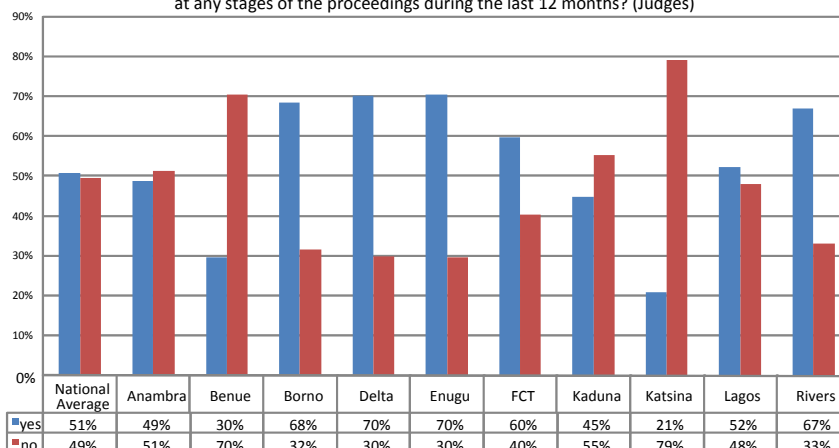
Are you aware of the possibility of applying for bail? PAT





Timeliness of Justice Delivery

Have you experience what you may consider in your personal opinion excessive delay at any stages of the proceedings during the last 12 months? (Judges)

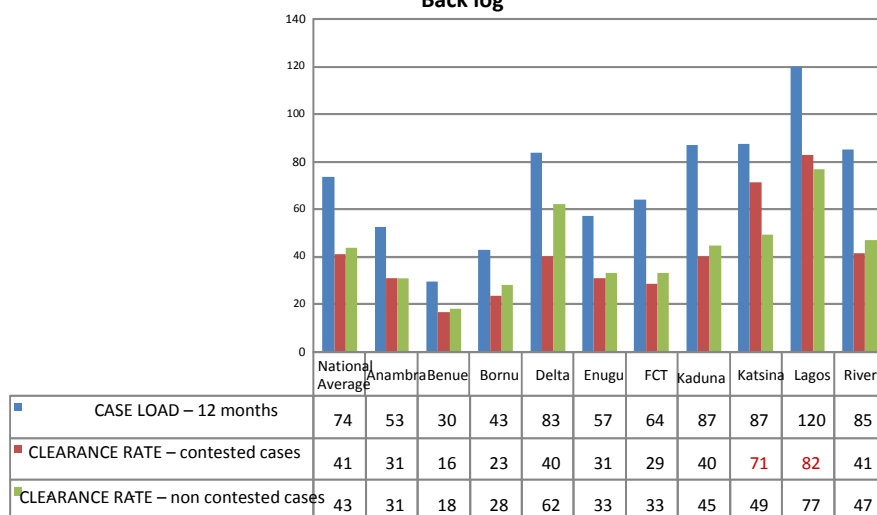


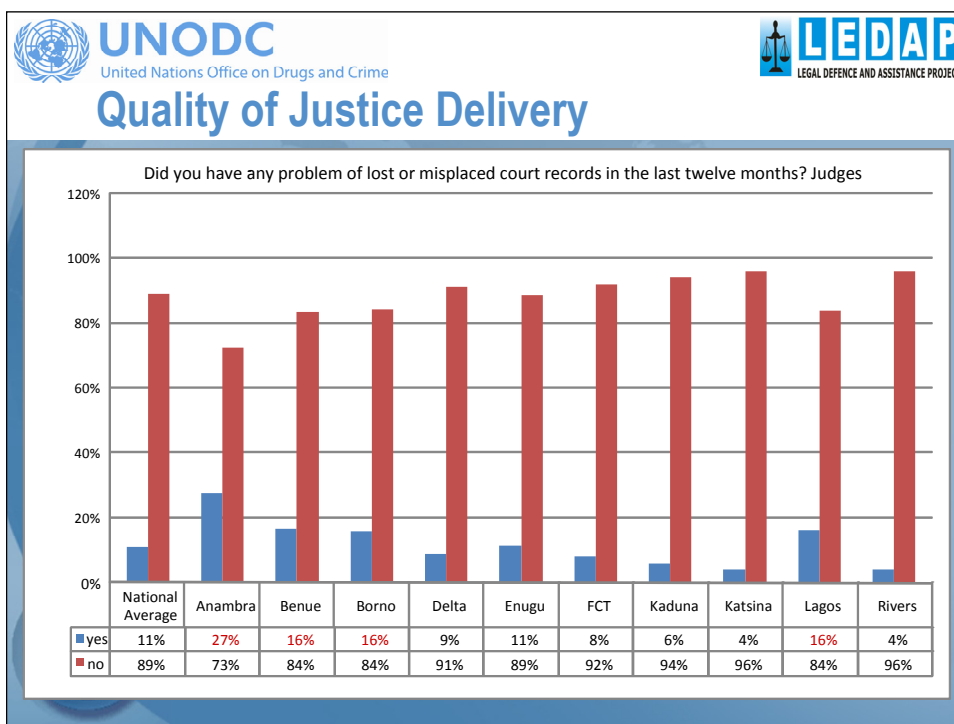
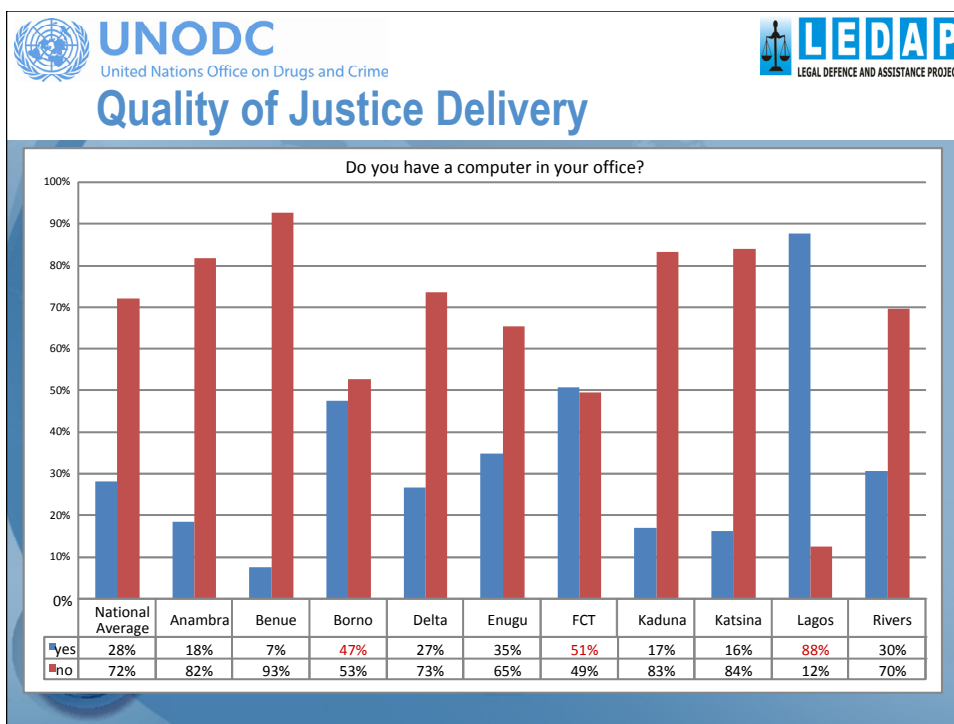
- Delays are experienced primarily during trial proceedings, however, the reasons for such delays differ significantly across States



Timeliness of Justice Delivery

Back log

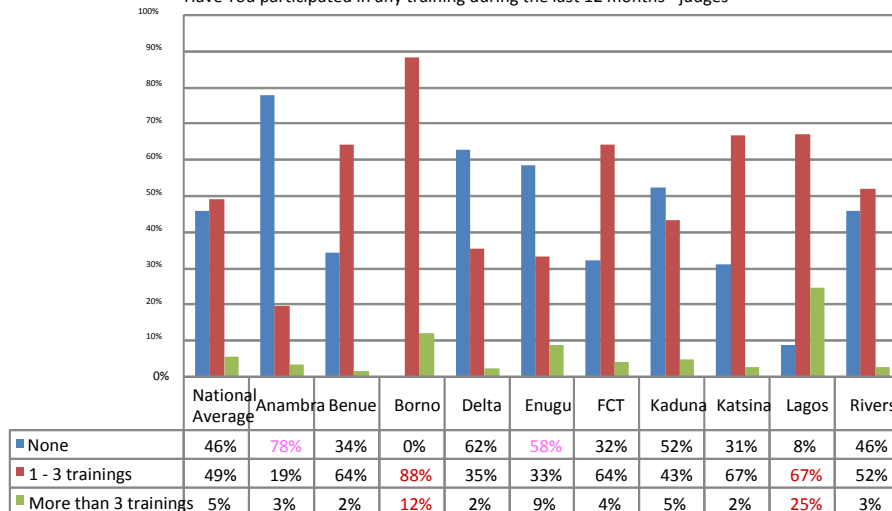






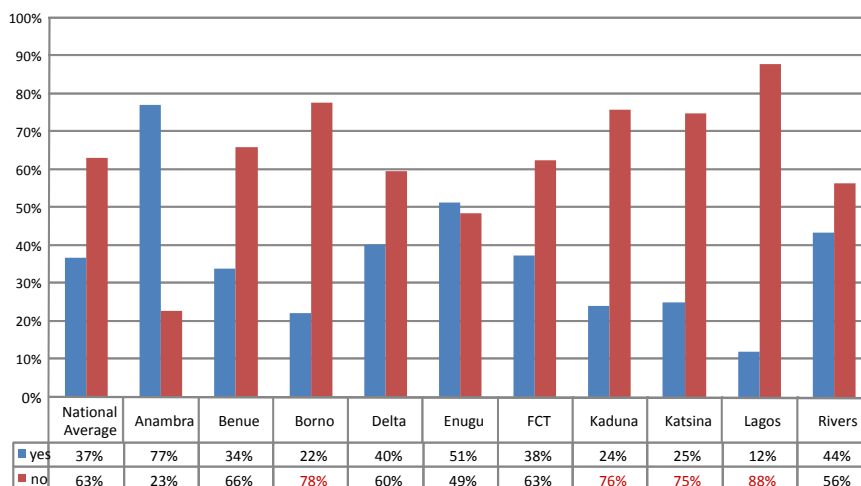
Quality of Justice Delivery

Have You participated in any training during the last 12 months - judges



Quality of Justice Delivery

If you are offered a job outside the judiciary with a better working condition than judiciary, would you accept?





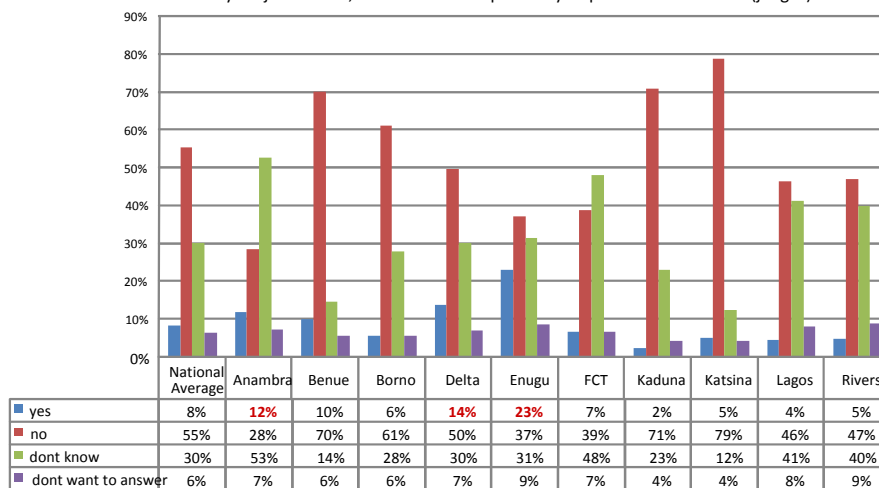
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Independence of the Judiciary

Are you aware of any judicial appointment/promotions that have occurred in the last 12 months in your jurisdiction, which have been politically inspired or influenced? (judges)



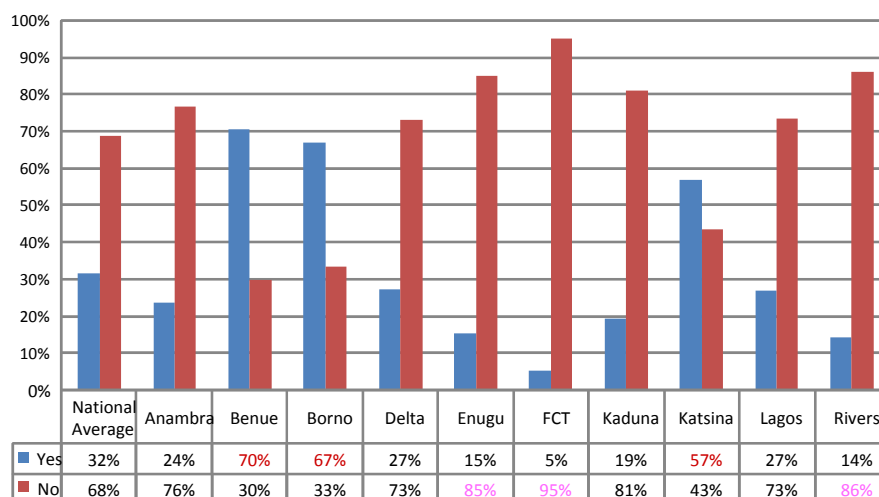
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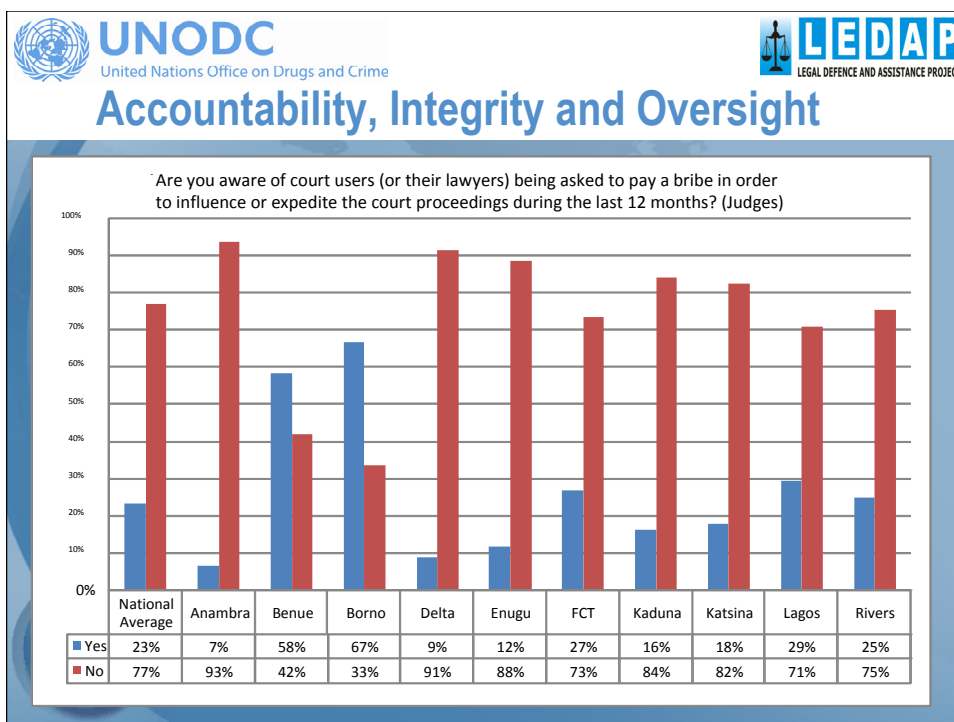
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Fairness of the Justice System

Do you feel that you have been treated fairly during your period in remand? PAT

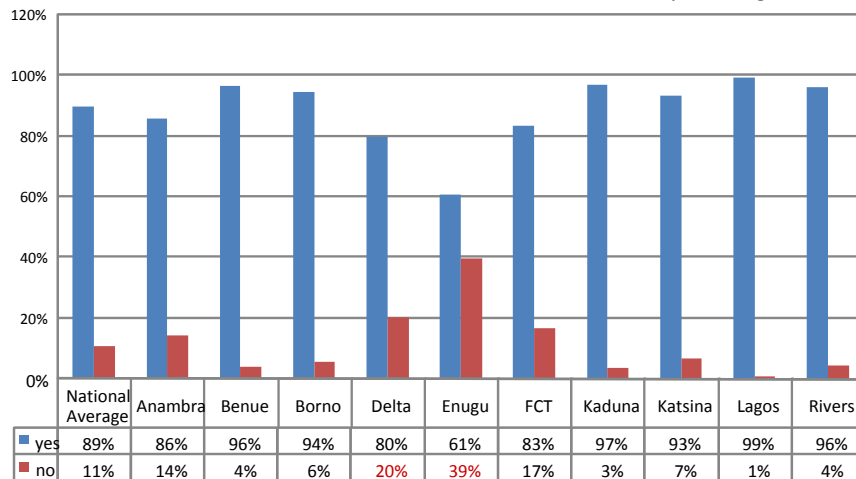






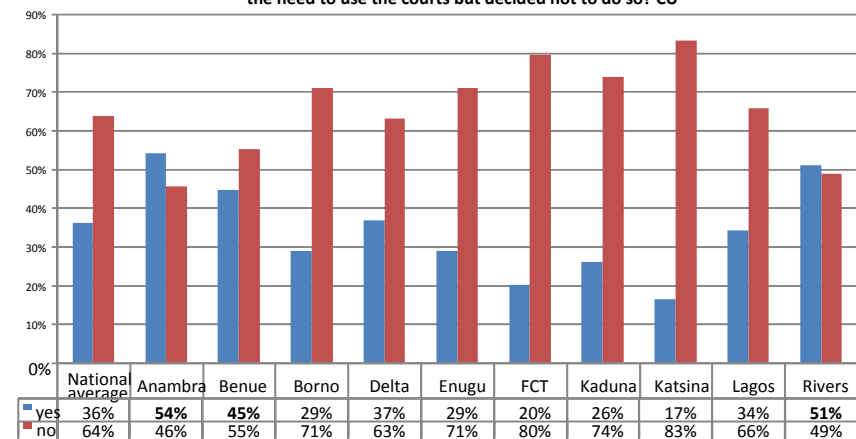
Accountability, Integrity and Oversight

Is the Code of Conduct for Judicial Officers available to you? Judges

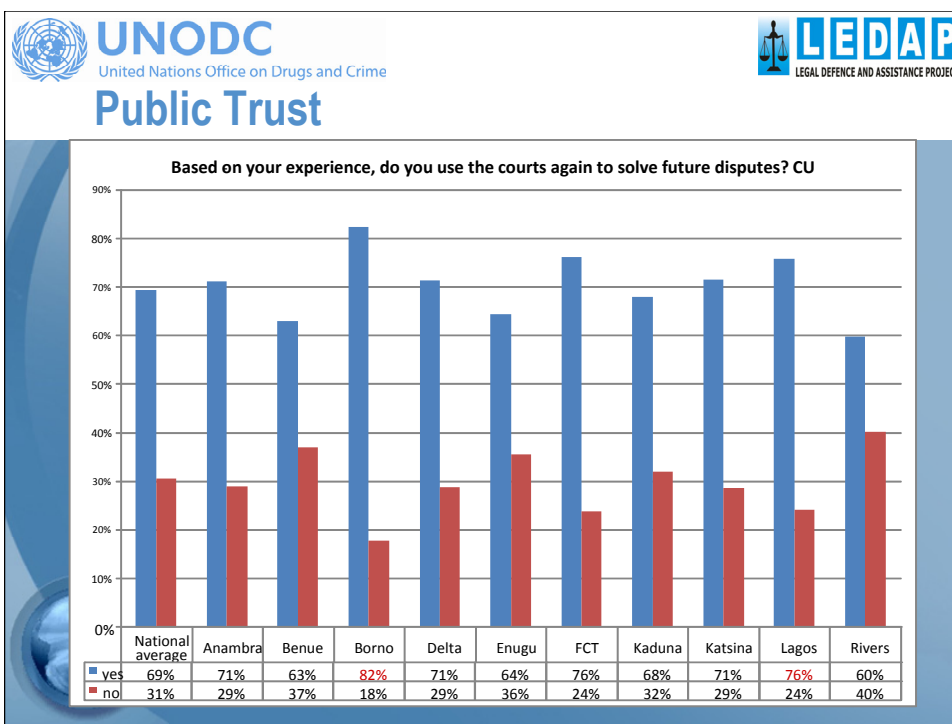


Public Trust

During the past two years have you or someone in your household felt the need to use the courts but decided not to do so? CU



- Primarily because the courts are too slow or too expensive



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Conclusions

What we know:

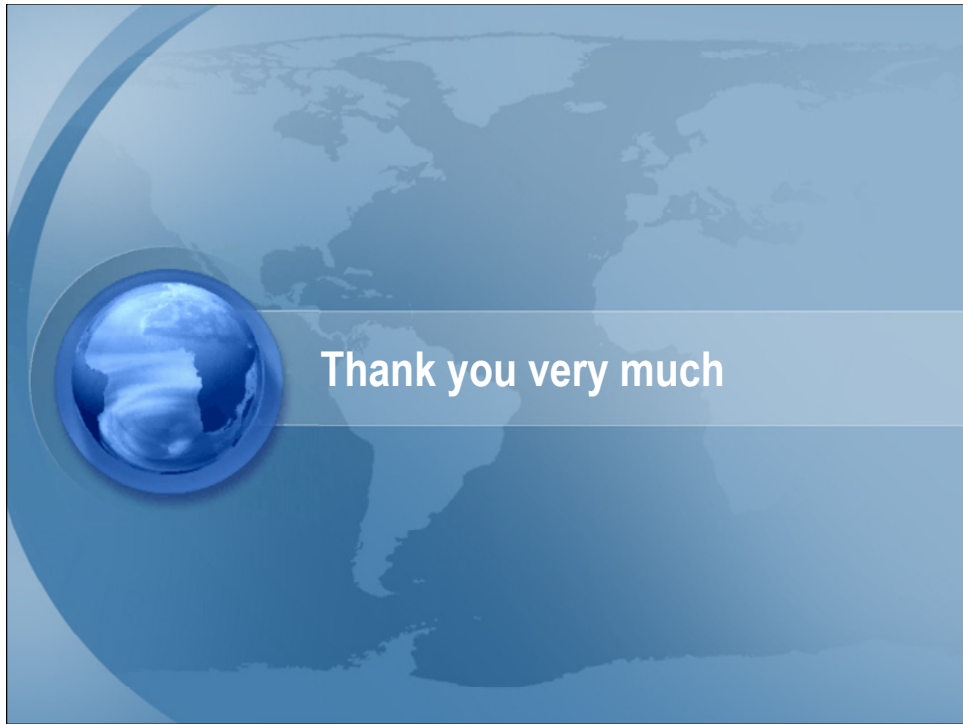
- Significant progress has been made in all areas of justice delivery

What we do not know:

- Which reform efforts have been contributing to this success
- Which reform efforts have not been effective
- The relative “weight” of individual reform efforts in terms of their contribution to the overall progress

What we need:

- A comprehensive review of the past ten years of justice sector reform as a basis for future planning of reforms



AGENDA

Conference Chairman: The Honourable Justice Idris Legbo Kutigi, GCON,
Chief Justice of Nigeria

Conference Rapporteur: Dr. Nihal Jayawickrama (assisted by Ms Kehinde
Osotimehin)

Thursday, 2 April 2009

09.00 - 09.30 Registration

Opening Session

10.00 – 10.10 Welcoming Address by The Hon. Justice Umaru Eri, OFR,
Administrator of the National Judicial Institute.

10.10 – 10.15 Address by The Hon. M. L. Uwais, GCON, former Chief Justice of
Nigeria.

10.15 – 10.25 Messages from the Inspector General of Police, Comptroller of
Prisons, Representative of the European Commission and other
dignitaries.

10.25 – 10.30 Welcoming Remarks by Prof. Muhammed Tabiu, Head of the
Justice Component, Security, Justice and Growth Programme.

10.30 – 10.35 Welcoming Remarks by Ms Dagmar Thomas, Country
Representative, UNODC

10.35 – 10.50 Keynote Address by The Hon. Justice Idris Legbo Kutigi, GCON,
Chief Justice of Nigeria.

10.50 – 11.15 Ten years of Justice Sector Reform – An Impact Review by
UNODC and the Legal Defence and Assistance Project (LEDAP)

11.15 – 11.30 Discussion

11.30 – 12.00 Coffee Break

Working Sessions

12.00 – 12.10 Format and purpose of the Working Groups

12.10 – 12.20 Splitting into four Working Groups

12.20 – 14.30 Session One

Group A – Theme: *Access to Justice and Public Trust*

Moderator: Hon. Justice L.H. Gummi, OFR, Chief Judge, Federal Capital Territory.

Panelists: Dr Uju Agomuo (PRAWA), Mr Joseph Oteh (Access to Justice), Ms Ezinwa Okoroafor (FIDA), Ms Ugonna Ezekwem (UNODC)

Rapporteur: Mr. Agada Elachi

Facilitator: Ms Ukamaka Osigwe (UNODC) and Mr. Mahmud Gama (NJI)

Group B – Theme: *Continuing Professional Education*

Moderator: Hon. Justice Umaru Eri, OFR, Administrator, National Judicial Institute.

Panelists: Prof. Mamman Tahir (Nigerian Law School), Mr. Rotimi Akeredolu, SAN (Nigerian Bar Association), Prof. Alimika; DG NIPSS, Mr. Dele Peters (NJI)

Rapporteur: Ms Julcit Daudu (NJI)

Facilitator: Ms Hadiza Saeed and Mr. Abdulazeez Olumo (NJI)

Group C – Theme: *Case Management and Information and Communication Technology*

Moderator: Hon. Justice Kassim Zannah, OFR, Chief Judge, Borno State.

Panelists: Mr. Yusuff Olaniyi (UNODC), Hon. Justice Ayo (Lagos State High Court); Barr. Emeribe (Ministry of Justice, Enugu State), Prof. Yemi Akinseye George.

Rapporteur: Ms Emiola Oyefuga (SJG)

Facilitator: Mr. Peter Omenka (SJG) and Osmond Ootobo (NJI)

Group D – Theme: *Integrity and Accountability – individual performance evaluation, oversight and the promotion of professional ethics*

Moderator: Hon. Justice J.N. Ndajiwo, OFR, Chief Judge, Niger State and Member of National Judicial Council.

Panelists: Hon. Justice C. Nweze (Court of Appeal), Dr. Nihal Jayawickrama (UNODC), Hon. Justice Lawan Shuaibu (Federal High Court), Mr. Chino Obiagwu (LEDAP);

Rapporteur: Mr. Idris Bawa (SJG)

Facilitator: Gilbert Tor (NJI)

14.30 – 15.30 Lunch

15.30 – 17.30 Session Two

Group A – Theme: *Access to Justice and Public Trust*

Moderator: Mr. Abdullahi Ahmed Yola, Solicitor General and Permanent Secretary of the Federal Ministry of Justice

Panelists: Ms Saudatu Mahdi (WRAPA); Prof. Mohammed Tabiu (SJG); Mr. Orakwe (Prison Service); Mr. Ojukwu (Commissioner of Police, FCT)

Rapporteur: Mr. Agada Elachi

Facilitator: Ms Ukamaka Osigwe (UNODC) and Mr. Mahmud Gama (NJI)

Group B – Theme: *Continuing Professional Education*

Moderator: Hon. Justice I. Hwande, Chief Judge, Benue State.

Pannelists: Mr. Austin Iwar (NPS), Prof. Taofiq Ladan, Mr. Dele Peters (Director of Research, NJI), Ms Phoebe Ayua (Director Studies, NJI).

Rapporteur: Ms. Julcit Daudu, NJI

Facilitator: Ms Hadiza Saeed and Mr. Abdulazeez Olumo (NJI)

Group C – Theme: *Case Management and Information and Communication Technology*

Moderator: Hon. Justice A.A.I. Banjoko, FCT High Court.

Pannelists: Mr. John Yisa Doko, Hon. Justice Biola Okikiolu (Lagos State High Court), Hon. Justice H.L. Balogun (Lagos State High Court)

Rapporteur: Ms Emiola Oyefuga (SJG)

Facilitator: Mr. Peter Omenka (SJG) and Osmond Otobo (NJI)

Group D – Theme: *Integrity and Accountability – individual performance evaluation, oversight and the promotion of professional ethics*

Moderator: Prof. I. A. Ayua,

Panelists: Dr. Oliver Stolpe (UNODC), Hon Justice Amina Augie, Mr. Gabriel Aduda (EFCC), Mr. Darius Khobo (Chief Registrar, Kaduna High Court), Hon. Justice R.P.I. Bozimo (Chief Judge, Delta State).

Rapporteur: Mr. Idris Bawa (SJG)

Facilitator: Gilbert Tor, NJI

Friday, 3 April 2009

09.00 – 09.10 Opening remarks for the second day, Administrator NJI

Plenary Session

09.10 – 09.30 Report of **Group A** on Access to Justice and Public Trust, by Mr. Agada Elachi

09.30 – 10.00 Discussion

10.00 – 10.20 Report of **Group B** on Continuing Professional Education, by Ms Julcit Daudu (NJI)

10.20 – 10.50 Discussion

10.50 – 11.20 Coffee Break

11.20 – 11.40 Report of **Group C** on Case Management and ICT by Ms Emiola Oyefuga (SJG)

11.40 – 12.10 Discussion

12.10 – 12.30 Report of **Group D** on Integrity and Accountability by Mr. Idris Bawa (SJG)

12.30 – 13.00 Discussion

Closing Session

13.00 – 13.15 Closing remarks by Chief Michael Aondoakaa, Attorney General of the Federation and Minister of Justice

Vote of Thanks by Mrs. Ugonna Ezekwem (National Project Coordinator, UNODC)

13.15 – 14.00 Lunch

LIST OF PARTICIPANTS

Hon. Justice Idris Legbo Kutigi GCON, Chief Justice of Nigeria
Hon. Justice M. L. Uwais GCON, former Chief Justice of Nigeria
Hon. Justice Umaru Eru OFR, Administrator, National Judicial Institute

Hon. Justice Amina Augie, Justice of the Court of Appeal
Hon. Justice C.C. Nweze, Justice of the Court of Appeal

Hon. Justice Kate Abiri, Chief Judge, Bayelsa State
Hon. Justice N. Ajanah, Acting Chief Judge, Kogi State
Hon. Justice A. A. Alabi OFR, Chief Judge, Lagos State
Hon. Justice Adamu Aliyu, Chief Judge, Taraba State
Hon. Justice Shehu Atiku, Chief Judge, Kano State
Hon. Justice R. P. I. Bozimo, Chief Judge, Delta State
Hon. Justice A. S. Dahiru, Chief Judge, Sokoto State
Hon. Justice L. C. Dakyen, Chief Judge, Plateau State
Hon. Justice M. I. Edokpayi, Chief Judge, Edo State
Hon. Justice D. N. Eyamba–Idem, Chief Judge, Cross-River State
Hon. Justice B. S. Gujba OFR, Chief Judge, Yobe State
Hon. Justice L. H. Gummi OFR, Chief Judge, Federal Capital Territory
Hon. Justice Elelu Habeeb, Chief Judge, Kwara State
Hon. Justice H. Y. Heman, Chief Judge, Gombe State
Hon. Justice I. Hwande, Chief Judge, Benue State
Hon. Justice S. N. Imo, Chief Judge, Abia State
Hon. Justice I. N. Isua, Chief Judge, Akwe-Iborn State
Hon. Justice C. O. Jacobs, Chief Judge, Ogun State
Hon. Justice J. N. Ndajiwo OFR, Chief Judge, Niger State
Hon. Justice A. N. Nwankwo MON, Chief Judge, Ebonyi State
Hon. Justice F. O. Ogunsola OFR, Chief Judge, Osun State
Hon. Justice G. O. Olateru-Olagbegi OFR, Chief Judge, Ondo State
Hon. Justice P. C. Onumajulu OFR, Chief Judge, Imo State
Hon. Justice S. B. Oyewole, Acting Chief Judge, Ekiti State
Hon. Justice A. Y. Ubangari, Chief Judge, Nassarawa State
Hon. Justice Kashim Zannah, Chief Judge, Borno State

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Katsina State)
Hon. Kadi Maccido Ibrahim, Grand Kadi, Sharia Court of Appeal, Kaduna State
Hon. Justice Igbetar, President, Customary Court of Appeal, Benue State
Hon. Justice S. H. Makeri, President Customary Court of Appeal, Kaduna State
Hon. Kadi Mohammed Shehu OFR, Grand Kadi, Sharia Court of Appeal, Federal
Capital Territory
Hon. Kadi Abubarkar Shetima, Grand Kadi, Sharia Court of Appeal, Borno State

Hon. Justice M. D. Abubakar, High Court of Justice, Katsina State

Hon. Justice Filibus B. Andetar, High Court of Justice, Taraba State
Hon. Justice A. Ayo, High Court of Justice, Lagos State
Hon. Justice H. A. L. Balogun, High Court of Justice, Kaduna State
Hon. Justice Banjoko, High Court of Justice, Federal Capital Territory
Hon. Justice B. G. Diepiri, High Court of Justice, Rivers State
Hon. Justice Iguh, High Court of Justice, Anambra State
Hon. Justice J. S. Ikyegh, High Court of Justice, Benue State
Hon. Justice Biola Okikiolu, High Court of Justice, Lagos State
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Mrs. L. Folami (Chief Registrar, Lagos State High Court)
Mr. Darius Khobo (Chief Registrar, Kaduna State High Court)
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Mr. B. Mbanefo, Anambra State Judiciary

Hon. Senator Umar Dahiru, Chairman, Senate Committee on the Judiciary
Hon. Dickson Henry, Chairman, House Committee on Justice

Mr Nduka Ikeyi, Attorney General, Enugu State
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Mr C. O. Nwankwo, Federal Ministry of Justice
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Mr Gabriel Aduda, Economic and Financial Crimes Commission
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UNODC

United Nations Office on Drugs and Crime

Ten years of Justice Sector Reform in Nigeria:

A 360 DEGREE REVIEW

3rd Federal Integrity Meeting for the Justice Sector

Ladi Kwali Hall, Sheraton Hotel Abuja

2nd and 3rd April 2009



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Printed in Nigeria
November 2009



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