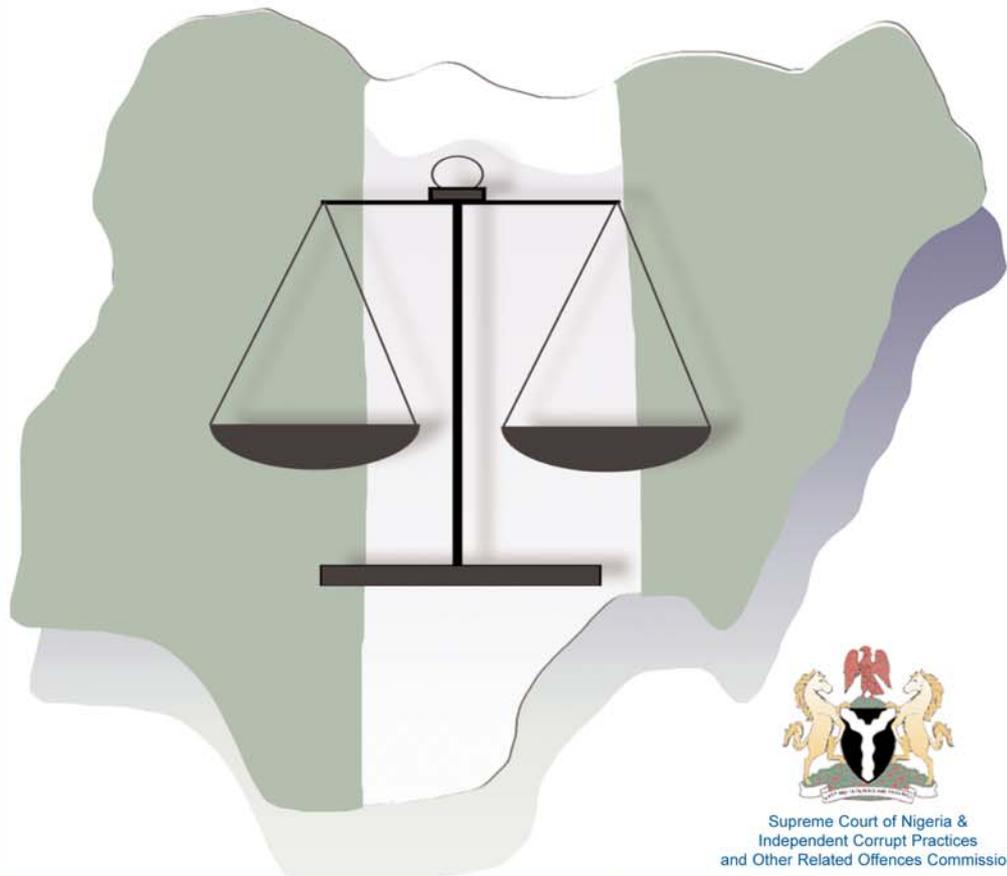




UNITED NATIONS  
*Office on Drugs and Crime*

# STRENGTHENING JUDICIAL INTEGRITY AND CAPACITY IN NIGERIA

AUGUST 2003



Progress Report # 1

Anti-Corruption Unit



# **Progress Report # 1**

**Strengthening Judicial Integrity and Capacity in Nigeria,  
Progress Report; Dec-02 – Mar 03**

**Abuja and Vienna  
April 2003**

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## **I. BACKGROUND**

### **A. Purpose of the Report**

In this report, the United Nations Office on Drugs and Crime (UNODC) gives an account of the status of the judicial reform initiatives, both at the Federal level and within 11 Nigerian states (Abuja FCT, Benue, Borno, Delta, Ekiti, Enugu, Kaduna, Katsina, Kwara, Lagos and Plateau State). Together with the USAID funded National Centre for State Courts, the DFID funded British Council and the German Agency for Development Cooperation, UNODC supports these initiatives by providing technical expertise, policy advice, management support and financial resources. The purpose of this report is to take stock of the achievements made so far, both at the Federal level and within these pilot states, in order enhance to the sharing of information on judicial reform measures and the practical aspects of their implementation across all Nigerian states.

Moreover, the report puts the UNODC sponsored project on Strengthening Judicial Integrity and Capacity in Nigeria in context by giving an overview of how it fits into a broader international initiative.

### **B. International context**

The UNODC project on strengthening judicial integrity and capacity in Nigeria is not a self-standing exercise but part of a larger international judicial reform initiative, guided by an International Judicial Group on Strengthening Judicial Integrity, formed in April 2000 by the Chief Justices of Uganda, Tanzania, South Africa, Nigeria, Bangladesh, India, Nepal and Sri Lanka. Egypt and the Philippines joined the Group recently at its 3rd meeting in Sri Lanka in January 2003. Since its first meeting in Vienna in 2000, the Group ascertained certain achievements:

- The creation of a *“safe” and productive learning environment for chief justices* in which they can be exposed to best practices regarding judicial reform, management of change and the strengthening of the rule of law;
- The formulation of a concept of judicial accountability which will be of practical effect and raise the level of public confidence in the courts without jeopardizing the principle of judicial independence;
- The establishment of the *objectives, scope and basic principles for judicial reform*;
- The development of a *Universal Declaration of Principles of Judicial Conduct*;
- The design of a *comprehensive assessment methodology*.

At its first meeting, which was organized by UNODC in collaboration with Transparency International, the Group considered means of strengthening judicial institutions and procedures as part of strengthening national integrity systems. After delineating the *objectives, scope and basic principles for judicial reform*, three of the participating member states, namely Nigeria, Sri Lanka and Uganda, volunteered to pilot test some of the identified reform measures.

## **II. UNODC-PROJECT ON STRENGTHENING JUDICIAL INTEGRITY AND CAPACITY IN NIGERIA**

### **A. Main Objectives of the Project**

Following the First Meeting of the International Judicial Group on Strengthening Judicial Integrity, the Hon. M.L. Uwais, Chief Justice of Nigeria, in collaboration with the UNODC, elaborated a project on Strengthening Judicial Integrity and Capacity in Nigeria, which was launched in October 2001 at the First Federal Integrity Meeting for Chief Judges, in Abuja.

The main objectives of the UNODC supported pilot project are to:

- Develop, based on the findings of a *comprehensive baseline assessment* of the types, locations, levels and cost of corruption in the courts, action plans for strengthening judicial integrity and capacity in three Nigerian pilot state.
- *Implement the action plans* in nine pilot courts across the three pilot states to improve their performance regarding: (i) access to justice; (ii) timeliness and quality of the trial process; (iii) public confidence in the courts; (iv) efficiency and effectiveness in handling complaints against judges and court staff, and (v) co-ordination across the criminal justice system institutions (Judiciary, DPP, Police, Prison Services and the Bar).
- Ensure sustainability of reform measures by transferring planning, monitoring and implementation skills and processes to the judiciaries in the pilot states and closely involving key institutions, such as the Independent Anti-Corruption Commission and the Nigerian Institute of Advanced Legal Studies.
- Identify those measures that have proven to be successful during the pilot phase and support their implementation throughout all thirty-six states in Nigeria.

### **B. First Federal Integrity Meeting for Chief Judges, Oct. 2001**

The Justice of Nigeria invited, all 36 Chief Judges of the Nigerian states, the Minister of Justice, the Police, the Prison Services, Customs and the Independent Corrupt Practices Commission. At this the meeting participants with the help of questionnaires, identified four key areas of judicial reform, namely: (i) quality and timeliness of the trial process, (ii) access to the courts, (iii) public confidence in the judiciary and (iv) efficiency and effectiveness in dealing with public complaints.

Within these four broad objectives, working groups reached consensus on the introduction of seventeen measures to strengthen the performance of the courts and identified fifty-seven impact indicators against which progress would be measured. The workshop, furthermore, selected Borno, Delta and Lagos as pilot states for implementation.

### **C. Comprehensive Assessment of Judicial Integrity and Capacity, Feb. - June 2002**

In order to facilitate facts-based action planning and to identify key issues to be addressed during the implementation stage, CICIP sub-contracted to the Nigerian Institute of Advanced Legal Studies (NIALS) the task of conducting a comprehensive assessment of judicial integrity and capacity in the three pilot states (Borno, Delta and Lagos), based on the 57 indicators agreed upon by the First Federal Integrity Meeting for Chief Judges. The assessment was aimed at producing a clear and coherent picture of the country's current condition with respect

to the (1) levels, locations, types and costs of corruption in the justice system, (2) the institutional structures that encourage corrupt practices and (3) possible remedies for corruption within the justice system. The assessments would also provide the baseline for the monitoring of the judicial reform programme.

For this purpose an assessment methodology was designed including: (i) *a desk review* regarding corruption in the justice system; (ii) *surveys* of a total of 5776 judges, lawyers and prosecutors, court users, court staff and the business community, (iii) *an assessment of the legal anti-corruption framework*, including the Anti-Corruption Act 2000, the Criminal and Penal Act as well as other relevant codes and rules, (iv) *a review of the institutional and organisational framework of the justice system*, in particular focusing on its vulnerability to corrupt practices; and (v) *an assessment of court cases* focusing on the identification of the abuse of procedural or substantive discretion. In November 2002, the first draft of the technical report was submitted and is currently being revised and improved by the Institute. Local consulting and research capabilities on court-related matters are not abundant in Nigeria. The National Institute of Advanced Legal Studies encountered some difficulties in identifying and securing the necessary specialized expertise required for processing and analyzing this large data set.

#### **D. State Integrity Meetings for the Judiciaries of Borno, Delta and Lagos, Sept. 2002**

Three State Integrity Meetings for the judiciaries of Borno, Delta and Lagos State were conducted in September 2002. The meetings which were attended by a broad based group of stakeholders in the justice system came up with detailed action plans delineating measures within the broad areas identified at the First Federal Integrity Meeting for Chief Judges.

More specifically the meetings identified actions to (i) improve access to justice, (ii) increase the timeliness and quality of justice, (iii) enhance public confidence in the courts, (iv) establish an efficient, effective and credible complaints system, and (v) enhance co-ordination and collaboration throughout the criminal justice system.

| <b>Access to Justice</b>  |
|---|
| Improve daily cause-list management   |
| Publish case lists on court notice boards increasing transparency of case-management and facilitating media coverage of court proceedings |
| Public enlightenment through general educational statements and information in courts   |
| Issuing and broadly disseminating an Annual Law Report  |
| Enlighten Local Government Councils about limits of jurisdiction powers of traditional rulers   |
| Judges to focus more intensely on dispute resolution and ADR  |
| Judges should award realistic costs to litigants  |
| Judges to be involved in providing legal training to Police   |
| Judges to monitor their staff   |
| Strengthen the maintenance culture among technical court staff  |
| Ban non-professional touts from court premises  |

| <b>Quality and timeliness of the Court Process</b>  |
|---|
| Reduce backlogs   |
| Reduce court delays   |
| Judicial officers to control their own case calendars   |
| Efficient use of case management and ADR process / Improve case flow management   |
| Review and eventually amend Rules of Court to eliminate trial delays, to extend jurisdiction of lower courts to award compensation in criminal and civil cases. |
| Use of electronic trial recordings in court proceedings   |
| Set/monitor performance standards for judges and court officials  |
| Increase public awareness and dialogues with other justice system stakeholders and court users  |
| Training and restraining of judges, magistrates, prosecutors and court staff  |
| Codify Sharia law   |
| Ensure adequate funding   |
| Upgrade infrastructure in the 3 pilot courts  |
| Provide basic working material and judicial information to the judiciary  |
| <b>Strengthen Public Confidence</b>   |
| Enhance public enlightenment and awareness, involving local government councils   |
| Increase public information on bail   |
| Appointment of Public Relations Officers of State judiciary   |
| Judges and lawyers to maintain judicial decorum / protocol and propriety of conduct in Courtroom  |
| Transparency of judges and court staff to be monitored by ICPC  |
| Enhance transparency and fairness of the appointment process  |
| Regulate lawyers fees   |
| Review/possibly amend legislation on restitution for crime victims  |
| Increase the use of IT and automatic court recording systems / Enhance use of IT in case management   |
| Restore a workable legal aid system   |
| <b>Strengthen Public Complaints System</b>  |
| Implement and enforce the Code of Judicial Conduct  |
| Install complaints and suggestions boxes in all courts / Inform public and encourage direct complaints to the courts about Police abuses                        |
| Establish a transparent, efficient and independent complaint system   |
| Establish Court User Committee to review, analyse and follow-up on complaints   |
| Strengthen public awareness / conduct campaign (how to make complaint, citizens rights, legal literacy)   |
| Conduct ethics and re-orientation training for judiciary and court staff  |
| Improve public access to the Chief Judge and the Complaints system  |
| Define and establish partnership with ICPC  |
| Enhance knowledge of anti-corruption legislation  |
| Strengthen judicial independence  |
| <b>Coordination within the CJS</b>  |
| Increase coordination within the CJS  |
| Reactivation of the Criminal Justice Committee (CJC) to enhance coordination and cooperation  |
| Conduct CJS round-tables  |
| A.G. to be appointed immediately by the Governor (Borno)  |
| Harmonise relevant laws and penalties   |
| Invigorate the Bar-Bench Forum  |
| Increase public involvement in court-related matters  |
| Improve co-ordination police + DPP's Office (Liaison Officers)  |
| Stop frequent transfers of investigating police officers  |
| Commissioner of Police to attend all meetings of the CJC  |
| Earliest possible bail in appropriate cases   |
| Provide Black Marias to all prisons   |
| Controller of Prisons to copy monthly prison returns to all stakeholders (Lagos)  |
| ICPC to monitor and evaluate  |
| Allocate sufficient funding for CJS institution's logistics requirements, incl. Black Marias to all prisons   |
| Provide for witness allowances  |
| Review Criminal Procedure Act and Criminal Justice Act  |

## **E. Establishing and Institutionalising the Implementation Framework**

In order to ensure the swift and sustainable implementation of the identified reform measures, the meetings also established an institutional framework consisting of several committees. These committees would be staffed by judges and other stakeholders of the justice system, including court users, and given the responsibility of designing, conducting and monitoring the implementation of specific reform measures.

Implementation Committees were granted the mandate to co-ordinate and monitor the implementation of action plans. These committees involve not only representatives of the judiciary or the justice system but also non-governmental stakeholders, such as the Bar Association, the media and the Independent Corrupt Practices Commission (ICPC).<sup>1</sup>

Public Awareness and Training Committees were granted the mandate to identify training needs and to design and implement training programmes. In Borno, this Committee was called the Public Complaints and Training Committee and is also responsible for receiving, reviewing, screening and following-up on complaints, to ensure information sharing within the judiciary and to communicate with the public.

Criminal Justice or Administration of Justice Committees were granted the mandate to strengthen co-ordination throughout the criminal justice system in the state. In most States such committees, although existent, were dormant, unfocused or did not involve all relevant stakeholders.

Jurisdictional Review or Rules & Amendment Committees were granted the mandate to review the rules and procedures of court and propose amendments.

Procurement and Purchasing Committees, with the mandate to establish, implement and monitor procurement guidelines for the purchase of essential items identified as part of the reform.

Court User Committees were granted the mandate to improve communication and co-ordination between the courts and other stakeholders in the justice system. In some states, the Court User Committee is also responsible for receiving, reviewing, screening and following-up on complaints.

## **F. Action Plan Implementation, Nov. 2002 - present**

The implementation of the action plans was launched in all three States in November 2002 with the establishment of the Implementation Committees and some of the other above-mentioned Committees. Implementation was supported by the UNODC and the German Agency for Development Cooperation (GTZ), with a total of approximately US \$ 140,000 in the period between November 2002 and March 2003. Funds were used *inter alia* for purchasing electronic court recording machines, basic IT and office equipment (such as computers, printers, copy and fax machines),<sup>2</sup> the upgrading of court buildings, the allowances

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<sup>1</sup> In Abuja, FCT, the Implementation Committee has been defined as Strategic Planning Centre

<sup>2</sup> For each of the pilot states the following equipment was purchased: (i) one PC/R-/1600 - Canon Digital Copier, one PC metal stand, (iii) one box CEX V5 toner, (iv) one PC 2KVA voltage stabiliser, (v) one ream -A4 size paper (vi) four nos. 15" monitors, (vii) four nos. 650 VA UPS, (viii) three nos. HP LJ 1000 W, (x) three VSB

of the various committees to cover the costs of their regular meetings, the organisation of workshops and the documentation and dissemination of the proceedings documents of the three State Integrity Meetings.

#### **G. Second Federal Integrity Meeting for Chief Judges, Dec. 2002**

In December 2002, with the support of the GTZ, a second Federal Integrity Meeting for Chief Judges was conducted in order (i) to review and discuss the results of the assessment of judicial integrity and capacity conducted in the three pilot states, (ii) to share action plans developed by the three State Integrity Meetings with all Nigerian Chief Judges, and (iii) to brief the participants on the status of the implementation of the action plans. The Chief Justice of Nigeria, the President of the Federal Court of Appeal, and 28 Nigerian Chief Judges endorsed the action plans. Following the Chief Justices' call for action, seven of the Chief Judges present, expressed their intention to immediately commence the implementation of similar reform measures within their respective states.

### **III. INTERNATIONAL PROJECT IMPLEMENTATION SUPPORT**

As mentioned above, the judicial reform initiatives in several Nigerian states are being primarily supported by the United Nation Office on Drugs and Crime, the USAID funded National Centre for State Courts, the DFID funded British Council and the German Agency for Development Cooperation (GTZ). With differing focus, these four agencies support the implementation of pilot projects in 9 Nigerian states, namely Abuja FCT, Benue, Borno, Delta, Ekiti, Enugu, Jigawa, Kaduna, and Lagos State. In addition, the Chief Judges of Plateau, Katsina and Kwara State, without awaiting international assistance, have launched judicial reform initiatives in their respective states.

#### **A. Support provided by the UNODC and GTZ for Borno, Delta and Lagos State**

UNODC's Global Programme against Corruption (GPAC) provides support in terms of policy advice, technical expertise, project management support and financial resources. The project was launched in October 2001 and will initially run through September 2003. A second phase project is currently being elaborated. In terms of staffing UNODC has two professional staff members and Head Quarters, one National Project Coordinator and a Project Assistant in Abuja to provide the necessary implementation support.

The project budget amounts to a US\$ 294,000 for a two year period. In addition, the German Agency for Development Cooperation contributed US\$ 140,000 in 2002 towards the implementation of the action plans in the three Pilot States and the conducting of the Second Federal Integrity Meeting for Chief Judges in December 2002.

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cable; (xi) four in cable, (xii) one fax machine (PCK X FP81); (xiii) one fax machine (PCKX - FP85); (xvi) one PC N640P Canon scanner; (xv) four CPU's, and three electronic recording systems (for Lagos only).

## **B. Support provided by USAID through the National Centre for State Courts**

USAID has contracted with the National Centre for State Courts (NCSC) to implement the Nigeria Rule of Law Assistance Project in three Nigerian states, namely Abuja FCT, Kaduna and Lagos. The NCSC provides technical assistance, mainly consisting of workshops and training, as well as technical equipment for the High Courts of Abuja FCT, Kaduna and Lagos State. The project was launched in November 2000 and will run through August 2004. In terms of staffing, the NCSC has two professional staff members and seven Nigerian staff working full-time to provide the necessary implementation support.

The project budget is flexible, depending on the nature and extent of the individual activities and the time schedule.

## **C. Support provided by the DFID through the British Council**

Respective information was not available on time for inclusion in this report.

## **IV. NATIONAL PROJECT IMPLEMENTATION SUPPORT**

The ongoing judicial reform initiatives, both at national and state levels, are also receiving significant support from various national institutions. Besides the judiciary itself, implementation has benefited at various stages from contributions by State Attorney Generals, the Police, Bar Associations, the Academia, the National Judicial Institute, the Nigerian Institute of Advanced Legal Studies, the NGO community and the Media

A key partner in the implementation of the judicial reform initiatives has been the Independent Corrupt Practices Commission (ICPC). The Chairman of the ICPC, members of the commission and several senior staff have been closely involved in the implementation of all activities carried out under the UNODC judicial integrity project, as well as some of the activities sponsored by the USAID funded National Centre for State Courts. In the long run, it is planned that ICPC, as a part of its mandate, will increasingly take over the judicial integrity and capacity issue and become the focal point for supporting the Nigerian Judiciary in strengthening judicial integrity and capacity. The ICPC has already taken up random monitoring of the performance of judges.

In addition to its investigative and prosecutorial functions, the ICPC has the mandate to work with government institutions, including the judiciary and civil society, in building solid partnerships to tackle corruption and build integrity systems. As a former President of the Federal Appeals Court, the Chairman has first hand knowledge of the challenges facing the judiciary, as well as a profound understanding of judicial integrity, independence and accountability.

The Chairman of the ICPC was invited to the first and second Federal Integrity Meeting for Chief Judges as a keynote speaker and was instrumental in addressing key reform issues to the judges. The fact that the CJN invited the ICPC, as an independent watchdog to become part of the reform process proves the firm commitment and willingness of the Nigerian Judiciary to promoting judicial integrity.

The agency's close involvement in the implementation of the project, in particular, in some of the more "generic" activities, such as Integrity Meetings, the development of ethics training as well as several awareness raising initiatives, has also helped to prepare the ICPC for its work with the legislature and the executive.

## **V. PROGRESS MADE IN THE ELEVEN PILOT STATES**

Further to the meeting of the pilot Chief Judges held after the Second Federal Integrity Meeting, in Abuja in December 2002, the UNODC organised a working lunch on 7 February 2003 to discuss progress made in the pilot states. 11 Chief Judges attended, as well as representatives of the National Centre for State Courts, the National Judicial Institute (NJI), the German Development Agency (GTZ), the European Union (EU) and the Independent Corrupt Practices Commission. More specifically, the purpose of the meeting was to (i) increase information sharing, (ii) establish new partnerships, (iii) identify synergies across the various pilot states, and (iv) reach a consensus regarding the joint implementation of new measures.

The participating Chief Judges and their representatives gave short presentations delineating the key measures they had been implementing over the past seven months under the framework of their various judicial reform programmes.

### **A. Lagos State (Supported by UNODC, GTZ, NCSC and USAID)**

An Implementation Committee and several subcommittees (Criminal Justice Committee, and a Public Complaint Committee) have been established and are conducting regular meetings over the past months addressing various aspects of the implementation of action plans developed in September 2002. Information Technology (IT) and Communication Equipment has been provided to the 3 pilot courts.<sup>3</sup> The Lagos State Judiciary identified a room for use as secretariat for the Implementation Committee and the ICPC staff within the High Court Ikeja premises.

#### 1) Access to Justice

In order to reduce backlog and congestion in the Lagos State courts and to provide access to justice at an affordable rate, an Alternative Dispute Resolution System known as the "Lagos Multi-Door Courthouse (LMDC)" has been established at the Lagos State High Court in February 2002. All preparations have been made in order for the Multi-Door Court House System to become operational. Practice Directions of the Lagos Multi-Door Courthouse (LMDC) have been developed and were presented to the public on Tuesday, 10 December 2002. The Uniform Procedure Rule, which is currently before the House of Assembly, will enable the courts to apply ADR in cases before them.

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<sup>3</sup> The United Nations supplied the Lagos State Judiciary with: (i) A photocopier (ii) two fax machines, (iii) toner, (iv) a stabilizer (v) one ream of photocopy paper, (vi) four personal computers, (vii) four monitors, (viii) four UPS and (ix) four laser-jet printers.

## 2) Quality and Timeliness of Justice Delivery

In order to enhance prompt delivery of justice, new case flow management procedures have been established for the Lagos State Judiciary. All Judges as well as senior staff members in administration have been trained in applying these new procedure through a series of workshops organized by the National Centre for State Courts (NCSC). As a result, the timeliness of the appraisal and referral of case files has been increased significantly, with all files being referred, treated and dispatched by noon on any given day.

In order to deal more expeditiously with the heavy case load, the High Court has been divided into five Judicial Divisions: General Civil Division, Commercial Division, Criminal Division, Lands Division, Family and Probate Division. This new structure has had a positive impact on the case flow within the judiciary. However, data allowing for more accurate assessment of the impact of these measures requires computerisation.

In order to improve and streamline court management, the Hon. Chief Judge of Lagos , has appointed two administrative judges to complement her efforts in the management of the courts. Furthermore, the re-organisation of the registry is ongoing.

The amendment of the High Court Civil Procedure rules already commenced before the UNODC project was launched. A draft of these rules was presented on Monday, 2 December 2002 to the Hon. Chief Judge. The amended rules have been referred to as 'The new High Court of Lagos State Civil Procedure Rules' and are now officially before the State House of Assembly.

Additionally, judges have repeated been reminded by the Hon. Chief Judge to have the party causing the delay to carry the costs involved.\_Over time this practice, being now applied regularly, is expected to instil discipline in lawyers and their clients when it comes to attendance, and hereby help reduce delays in court proceedings.

Electronic recording equipment has been provided by the NCSC to two Lagos High Courts. The UNODC, with the support of the GTZ, has provided the Lagos judiciary with three additional recorders. These recorders will help to secure transparency in court proceedings and speed up justice delivery in Lagos, which accounts for more than 50% of the national caseload.

The DPP has appointed process servers and the Attorney General included funds to cover witness fees in the 2003 budget. Both measures should result in improved attendance numbers of witnesses in court and thereby reduce delays caused by unnecessary adjournments.

## 3) Public Confidence in the Courts

The attitude of the Hon. Judges has changed radically since the State Integrity Meeting in September 2002. Following several calls by the Hon. Chief Judge, Judges and magistrates are being urged to maintain the decorum and protocol of their office. The feedback has been positive, in particular from members of the Bar.

Performance standards for judges, magistrates and court officials have been established and monitoring has commenced. Performance standards are monitored by using the monthly returns sent from all courts in Lagos State, taking into account the number of cases received, disposed, and pending. With the recent acquisition of more computers funded by UNODC, the

Hon. CJ intends to have these returns processed electronically, allowing for comparison and analysis of performance across courts, individuals and time. The assessment of magistrates and other court officials during the annual evaluation report, which is still being applied, will be phased out once the computerised process is fully implemented.

UNODC in collaboration with the NCSC plans to conduct an ethics and re-orientation training for all staff. The Chief Judge assigns high priority to this training but is waiting for the necessary funding for training to commence.

In order to improve communication between the judiciary and the public as well as other stakeholders, the Chief Judge participated in various forum and roundtable meetings the other criminal justice stakeholders as well as the public and the private sector. The Chief Judge also meets regularly with the members of the Bar Association of Lagos and Ikeja, as well as the National Bar Association. Awareness raising posters were printed and a court user manual developed as part of the sustained campaign of public enlightenment. Moreover, the in-house magazine "*The Justinian*" is ready for publication, which, however, has been put on hold due to lack of funds. The Lagos State Judiciary is, additionally, in the process of appointing public relation officers for the judiciary. The public relations unit will handle information management by issuing periodic press releases.

As far as the posting of an ICPC officer in the Lagos High Court is concerned, the Chief Judge assigned an office and is expecting an officer of ICPC to be deployed soon. The ICPC officer is expected to monitor judicial integrity, assist in ongoing reform efforts within and beyond the UNODC-GTZ project on strengthening judicial integrity and capacity, and help build public confidence in the Lagos State judiciary.

*The terms of reference for the ICPC staff are as follows:*

- Participate as secretary in all committees and take minutes from the meetings,
- Assist the pilot state to fill in the monthly progress report,
- Assist the two "Anti-Corruption Judges" when required,
- Participate in the development of the curriculum for the ethics training course,
- Assist in the development and implementation of a computerised complaints system.

#### 4) Establishing a Credible Complaints System

One hundred and fifty seven complaints boxes have been installed in all Lagos State courts. A Complaints Committee is in the process of being established. Short questionnaires are on display in order to assist court users in articulating their suggestions or complaints.

#### 5) Improve Co-ordination amongst Criminal Justice Institutions

There have been significant improvements concerning co-ordination between the police and the Directorate of Public Prosecution (DPP). Investigating Police Officers (IPO's) have been assigned to the DPP as liaison officers. They keep in contact with their colleagues in the investigative offices' of the police stations, so as to speed up the preparation of files sent to the DPP's office for advice. In addition, the DPP established an in-house fund to provide for the transportation of these officers to and from court.

A forum of state counsels and police prosecutors has been put into place where the stakeholders meet on a monthly basis to discuss problems relating to criminal prosecution in

the magistrate and customary courts. Coordination and cooperation between the police and officials of the DPP's office have improved significantly.

The Attorney-General initiated *Quarterly Criminal Justice Roundtable* meetings. At the first meeting in November 2002, all stakeholders in the criminal justice system were represented. At the end of the meeting, a list of actions was given to each stakeholder for implementation before the next meeting. Training and re-orientation of staff in the criminal justice system would be part of the agenda at the next Quarterly Criminal Justice Roundtable meeting in March 2003.

There is no doubt that a closer collaboration between the police and the judiciary is urgently required. In particular, the effectiveness of the Criminal Justice Committee continues to be hampered due to the inability of the Commissioner of the Police to participate in the meetings.

Recommendations for the simplification of the bail procedure will soon be implemented to prevent persons in police custody from being detained for too long. A review of the Criminal Procedures Code and Criminal Justice Acts in late 2003 is also planned.

Furthermore, some progress has been made concerning the reliable and timely transportation of prisoners to the pilot courts. The Ministry of Justice has, at its own initiative, donated some money for the refurbishment of the faulty "Black Maria" vehicles. The provision of Black Maria vehicles to all prisons remains a long-term and capital intensive project, falling under the responsibility of the federal government.

## **B. Borno State (Supported by UNODC and GTZ)**

An Implementation Committee and several subcommittees (Criminal Justice Committee, Jurisdictional Review Committee, the Procurement and Purchasing Committee and the Public Complaints and Training Committee) have been established which conducted regular meetings over the past few months, addressing various aspects of the implementation of action plans developed in September 2002. IT and Communication Equipment has been provided to the 3 pilot courts.<sup>4</sup> Several maintenance works have also been carried out in the pilot courts.

### 1) Access to Justice

Several initiatives were undertaken in order to enhance public knowledge of basic rights and obligations and how to access the court system. In particular, a judge has been designated to discuss the on-going judicial reform efforts on television. Among other things, using a TV the public was encouraged to assist the judiciary in curbing corrupt practices in courts. They were also encouraged not to interfere with the due course of justice, and to report incidents of corruption. When they experienced its. The same TV programme also provided basic information regarding bail procedures.

The Borno State Judiciary is currently assessing the introduction of an alternative dispute resolution mechanism comparable to the Lagos Multi-Door Court House model.

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<sup>4</sup> The United Nations supplied the Borno State Judiciary with: (i) A photocopier (ii) two fax machines, (iii) toner, (iv) a stabilizer (v) one ream of photocopy paper, (vi) four personal computers, (vi) four monitors, (vii) four UPS and (viii) four laser-jet printers

## 2) Timeliness and Quality of Justice Delivery

The Jurisdictional Review Committee has conducted its first meeting and initiated review of the court rules and procedures, with a particular focus on the issue of the jurisdiction of the magistrate, upper and lower Sharia courts. The purpose of this exercise is to determine the extent to which the jurisdiction of these courts may be widened in criminal and civil matters in order to reduce the case load of the High Court.

## 3) Building Public Confidence in the Courts

In order to enhance public awareness and strengthen public confidence in the courts, regular meetings were organised by the Public Complaints and Training Committee with the Media and other stakeholder groups in order to present the ongoing judicial reform efforts. On the 10 December 2002, the Deputy Governor opened a seminar where documentation concerning current efforts to strengthen judicial integrity was presented for the benefit of stakeholders. On the 11 of December 2002, the Chairman of the Public Complaints and Training Committee and the Criminal Justice Committee gave a press conference at the Nigerian Union of the Journalists House in Maiduguri, highlighting their activities and initiatives to the public.

## 4) Establishing Credible Complaints System

Complaint boxes were installed in Borno State. The Public Complaints and Training Committee has started to review complaints and make recommendations to the Hon. Chief Judge for further action. This will not only contribute to the credibility of the complaints system but also reduce the workload of the Hon. Chief Judge exclusively.

## 5) Co-ordination amongst Criminal Justice Institutions

Specific efforts have been made to enhance co-ordination and collaboration across the justice system stakeholders. A Bar-Bench Forum is being arranged on a regular basis to involve lawyers in assisting the judiciary in their endeavours to strengthen judicial integrity, addressing issues such as the granting of ex-parte applications, a constant source for perceived and actual corruption.

The Nigerian Bar Association also assists the judiciary in the campaign to curb corruption in the judicial system. The Borno Branch of the Nigerian Bar Association has set up a committee to look into the allegations of corruption against lawyers and prescribe necessary disciplinary measures.

The lack of an Attorney General within the State continues to hamper the functioning of the criminal justice process in general, as well as co-ordination and collaboration between the judiciary and executive in particular. The current solution of a Special Assistant on Legal Matters, who also carries out the function of an Attorney -General, is not practicable.

### **C. Delta State (Supported by the UNODC and GTZ)**

An Implementation Committee and a Complaints Committee have been established which have been conducting regular meetings over the past months, addressing various aspects of the implementation of action plans developed in September 2002. They have been focusing in

particular on awareness raising and strengthening public confidence in the judiciary. IT and Communication Equipment has been provided to the 3 pilot courts.<sup>5</sup>

#### 1) Access to Justice

The Hon. Chief Judge initiated a weekly radio programme entitled "Know your rights", in which a lawyer, assisted by the Complaints Committee, educates the public about their basic rights as court users. The programme is designed to give court users the opportunity to put their questions forward regarding the justice system, as well as enhance court users knowledge of their basic rights and educate them on how to access the courts in defence of these rights.

Cause lists are being published now on a weekly basis. These increase transparency, facilitate the daily work of lawyers' and judges and reduce the time which ordinarily would have been set aside to answer questions on basic issues in the court system. For this purpose, notice boards were set up in all judicial divisions.

#### 2) Building Public Confidence in the Judiciary.

Awareness raising posters have been developed and distributed across the courts in the Delta State. These posters contain basic information, such as where and to whom one can complain, when confronted with corruption.

A list of performance indicators for judges and court staff has been developed and, the Hon. Chief Judge insists now on receiving monthly returns from judges and magistrates, which formally had been neglected.

#### 3) Establishing a Credible Complaints System

Public complaints boxes have been installed in all courts in the 25 judicial divisions of the state. The Implementation Committee and the Complaints Committee are reviewing the complaints and deciding on the follow-up action to be taken. This measure has helped to instil some level of discipline within the judiciary, especially in the lower courts and among junior staff. Court staff are now aware that corrupt practices and other types of improper conduct will be disciplined promptly and without bias.

#### 4) Coordination and Cooperation across the Criminal Justice System

Upon the specific request of the Bar, a monthly Bar-Bench Forum has been launched with the purpose of actively involving lawyers in the ongoing reform efforts. The first Forum was organized in December focusing on the issue of rewarding realistic costs for applications and adjournments. At the second Forum participants mainly discussed possible disciplinary actions against corrupt lawyers.

Moreover, a Police-Judicial Forum has been established to identify and propose solutions for problems encountered in the administration of justice.

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#### **D. Kaduna State (Supported by the NCSC and USAID)**

The Kaduna State Judiciary, with the support of the NCSC, has implemented several steps to improve justice delivery, focusing in particular on case and court management.

Court rules are being reviewed and, where necessary, revised. In particular, requests for adjournments by judges have been limited to a maximum of two, thus, reducing significantly delays in court trials. Further, the new rules will provide legal basis for the use of electronic court recording equipment. In addition, an increase of court fees in civil matters is being evaluated since current court fees are too low. The Kaduna Judiciary also plans to expand the jurisdiction of lower courts in order to reduce the first instance case load of the High Court.

Different types of case-flow management systems have been introduced which allow for case assignment to specialised judges based on case type. Cases are categorised as fast, medium and slow track, depending on the expected time for disposition. The specialisation of judges is combined with a rotation system in order to ensure that judges will be able to handle various types of cases in the course of their careers, thereby, making them eligible for promotion.

The introduction of an alternative dispute resolution system is being considered. This is, however, this is a long-term plan since considerable time and resources are needed for the training of court staff. It is envisaged that the ADR mechanism would commence once requisite legal and budgetary requirements are put in place.

#### **E. Abuja, Federal Capital Territory (Supported by the NCSC and the USAID)**

The Abuja FCT Judiciary established a Strategic Planning Centre responsible for the management of judicial reforms.

Thus far, the Abuja Judiciary has participated actively in all the workshops organised by the National Centre for State Courts on case-flow management, judicial budgeting and professional ethics. As a direct result of this training the Abuja High Court adopted a calendar system that will allow different judges to handle different stages of a case, namely the pre-trial phase, the trial phase, appeals and interlocutory applications.

Also, an alternative dispute resolution mechanism managed by retired judges is under development, following the Lagos Multi-Door-Courthouse model.

Finally, steps have been taken to enhance the security of the courts and, thereby, reduce the incidence of touting court officials.

#### **F. States supported by the British Council and the DFID**

As part of the DFID's comprehensive poverty reduction programme, the British Council was subcontracted to implement a programme component focusing on enhancing access to justice in Benue, Ekiti, Enugu and Jigawa State. Only a few activities have been conducted thus far, since implementation has only recently been launched.

### 1) Benue State

An Administration of Justice Committee has been established which conducts monthly meetings in order to enhance collaboration and co-ordination throughout the criminal justice system.

The Benue State Judiciary continues to encounter serious problems in the delivery of justice because of the lack of Black Maria vehicles needed for the transportation of prisoners to and from the courts. Furthermore, the judiciary is still waiting for customary courts to be upgraded.

### 2) Ekiti State

In order to take advantage of public confidence in traditional rulers and their historical role in dispute resolution, a retreat for traditional rulers had been organized in order to discuss ways to involve them in the delivery of justice. Further, a court user manual has been developed and an information databank on co-ordination between the Ministry of Justice, the police and the judiciary has been established.

### 3) Jigawa State

The Jigawa State Judiciary continues to encounter serious problems in the delivery of justice because of the lack of Black Maria vehicles required for the transportation of prisoners to and from court. Moreover, the judiciary is still waiting for the financial resources for the refurbishment of the courts to be provided the British Council.

### 4) Enugu State

A continuing problem of the Enugu State Judiciary remains the lack of Black Maria vehicles allowing for the timely transportation of prisoners to and from prison causing significant delays in the delivery of justice. However, progress has been made in terms of the upgrading of court buildings. The State Government has announced its support in this respect. Also, experiences with the involvement of traditional rulers in dispute resolution have been largely positive in the Enugu State. Enjoying the confidence of the people and often having an in-depth knowledge of all facts directly and indirectly relevant to the case, The traditional rulers are in a optimal position to re-conciliate the parties.

## **G. Other States Implementing Judicial Reform Initiatives ("Co-pilots")**

Without outside support, the Chief Judges of Katsina, Kwara and Plateau have launched judicial reform initiatives in their respective states. Katsina and Kwara have requested to be included in the UNODC project on strengthening judicial integrity and capacity in Nigeria.

### 1) Katsina

An Administration of Justice Committee has been established which meets on a regular basis providing a platform for stakeholders in the criminal justice system to discuss problems encountered in co-ordinating and co-operating across institutions, as well as a stage to develop common solutions. A Complaints Committee, involving court user interest groups has also been formed to review complaints received by the courts.

With the endorsement of the Chief Justice of Nigeria, preliminary discussions took place between the Chief Judge of Katsina and the UNODC. An agreement was reached that judicial reform efforts in the Katsina State Judiciary initially would focus on:

- Conduct focus groups, involving judges, prosecutors, police, lawyers, academia and court users, in order to identify key problems concerning judicial integrity and capacity in Katsina State and to propose possible solutions hereto.
- Organising and conducting a State Integrity Meeting for the judiciary with the purpose of developing a comprehensive action-plan for the judiciary based on the findings and suggestions of the focus groups.
- Publishing and disseminating a proceedings document of the State Integrity Meeting for the judiciary.
- Providing IT and communications equipment, including internet access to three pilot courts and organize computer training for judges and court staff.
- Reviewing the existing complaints system and developing a computerised programme allowing for case data entry, case tracking, follow-up and analysis of complaints received.
- Launching an essay competition for children in secondary school requesting them to define corrupt behaviour, recommend what the government should do to curb corruption and give suggestions on what they can do to help curbing corruption.

## 2) Kwara State

The judicial reform initiative in Kwara State so far has focused on delay reduction. A Bar-Bench Forum has been established in order to involve lawyers in coming up with standards for reducing the number of adjournments, frivolous appeals and injunctions. In addition, the Chief Judge of Kwara State acted as one of the facilitators at the State Integrity Meeting in Lagos and supported the UNODC team in preparing the report for plenary discussions.

## 3) Plateau State

The judicial reform project in Plateau State focuses on reducing corrupt and other inappropriate practices within the courts. The recent conflict in Jos has increased poverty in the state and led to petty corruption, also in the judiciary. Another objective is the reduction of ex-parte motions, given that they are frequently used to deny another party the right to a fair hearing.

## VI. MAIN PROJECT OUTCOMES

*The principal achievements of the projects are inter alia:*

- The setting of clear objectives concerning (i) access to justice, (ii) timeliness and quality of the trial process, (iii) public confidence in the courts, (iv) efficiency and effectiveness dealing with public complaints and (v) co-ordination throughout the criminal justice system.
- The introduction of measurable performance indicators for the above-mentioned objectives, including institutional integrity, judicial independence, the abuse of substantive and procedural discretion, accountability, efficiency and effectiveness of the justice system.
- The establishment of a coalition of key stakeholders representing three "pillars of integrity", namely the justice system institutions, the Independent Corrupt Practices Commission (ICPC) and civil society, represented by NGO's, the media and Bar Associations.
- The involvement of the aforementioned coalition in the development, implementation and monitoring of the action plans.
- The fast track implementation of reform measures which have the potential to impact standards of judicial conduct, raise public confidence in the justice system and strengthen the rule of law.
- The development of a concept of judicial accountability that does not compromise the principle of judicial independence. Checks and balances within the judiciary were strengthened in particular through the involvement of the Independent Corrupt Practices Commission as a partner to the UN in all phases of project implementation.
- Increased awareness regarding the (i) negative impact of corruption, (ii) levels of corruption in the judiciary, (iii) the role of the judiciary in combating corruption, and (iv) the various judicial reform efforts.
- The political will for reform at the highest level has increasingly been transferred to the state level, which became evident during the Second Federal Integrity Meeting for judges, when seven more states requested support in the implementation of action plans within their respective states.

## **VII. NEXT STEPS AND POSSIBLE JOINT ACTIVITIES**

### **A. Judicial Ethics Training**

Ethics training for judicial personnel and court staff is to be developed and implemented jointly by representatives of the pilot state judiciaries, the ICPC, the NJI, the NCSC and the UNODC with the purpose of:

- Raising awareness of the ethical challenges for judicial and court staff
- Training staff on how to handle these challenges
- Strengthening internal and external integrity systems, including the complaints mechanism, court user groups and the development of a code of conduct for court staff.
- Ensuring follow-up through action planning and measurable output and impact indicators.

The inputs to this training will include:

- An assessment of the main ethical challenges faced by Nigerian judges and court staff identified during the UNODC assessment of judicial integrity and capacity
- The findings of the working group on judicial ethics organized by the NCSC with the support of the UNODC.

### **B. Computerised Complaints System**

In addition, the UNODC plans to develop and install a computerised complaints system at the ICPC and within the three pilot states. Training will be conducted for selected staff in operating this system. The system will be used for tracking, analysing and following up on all petitions, complaints and other misconduct related complaints, including the preparation of periodic reports. In order to develop a functional system that will work in Nigeria an international database expert would, , conduct a need assessment. Based on this needs assessment, the project will develop and install and pilot test a computerized complaint system. As soon as this system works well in the three pilot courts it will be implemented in all the courts in the three pilot states.

### **C. Electronic Court Recording Training**

As a next step, the National Centre for State Courts (NCSC) plans to conduct two training sessions on how to operate electronic court recording systems, one in Kaduna and one in Abuja. The UNODC and the GTZ are invited to send court staff from their pilots in Borno, Delta and Lagos to participate in this training.