



STATE ACTION PLAN TO STRENGTHEN JUDICIAL INTEGRITY AND CAPACITY IN BENUE STATE 2007 - 2009





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Project NGA/S08: "Support to the Economic and Financial Crimes Commission and the Nigerian Judiciary"

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**State Action Plan
to Strengthen Judicial Integrity and Capacity
in Benue State
2007 – 2009**

FOREWORD

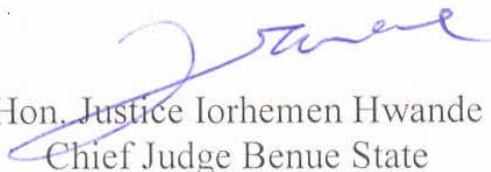
I consider it an honour and great privilege to me to present this Action Plan for strengthening the integrity and capacity of the judiciary in Benue State, which was developed by and endorsed by the State Integrity Meeting for the Judiciary in Benue State on the 21st June 2007 in Makurdi, Benue State.

After extensive stakeholder consultations, the Implementation Committee for the Action Plan has further reviewed and developed the Action Plan to its present status. Encouraged by the commitment pledged by His Excellency, Rt. Hon. Gabriel Torwua Suswam, the Executive Governor of Benue State, the support we continue to receive from our international partners, as well as the broad involvement of all stakeholders in the planning exercise, we are confident that this new plan will boost justice sector reform in the State.

Nevertheless, the real task is only about to begin. It is only if we are all able to contribute our quota to the implementation of this plan that we will deliver on its ambitious objectives of enhancing access to justice, improving timeliness and quality of justice delivery, strengthening independence, accountability, integrity and oversight of the justice institutions. Let us be encouraged by what has been so far achieved. The preliminary findings of the assessment of the justice sector in Benue State, a study which was conducted with the support of the United Nations Office on Drugs and Crime and the European Commission indicates that we are moving in the right direction. With the adoption of a new High Court (Civil Procedure) Rules which came into effect in the State on the 1st October 2007, and a similar exercise in the offing in respect of the lower courts, it is hoped that courts in the State will deliver justice to deserving litigants faster than was previously the case. This will in turn impact in greater confidence in our ability to meet the needs of justice seekers.

Against this background, I charge all stakeholders in the other arms of government, the Nigerian Bar association and the private sector, the police and prison services, non-governmental organizations as well as other civil society groups, and indeed my fellow judges to step up efforts towards the improvement of the services we render to our people and those who violate our laws and protect the poor and the weak.

May God help us so to do.



Hon. Justice Iorhemen Hwande
Chief Judge Benue State



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State Action Plan to Strengthen Judicial Integrity and Capacity in Benue State 2007 – 2009

1. Measures to Enhance Access to Justice					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Output
1. Enhance Public Confidence in the Judiciary and the Public’s understanding of the Judicial Process and System					Greater awareness of the need for access to justice
a) Mount a public enlightenment campaign including the production of basic information materials for court users, in particular women, in English and Local languages (Pamphlets, Handbills, Posters, Billboards, Radio and TV jingles)	High	Implementation Committee, UNODC/NJI	2008	3,000,000	Information materials produced and disseminated to all courts, prisons, and police stations
b) Design and conduct a radio programme on Judicial Matters – “Justice matters” providing information on justice related issues of general interest and answering and questions of the public	High	Information Unit of the High Court, NJI, UNODC	2008	2,000,000	Radio and TV talkshow designed and 12 shows both for radio and TV broadcasted on a pilot basis
c) Conduct periodic public enlightenment events providing a platform of dialogue for court users and legal practitioners, such as community meetings, enlightenment workshops and theatrical presentations aimed at demystifying the justice system, involving traditional and religious leaders, NGOs, folksingers, and other opinion makers	Medium	Implementation Committee, Local Governments, Criminal Justice Committee, MOJ, University, NBA	2008/09	5,000,000	6 court user forum conducted (1 per zone per year)
d) Provide the Benue State High Court with a functioning web-site containing basic info on costs, court process, HC decisions, and other relevant information	Low	Implementation Committee, Benue State Government	1 st quarter 2008	500,000	Internet facility already established, and High Court has the capacity to sustain the website
e) Legal Education should become part of the regular curriculum of primary and secondary schools	High	Implementation Committee, Ministry of Education	2008/09	Long term	Ministry of Education has included legal education in the school curriculum, learning materials have been produced
f) Employ more skilled interpreters in the major languages of Benue State, and provide regular training for them.	Medium	Benue State Government/CJ	2008	1,000,000 Training	Number of additional interpreters employed to service the Benue courts



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1. Measures to Enhance Access to Justice (continues)					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Output
2. Enhance Affordability of the Justice System and improve legal representation in particular for the poor					Improve access for the justice for the poor
a) Review filing fees with a view to reducing fees, as appropriate, including the provision of exemptions for the least privileged;	High	CJ, State Government	Jul.2007	Minimal	Report on filing fees prepared and submitted to the CJ
b) Increase pro-bono services provided by lawyers, including through making the provision of a minimum number of pro-bono services conditional for the consideration for any office or function (e.g. call to the bench, SAN, offices in the NBA, etc)	Medium	NBA, JSC, NJC	Oct.2007	Administrative	NBA developed and issued practice direction on pro-bono service
c) Improve funding to and services provided by the public defender and the Legal Aid Council	High	Attorney General of the Federation and Minister of Justice	2008/09	Administrative	Number of cases serviced by the public defender and legal aid council have increased to cover all cases in which bail has not been granted
Impact Indicators					
<ul style="list-style-type: none"> - 27 Affordability of court and lawyer fees for court users and business people - 28 Average number of postponements per case-category - 29 Access to free defense for prisoners awaiting trial - 30 Access to Information concerning their own case for court users, business people and prisoners - 31 Use of Alternative Dispute Resolution techniques, restorative justice and diversion concepts 					



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2. Measures to Enhance Quality and Timeliness of Justice Delivery					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Output
1. Reduce delays in the court process, including the number of postponements					Faster dispensation of cases.
a) Review the rules of court (including of lower courts), and amend them as appropriate to make the court process more efficient (Special attention should be given to the jurisdictions of lower courts)	High	Law Review Commission, A-G, CJ	On going	1,500,000	Proposal of the Benue State High Court(Civil Procedure) Rules completed the new rules adopted. Proposal for the amendment of Rules of lower courts on-going.
b) Establish clear rules for the transfer and assignment on special duties of stakeholders (Judicial officers, Police, Prosecutors and Investigators), including the giving of notice of at least 3 months in advance of the transfer	Medium	Criminal Justice Committee (CJC)	Nov.2007	Administrative	CJC agreed upon acceptable standards concerning the transfer of stakeholders
c) In complex cases, assign multiple counsel to a case and conduct group conferences with a view to avoiding postponements, should the counsel not be available	High	AG, Commissioner of Police, CJC	Aug.2007	Administrative	A-G issued Practice Direction to all Directors
d) Increase funding to the Prison authority to ensure the prompt production of the accused in court. (Comptroller of prison will prepare and submit budget proposal to the CJC, and report on the use of funds to the CJC)	High	CJC, Comptroller of Prisons/Federal Government	2007	10,000,000 for vehicles	Increase funding resulting in prisoners awaiting trial being produced in court within constitutionally required timeline
e) Reactivate the payment of transportation costs to witnesses (CR to prepare budget proposal for 2008 concerning financial requirements for covering costs for witnesses expenses based on 2006 requirements)	High	A-G, CJ	Aug.2007	Already being implemented	Sufficient funding available to cover witness expenses. This is already being paid out of the overhead allocation of the High Court
f) Recruit more judicial officers and court staff to reduce overall workload (CR, in consultations with Administrative Judges, prepare budget proposal for 2008 for the hiring of additional staff)	High	CJ, Federal and State Government	2008/09	On-going	Number and type of additional court staff hired



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2. Measures to Enhance Quality and Timeliness of Justice Delivery (continues)					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Output
g) Provide funding for process server departments in police, MoJ and Courts (CR, AG, COP to prepare budget proposals for 2008 concerning financial requirements for covering costs for process servers based on 2006 requirements)	Low	CJC		Already being implemented for process servers in the Judiciary	Sufficient funding available to cover budgetary needs for effective and timely serving of processes
h) Ensure adherence to the practice direction in relation to adjournments	Medium	Bar /bench	Oct.2007		Reduced number of adjournments being granted
i) The rule of evidence, according to which the accused is to be served before the trial commences should also apply to the lower courts (Section 36 Constitution). <i>Mutatis mutandis</i> the rule should also apply in favor of the prosecution. The prosecutor should be served the list of evidence, including the witness list, as well as the line of defense before the trial commences.	High	Judiciary	Jul.2007	Administrative	Judges of the higher and lower bench insist that courts are provided with the list of evidence and the line of defense prior to the commencement of the trial
j) Stay of execution should only be granted on an exceptional basis to avoid interference with the execution of valid judgments	High	A-G and CJ	Oct.2007	Administrative	
2. Increase the effectiveness of the investigation and prosecution					
a) Organize training and retraining for IPO's and police prosecutors and court employers on practice, procedure and ethics	High	Commissioner of Police/CJC, NJI, UNODC	2008	5,000,000	Training materials developed, (Number of IPOs and Number of Police Prosecutors trained)
b) As appropriate, assign investigative teams to cases, with a view to ensuring availability of IPO's for court appearances.	Medium	Commissioner of Police	Jul.2007	Administrative	Practice direction issued to CID at Division level
c) Providing the Police and Prison Services with 16 additional vehicles	Medium	Federal/State Government	2008/09	To be determined by contractors	16 additional vehicles available
d) Provide prison lock-ups within the three zones of the State	Medium	Comptroller-General of Prisons/Federal Government	2008/09	To be determined by contractors	Prison lock-ups built
e) Expedite the provision of advise by the A-G's Office and the preparation of charges at the High Court	High	A-G	Jul.2007	Administrative	Advise and charges prepared in a more timely fashion



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2. Measures to Enhance Quality and Timeliness of Justice Delivery (continues)					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Output
f) Notify the MoJ immediately of the completion of the investigation	High	Commissioner of Police/Ministry of Justice	Jul.2007		Police informs MoJ immediately upon completion of investigations
g) Review current bail practice and make recommendations for their amendment, as appropriate.	Medium	CJ	Sept.2007	Administrative	Practice direction to all courts issued
3. Provide appropriate infrastructure to the courts.					
a) Equip courts with adequate facilities guaranteeing their proper functioning and security (incl. Generators), (CR and registrars prepared infrastructure needs assessment and submit to State Government)	Medium	State Government, CJ;UNODC	Aug-Dec. 2007	Budgetary allocation	Infrastructural upgrades provided based on needs identified
b) Consider constitutional amendment to recognize lower court Judges fully as judicial officers	Low	National Assembly	2008	Administrative	
c) Provide basic IT infrastructure for selected courts in the State, including court recording machines, computers, networking, e-record-keeping system, internet connection, legal research tools	Medium	Implementation Committee, CJ, State Government, UNODC, NJI	2008/09	8,000,000	Basic IT infrastructure provided to selected pilot courts
d) Train judicial officers and court staff in the use of IT	High	Implementation Committee, NJI/UNODC	2008/09	Ditto	Number of judicial officers and court staff in pilot courts trained in the use of IT
e) Establish well equipped libraries for the Ministry of Justice, Judiciary and the Police Prosecutors' Office.	Medium	Implementation Committee, A-G, Commissioner of Police, NJI, UNODC	2008/09	2,000,000	Libraries at the HC, MoJ and Police Prosecutors office provided
f) Establish forensic laboratory for illicit narcotic substances at the zonal level.	Low	State and Federal Government		To be determined	Forensic laboratory established



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2. Measures to Enhance Quality and Timeliness of Justice Delivery (continues)					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Output
4. Improve welfare and condition of services for judges, magistrates and police	High	Federal and State Government	2008/09	To be determined	
a) Ensure payment of allowances to low-level court staff as a priority	High	CJ’s Office/CR		Administrative	Punctual disbursement of allowances to court staff as a priority
b) Review salary scales, allowances and regular payment for the Lower Bench and other categories	Low	JSC to liaise with NJC and State Government		Administrative	Report on salary scales issued, including recommendations for salary increases, based on cost of living and salary scales in other States
Impact Indicators <ul style="list-style-type: none"> - 27 Average duration of cases per case-category - 28 Average time required for enforcement of court decisions - 29 Average Backlog per judge - 30 Average number of postponements required because of absence of parties, witnesses, accused - 31 Case-management authority of judges – room for delay tactics of prosecutors, lawyers and parties - 32 Quality of record-keeping - 33 Availability of judicial resources (laws, jurisprudence of higher courts, legal literature, sentencing guidelines) - 34 Perceptions of stakeholders concerning consistency, coherence, predictability of court decisions - 35 Opinions of judges and prosecutors concerning adequacy of continuous professional training (quality and frequency) - 36 Time required for prisoners awaiting trial to initiate/ conclude their case (first instance) 					



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3. Measures to Enhance Accountability, Independence, Integrity and Oversight					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Outcome
1. Improve Performance Evaluation of Judges and Court Staff					Improved performance and professional skills and productivity
a) With a view to balancing quantitative and qualitative evaluation criteria for Judges, consider adding criteria to the current evaluation scheme, including e.g. input by legal practitioners, peer review, input by court staff (360 degree evaluation), observation by prison authorities concerning undue delays.	High	CR, JSC, NJC	Sept.2007	Administrative	Report on good practices in judicial evaluation, including recommendations for the amendment of current practice issues
b) Conduct regular evaluations for court staff	High	CR	Sept.2007		Court staff performance reviewed on an annual basis
c) Quarterly returns to be crosschecked by the Chief Registrar for accuracy, in particular as concerns the section under which cases have been disposed of	High	CR	Jul.2007	Administrative	monthly returns of the lower bench crosschecked by the CR as a matter of practice
2. Enhance Integrity of Judicial Officers, Legal Practitioners and other Justice System Stakeholders				Administrative	
a) Publicize the Code of Conduct to all stakeholders and posting it on the courts’ notice boards	High	Judiciary	Jul.2007		Code of conduct available to court users
b) Translate the code into simple, easily understandable terms for public consumption	Medium	National Orientation Agency	2008	500,000	Court Users Charter of Rights established
b) Publicize Rules of Professional Conduct for Legal Practitioners, including wide dissemination of the rules to all Legal Practitioners	High	NBA	Aug.2007	500,000	Rules of professional conduct for legal practitioners published and widely disseminated to all legal practitioner
c) Institutionalize training on professional ethics to all categories of judicial officers, judges of the lower courts, court staff, police prosecutors, including the training of trainers	Medium	CJ/ NJI/ Academia (UNODC)	2007	2,000,000	Training courses on professional ethics developed
d) Judicial Officers in managerial positions should be trained on leadership and management (ASCON)	Medium	State Government/ CJ		2,000,000	Number of Administrative Judges, CRs and DCRs trained



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3. Measures to Enhance Accountability, Independence, Integrity and Oversight (continues)					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Outcome
3. Increase the Effectiveness of the Disciplinary Systems for Judicial Officers and other Legal Practitioners		State government, NCJ, NBA		Administrative	
a) More effective and transparent sanctioning of professional misconduct	Medium	JSC, NJC, LPDC, NBA	Jul.2007	Administrative	Increased scrutiny in the investigation and sanctioning of professional misconduct
b) Review cumbersome disciplinary procedure for the Bar	Low	LPDC, NBA	2008/09	Administrative	Current disciplinary procedure of the LPDC reviewed and amended, as appropriate
4. Prevent opportunities for corruption					
a) In cases of armed robbery, application for bail should be made conditional on filing of case within pre-determined time period (Section 10 Robbery and Firearms Special Provisions) Act, Section 35 of Constitution of the federal republic of Nigeria,1999	High	Individual Judicial Officers	Jul.2007	Administrative	Practice directive issued to all judges of the higher and lower bench
5. Increase Oversight and Accountability in the Justice Sector					
a) Establish a scheme for regular court inspections by voluntary court monitors, e.g. members of local NGO's, and selection and training of such court monitors	Medium	CJC/ CR/ (e.g. Justice Development and Peace Commission of the Catholic Church)	2008	2,000,000	Number of voluntary court monitors identified and trained
b) Strengthen supervision by Chief Judges and Administrative Judicial Officers	High	NJC/NJI/JSC	On going	Administrative	Enhanced appreciation of managerial responsibilities by relevant judicial officers
c) Strengthen the courts' Inspectorate section	High	CR	2008/09	Administrative	
d) Monitoring of police cells through the conduct of regular, unscheduled, inspections	High	CR	2008/09	500,000	CJC to conduct a minimum of xxx unscheduled inspection



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3. Measures to Enhance Accountability, Independence, Integrity and Oversight (continues)					
Measures and Activities	Measures and Activities	Measures and Activities	Measures and Activities	Measures and Activities	Measures and Activities
e) Establish easily accessible, visible, efficient and credible public complaints system for the courts, including the establishment of a Public Complaints Committee (PCC), the installation of Public Complaints and Suggestion Boxes in all courts in Benue States	High	CJ/ CR UNODC/NJ I	Apr.2008	200,000	PCC established, complaints and suggestion boxes installed in all courts in all courts in the State
f) Publicize asset declarations by Judicial Officers to allow public scrutiny.	High	JSC	Oct.2008	Administrative	Asset declarations of judges being published on the Notice Boards
6. Increase Independence of the Judiciary					
a) Ensure fiscal independence of the judiciary through quarterly direct remittances of allocation	Medium	Executive	Feb.2008	Administrative	Quarterly remittances received by the judiciary
Impact Indicators					
<ul style="list-style-type: none"> - 27 Perception of judges, prosecutors, lawyers, court users and businesses concerning the independence of the judiciary. - 28 Opinions of judges concerning fairness and transparency of recruitment and career development. - 29 Availability, adequacy, and active knowledge of content of Code of Judicial Conduct - 30 Frequency and content of performance evaluation of judges and prosecutors. - 31 Perceptions concerning credibility, transparency, fairness and effectiveness of disciplinary authorities and disciplinary process - 32 Awareness and use of any existing complaints system and mechanisms. - 33 Frequency of court users, business people and prisoners being asked by judges, prosecutors, police, lawyers and court staff to pay a bribe to solve or accelerate their cases. 					



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4. Increase Coordination in the Criminal Justice System					
Measures and Activities	Priority	Responsible	Starting Date	Cost	Output
1. Improve coordination and cooperation between the bench and the bar					
a. Reactivate regular (quarterly) bar/bench meetings to discuss criminal justice aspects	High	CJ and Chairman of the Bar (3 units)	Oct.2007	1,000,000	Quarterly bar/bench meetings conducted
2. Improve coordination and cooperation between the courts and the police		CJ, CP	Oct.2007	Administrative	
a) Hold regular seminars/fora/dialogue to coordinate and improve working relationship between police and courts	Low	CJC	Oct.2007	1,000,000	(number of) seminars at zonal level between police and the judiciary conducted
b) Communicate to police authority the need to allow police staff to appear in court when needed (timing)	High	CJC	Nov.2007	Administrative	
c) To ensure adequate witness protection	High	CJC	Nov.2007	Administrative	
d) Continue the joint prison visits (from existing draft AP)	High	CJC	On going	Administrative	Regular (specify) prison visits conducted
e) CJC to organize meetings at the working level to capture grass root problems with a view to addressing them at the level of the CJC	Low	CJC	Oct.2007	500,000	Each meeting of the CJC will be prepared with a number of preparatory grass-root level meetings



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4. Increase Coordination in the Criminal Justice System (continues)					
Measures and Activities	Measure s and Activities	Measures and Activities	Measures and Activities	Measures and Activities	Measures and Activities
3. Improve coordination and cooperation between the courts and the prison authority	Medium	CJ/Comptroller of Prisons	Dec.2007		
a) Establish additional homes for juvenile offenders	Low	State Government	2008	Budgetary allocation	Additional capacities for juvenile offenders
b) Establish prison for female offenders	Low	Federal/State Government		Budgetary allocation	Special prison or separate prison section established for female offenders
Impact Indicators					
<ul style="list-style-type: none"> • 1 Perceptions of judges, prosecutors, police and lawyers concerning the coordination among criminal justice institutions. • 2 Perceptions of judges, prosecutors, police and lawyers on the quality of work performed by other criminal justice institutions • 3 Existence and functioning of a criminal justice committee • 4 Funds allocated by Govt to allow payment of transport for witnesses... 					

Total : 56,200,000 Nairas (Approx 425,000 US dollars)



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