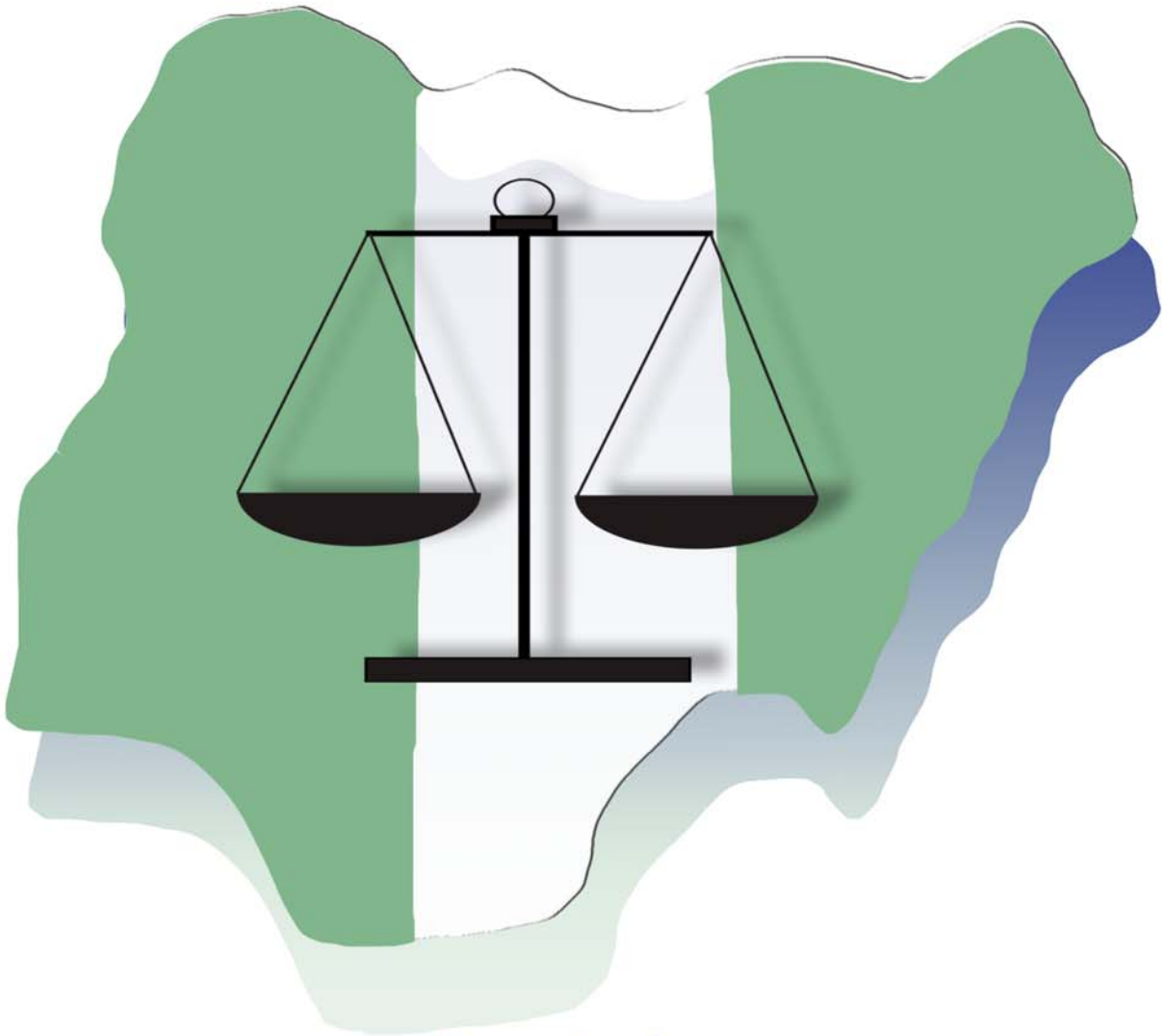
Strengthening Judicial Integrity and Capacity in Katsina, Nigeria



Report of the First State Integrity Meeting in Katsina

Katsina, 18-19 June 2003

UNITED NATIONS
Office on Drugs and Crime

Supreme Court of Nigeria &
Independent Corrupt Practices and
Other Related Offences Commission

First State Integrity Meeting in Katsina

Edited and co-auhtored by;
Petter Langseth and Oliver Stolpe
UNODC's Global Programme against Corruption

Katsina, 18-19 June 2003

Disclaimer

The views expressed herein are those of the authors and editors and not necessarily those of the United Nations

TABLE OF CONTENT

I. FOREWORD

It gives me very great pleasure to express my personal support for this major and important initiative being taken by the Chief Justice of the Federation.

The Rule of Law stands as a vital underpinning for our society. By upholding the Rule of Law, our judiciary acts in the interests of all Nigerians, securing their personal safety and freedoms and safeguarding the integrity of the nation.

At the head of our judiciary stands the Chief justice of the Federation. To discharge these heavy responsibilities, he and his judges must be – and are fully - independent of the executive. No one is more conscious of this than I am.

He and his judges will know that my administration strives to respect their independence and to comply with their judgments whenever this is called for.
I can assure the Chief justice and the Chief Judges of the States that I will do everything I can to support their endeavours to raise the quality of the justice afforded to our fellow citizens.

Olusegun Obasanjo
President and Commander-in-Chief
Federal Republic of Nigeria
December 2001

II. OVERVIEW

by Hon Chief Justice M.L. Uwais, Chief Justice of Nigeria

A. Introduction

The First Federal Integrity meeting on Strengthening Judicial Integrity and Capacity in Nigeria was held in Abuja from 26-27 October, 2001[1]. The meeting was attended by Chief Judges[2] from each of the 36 States, and the debate and application shown by all the participants was of the highest order.

Knowing each of the Judges personally as I do, it came as no surprise to me that they should have been so assiduous in their duties and so diligent in their dedication to improving the access and quality of the judicial services provided to Nigerians throughout our land, and to those who come to live with us or to participate in our economic life. At the same time, it would be remiss of me not to record this for the benefit of those unable to be present.

Nor was I surprised at the high level of concern participants demonstrated, particularly for those consigned to prison for no other reason than being unable to pay a modest fine and for those unfortunate casualties of system that does not always perform as it should, prisoners awaiting trial but held in prison.

It offends our individual and collective sense of justice that the poor should be penalised in this way, and the overwhelming conviction of the meeting was that a power to impose suspended prison sentences must be introduced by the National and State Assemblies. This will empower the courts, in circumstances where a convicted person is unable to pay a fine, to impose a penalty, which is appropriate but not tantamount to punishment for experiencing poverty.

Those not with us should learn, too, of the efforts Chief Judges are making to visit prisons with human rights NGOs and others to expedite the hearings for cases where prisoners are awaiting trial, and to facilitate the granting of bail where this is appropriate.

B. Origins of the initiative

As my fellow justices can confirm, I have long been deeply concerned about the state of our judiciary and anxious to do whatever I can to improve the quality of legal services we offer the public. Against this background, the inspiration for our meeting came from my involvement, as Chief Justice of Nigeria, in a small Judicial Leadership Group on Judicial Integrity, that has met twice to date, initially in Vienna, Austria on April 9-10 200O, and again in Bangalore, India, on February 20-22, 2001. At Bangalore three of us, I and my

[1] The proceedings had the benefit of contributions from the Hon. Attorney General and Minister of Justice Chief Bola Ige and the Hon. Justice M.M.A. Akanbi, Chairman of the Independent Corrupt Practices and Other Related Offences Commission
We were also grateful for the participation and support of UN's Centre for International Crime Prevention (CICP) in Vienna represented by Petter Langseth, Edgardo Buscaglia and Oliver Stolpe, ODCCP's Lagos Office represented by Paul Salay and Transparency International (TI) represented by Jeremy Pope. Both have been involved in facilitating the work of the Judicial Leadership Group.

[2] See attachment I, Participant List

brother Chief Justices from Uganda and Sri Lanka, expressed our wish to proceed along the lines suggested by our deliberations there. In this way, initiatives are now starting in all three countries, in the source of which we will share both our experiences and the lessons we learnt with each other and, more widely, with the other members of the Leadership Group.

I am looking forward to welcoming members of the Leadership Group to Abuja during the second quarter of year 2002, when we will all review the progress being made to date. In Bangalore as well, we worked over a period of three days to produce a draft Global Code of Conduct for the Judiciary. This is a document which has been extremely well received as it continues to be circulated around the Commonwealth and the wider world, and it is one from which, I believe, we ourselves in Nigeria can benefit by reviewing our own Code of Conduct against its provisions.

C. The way forward in Nigeria

In carrying out our project in Nigeria, I envisaged this gathering as marking the start of a process that will develop survey instruments that will be applied to three courts in each of three pilot states (Lagos, Delta and Borno). Comprehensive Assessment and Integrity Action Planning Workshops will take place in each of these courts during the first quarter of year 2002, involving a full range of stakeholders (i.e. those who are involved with the courts in one way or another, including police, prisons, the Bar, human rights NGOs, etc.). These Integrity and Action Planning Workshops will consider and interpret the results of the comprehensive assessments for their court and develop action programmes informed by the findings. These programmes will be implemented over the succeeding twelve months or so, after which further surveys will be conducted to measure the impact of the reforms.

Further national workshops will be held to assess the progress being made and to ensure that all the states are in a position to share in the lessons being learned. I also expect the Chief judges, both in the designated pilot states and of other states not to await the results of the full programme, but to press ahead with their own reform programmes as lessons are learned as we progress through the project's cycle. Indeed, there were clear messages identifying needed actions that came out of our first gathering, and I have attempted to draw these together at the conclusion of this introduction.

D. The First Judicial Integrity Meeting

Our meeting addressed the challenges we face as the leaders of judicial administrations in ensuring that standards of performance are raised to a level where the public has total confidence in the judiciary as an institution and in judges in particular.
We identified four broad headings under which we must address our tasks –

- Improving Access to Justice;
- Improving the Quality of Justice;
- Raising the Level of Public Confidence in the Judicial Process; and
- Improving our efficiency and effectiveness in responding to public complaints about the judicial process

Having done so we then identified the ways in which we, ourselves, would wish to be judged or "measured" as a technician would say.

This involved our brainstorming intensively about what the "indicators" should be that we would like to see applied to measure the impact of our work, bearing in mind that these had to be matters over which we had a measure of control, and they also had to be actions which could impact favourably on the judicial process.

We are also grateful for the participation and support of UN's Centre for International Crime Prevention (CICP) in Vienna represented by Petter Langseth, and Oliver Stolpe, ODCCP's Lagos Office represented by Paul Salay and Transparency International (TI) represented by Jeremy Pope. Both have been involved in facilitating the work of the Judicial Leadership Group as well as the project on Strengthening Judicial Integrity in Nigeria.

E. Follow-up action identified in the course of the Workshop

1. Access to justice

Code of conduct reviewed and, where necessary revised, in ways that will impact on the indicators agreed at the Workshop. This includes comparing it with other more recent Codes, including the Bangalore Code. It would also include an amendment to give guidance to Judges about the propriety of certain forms of conduct in their relations with the executive (e.g. attending airports to farewell or welcome Governors). Ensure that anonymous complaints are received and investigated appropriately.

Consider how the Judicial Code of Conduct can be made more widely available to the public.

Consider how best Chief Judges can become involved in enhancing the public's understandings of basic rights and freedoms, particularly through the media.

Court fees to be reviewed to ensure that they are both appropriate and affordable

Review the adequacy of waiting rooms etc. for witnesses etc. and where these are lacking establish whether there are any unused rooms etc. that might be used for this purpose.

Review the number of itinerant Judges with the capacity to adjudge cases away from the court centre

Review arrangements in their courts to ensure that they offer basic information to the public on bail-related matters.

Press for empowerment of the court to impose suspended sentences and updated fine levels

2. Quality of Justice

Ensure high levels of cooperation between the various agencies responsible for court matters (police; prosecutors; prisons)

Criminal Justice and other court user committees to be reviewed for effectiveness and established where not present, including participation by relevant non-governmental organizations

Old outstanding cases to be given priority and regular decongestion exercises undertaken.
Adjournment requests to be dealt with as more serious matters and granted less frequently.

Review of procedural rules to be undertaken to eliminate provisions with potential for abuse.

Courts at all levels to commence sittings on time. Increased consultations between judiciary and the bar to eliminate delay and increase efficiency.
Review and if necessary increase the number of Judges practising case management.

Ensure regular prison visits undertaken together with human rights NGOs and other stakeholders

Clarify jurisdiction of lower courts to grant bail (e.g. in capital cases).
Review and ensure the adequacy of the number of court inspections.
Review and ensure the adequacy of the number of files called up under powers of review.

Examine ways in which the availability of accurate criminal records can be made available at the time of sentencing

Develop Sentencing Guidelines (based on the United States' model).

Monitor cases where ex parte injunctions are granted, where judgments are delivered in chambers, and where proceedings are conducted improperly in the absence of the parties to check against abuse.
Ensure that vacation Judges only hear urgent cases by reviewing the lists and files.

3. Public Confidence in the Courts
Introduce random inspections of courts by the ICPC.,

Conduct periodic independent surveys to assess level of confidence among lawyers, judges, litigants, court administrators, police, general public, prisoners and court users

Strengthen the policies and initiatives to improve the contact between the judiciary and the executive

Increase the involvement of civil society in Court User Committees

4. Improving our efficiency and effectiveness in responding to public complaints
Systematic registration of complaints at the federal, state and court level

Increase public awareness regarding public complaints mechanisms

Strengthening the efficiency and effectiveness of the public complaints
the efficiency and effectiveness of the public complaints

III EXECUTIVE SUMMARY

A. The State Integrity Meeting

The First State Integrity Meeting for the Katsina State Judiciary was conducted on 18 - 19 June 2003 upon the request of the Chief Justice of Nigeria and the Chief Judge of Katsina State. The purpose of the Meeting was to identify the key problem areas hampering the delivery of justice in the Katsina State, to discuss and reach consensus on possible solutions and to develop and adopt an action plan within the five areas of reform, as they had been established by the First Federal Integrity Meeting for Chief Judges in October 2001 and confirmed by the Second Federal Integrity Meeting for Chief Judges in December 2002.

On the first day of the meeting, participants worked in five homogenous focus groups, consisting of Judges and Chief Magistrates (Focus Group 1), Magistrates and Sharia Court Judges (Focus Groups 2), Court Staff (Focus Group 3), Police, Prison and Prosecutors (Focus Group 4) and Court Users (Focus Group 5). These Groups, each from its particular perspective and role within the justice system, were given the task to (1) identify the problems currently hampering the delivery of justice in Katsina State, (2) describe those aspects of justice delivery which are currently working effectively, (3) delineate broad reform measures which are needed to improve justice delivery, and (4) acknowledge statements illustrating some of the major problems to be resolved.

On the second day, participants were divided into multi-sectoral working groups, each with the task of identifying concrete actions to enhance access to justice (Working Group 1), the timeliness and quality of justice delivery (Working Group 2), the public's trust in the courts (Working Group 3), the complaints system (Working Group 4) and the coordination throughout the justice system institution (Working Group 5). With the assistance of a decision-making matrix the working groups developed actions plans establishing concrete measures, responsibilities, timeframes, costs, starting dates and impact indicators.

B. Conclusions and Recommendations

At the Katsina State Stakeholders' Workshop on Judicial Integrity and Capacity Building which took place in Katsina, the State Capital, from June 17 – 18, 2003, it was resolved that in order to improve the quality of justice and enhance public confidence in the courts, the following measures should be put in place.

- Establish six (6) committees such as Criminal Justice Committee (CJC), Court Users' Committee (CUC), Rules Reform Committee (RRC), Complaint Committee (CC), Public Awareness Committee (PAC), Implementation and Coordination Committee.

- There is need to strengthen the existing complaint mechanism in order to increase the

efficiency and effectiveness of the complaint system.

- There is need to have continuous consultative forum with the Bar and the public.

- There is need to simplify the rules and procedures of the various courts in Katsina State.

- There is need for training and retraining of judicial and non-judicial staff.

- There is need to enforce the Code of Conduct for judicial and non-judicial court staff in order to build public trust in the Judicial system.

- There is need to ensure performance monitoring of judicial officers, in particular of sitting practices.

- There is need to introduce and conduct ethics training.

- The public needs to be encouraged to cooperate in implementing the above measures.

The First State Integrity Meeting in Katsina also agreed to start implementing the action plan that was developed during the meeting and to monitor the performance using the same performance indicators agreed by the first Federal Integrity meeting. Since Katsina state did not conduct a survey like the three other pilot states (Lagos, Borno and Delta) it was agreed during the meeting that Katsina would use the average performance of the three other pilot states as their baseline.

C. KATSINA Anti Corruption Action Plan

ESTABLISH IMPLEMENATION FRAMEWORK
1. Institutionalizing the Implementation Framework
- Implementation and Coordination Committee (ICC) - Public Complaints Committee, (PCC) - Court User Committee, (CUC) - Performance monitoring and Evaluation Committee (PMEC) - Administration of Justice (or Criminal Justice Coordination Committee) (AJC) - Public Awareness and Training Committee (PATC) - Rules Amendment Committee (RAC)
2. Agree on TOR and Secretariat for all the Reform Committees
3. Reporting to the ICC; all committees to submit minutes to the CJ within 5 working days
4. Reporting of the ICC, based on the minutes, CJ/ICC to submit monthly progress report to CJN
5. Select Pilot Courts
IMEASURES TO ENHANCE ACESS TO JUSTICE
6. Reduce costs of accessing the courts
7. Adoption of local languages in proceedings
MEASURES TO ENHANCE QUALITY AND TIMELINESS OF THE COURT PROCESS S
8. Decentralization of police investigation
9**. Time limit for filing charges and the providing legal advice by MoJ**
10. Monitoring Judges for sitting on time
11. Prevent interference of magistrates and police in civil matters
12. Immediate granting of bail in all minor cases
13. Encourage judges to sit in prisons in accordance with the Prison Act
14. Publish law report of High Court and Sharia Court of Appeal Decisions t
15. Ensure Adequate Funding of the Judiciary
16. Law reform
17. Provide Working and Reference Materials to the Judiciary
18. Train and retrain judicial officers and court staff
19. Train Police Prosecutors
20. Improve case-management
MEASURE TO ENHANCE PUBLIC TRUST IN THE COURTS
21. Establish Public Awareness and Training Committee and a Court User Com.
22. Design and start implementing General Enlightenment/awareness campaign
23. Implement targeted Awareness Campaign for stakeholders
24. Targeted awareness campaign for the youth
25. Enhance performance monitoring
MEASURE TO ENHANCE PUBLIC TRUST IN AND EFFECTIVENESS OF THE COMPLAINTS SYSTEM
26. Establish complaints system
27. Enforce the Code Of Conduct
28. Review Code Of Conduct against received complaints
29. Strengthen efficiency of Administration of Justice Committee (AJC)
30. Enhance collaboration between Bar and Bench
31. Enhance collaboration between DPP and Police
32. Enhance Integrity and Effectiveness of the Police
33. Enhance Integrity and Effectiveness of the Prison Services

IV JUSTICE DELIVERY THAT IS EFFECTIVE WITHIN KATSINA STATE

There was overall consensus across all Focus Groups, that the introduction of Sharia Courts in the State had improved justice delivery in various aspects. The courts in general are easily accessible, in particular to those who do not speak English since proceedings are being conducted in local language. The Focus Groups were in agreement that the Sharia Courts provide litigants with the opportunity to access justice at an exceptionally low cost and within a timely manner. Procedures are simple and easy to understand and courts are located in almost one hundred communities. It is evident that the trust level in the judicial system had on the whole increased significantly with the introduction of Sharia Courts in Katsina State.

Some participants' felt, that the increased transparency of the court proceedings had to some extent contributed to enhancing deterrence and thereby compliance with the law.

Another aspect that was noted as working effectively was the regular prison visits conducted by the Chief Judge and other judges. These visits assisted in identifying those prisoners awaiting trial that should have been released on bail or who are in fact supposed to be released since charges were not filed or case files have since been lost.

Shifting the responsibility for transporting inmates to court from the police to the prison service has proved to be more reliable. It appears that prison staff are more suited to carry out this task than the police as they retain the records of the prison inmates and thereby realize when the prisoners are expected in court. This method is however, only sustainable if the prisons receive additional resources. It was also felt that a lot had been achieved in order to reduce the stigmatization of ex-convicts, which thereby facilitated their re-integration into society.

Moreover, regular meetings with the Administration of Justice Committee as well as between the Chief Judge, magistrates and Sharia court judges has enhanced coordination of the administration of justice. A court user committee has also been established aiming at enhancing the exchange between the judiciary and court users. This committee includes among others NGO's and women societies in order to enable them to express their opinions on the quality of the delivery of justice within the State.

Judicial review has been effective and seems to guide lower court officials during the sentencing process. Judicial independence has been strengthened enabling the judiciary to refute attempts of interference. According to some participants, the recruitment process has been sufficiently improved upon, in terms of both transparency and merit.

Salaries recently increased for all judicial officers and additional improvements have been made in view of the timely payment of these judicial officers and court staff. At the High Court level witnesses are now being compensated, ensuring their timely appearance in court.

The oversight functions as carried out by the National Judicial Council were highly appreciated. This system is further strengthened by the Court Evaluation and Implementation Committee set up in the state, which are responsible for performance monitoring in the Justice system. This has assisted in ensuring that those involved in the administration of justice perform their duties effectively. Court management has been improved through the establishment directorates for personnel, litigation, finance and Sharia courts. Directors or deputy chief registrars head these directorates. They report to the chief registrar who in turn reports directly to the Chief Judge.

Participants also took pride in the quality of the jurists produced in Nigeria serving in various Commonwealth countries. Another positive aspect mentioned, was the general respect of the public to court orders, and the fact that lawyers are now paying more attention to maintaining decorum within their own ranks.

V. PROBLEM IDENTIFICATION AND DESCRIPTION

A. Access to Justice

Within the area of access to justice the focus groups identified and described the following as the key problem areas:

As far as the access to justice is concerned, participants agreed that a serious obstacle was created by the interference of the police and traditional leaders often taking matters into their own hands and preventing complainants to pursue their rights and claims through the court system.

Another factor impeding access to justice stems from ignorance and legal illiteracy. The general public is largely unaware of their basic rights and obligations, which prevent them from seeking assistance through the formal justice system channels. There is lack of information available to court users about the court system and how it functions. At the same time cultural values and social structures do not allow citizens access the courts whenever appropriate. In particular women and underprivileged are less likely to achieve access to the formal justice system institutions in order to resolve their disputes.

Many lack trust and are reluctant to access the High and Magistrate Courts. Only about 5-10%[3] of the population speak the language of the so-called "European Courts". The use of interpreters has proven unsuccessful, since in many cases they are not well trained and often interpret incorrectly and slowly. Many, therefore, feel compelled to use the Sharia court in order to avoid the problem of language, cost, time and technicalities often associated with the rules of the superior courts.

Another impediment is the cost of litigation combined with wide spread poverty, in

[3] According to the Chief Justice of Katsina State

particular among the largely rural population of the State. Costs include expensive attorney and filing costs. In the case of the Magistrate and High Courts transportation fees add to the overall cost, while the Sharia Court fees sometimes appear arbitrary. This situation is worsened by the absence of a functioning Legal Aid system and the Nigerian Bar Association failing to provide services especially to those that are most disadvantaged. In many cases, litigants also end up paying unofficial fees demanded by court staff. Most of the problems related to corruption in the court system are connected to the presence of touts on the premises who are assisting the court staff in collecting unofficial fees from litigants. Court staff in most cases indirectly request bribes from litigants in order to ensure the speedy processing of files. This has frequently occurred because staff working in the registry and accounts division are neither adequately supervised nor sufficiently remunerated. The problem concerning the unofficial fees is also linked to the ignorance of the general populace relating to court fees/rules/procedures, which the court staff regularly takes advantage of.

Participants agreed that, while there were at least two Sharia Courts in each district servicing on average one hundred thousand people, Magistrate courts were often not accessible because of the scarce geographical coverage of the territory by Magistrate Courts.

In a number of cases access to justice is also hampered due to the limited jurisdiction of the courts, in particular with regard to the granting of bail. This occurs for example with regard to those offences that fall within the jurisdiction of the Federal High Court since there is no such court in Katsina State and the Katsina State High Court does not have the power to grant bail. Similar difficulties occur whenever the police, without due consideration of the jurisdiction for the respective offence, bring the prisoners to the Magistrate Courts, which for some offences cannot issue bail orders.

B. Timeliness and Quality of Justice Delivery

The Focus Group agreed that inadequate funding was among the predominant problems hampering the delivery of justice in Katsina State. The lack of funds affects both, the higher and the lower bench. Katsina State receive their recurrent funds (inadequate though) as and when due while the capital funds (also inadequate) are released late.
While High Courts receive inadequate funds from the Federal Government on time, the funds provided by the State Government to the Lower bench often do not arrive within the appropriate period of time. Magistrates and Sharia Court Judges complain about inadequate welfare in terms of salaries, housing and transport. In spite of recent efforts to provide Magistrates with loans for means of transportation, most Sharia Court Judges still do not enjoy such benefits, This is partly due to the fact that there are many more Sharia Court Judges to compete for the funds compared to the Magistrates. Participants also raised the lack of sufficient capital budget resources to provide for working materials, including judicial reference materials, for witness fees to ensure their attendance in court (Magistrate and Sharia Courts) and for the maintenance of the court infrastructure. Concern was raised regarding the differential treatment of High Court Judges vs. other judicial officers when it came to remuneration and status, even though both were subject to similar duties and obligations under the Code of Conduct.

Participants agreed that there were significant shortcomings in personnel management. While in certain parts of the State, Magistrates and Sharia court judges were not given enough support staff, others courts appeared to be overstaffed. There also seems to be an overall lack of qualified support staff despite the fact that staff without any experience in court administration (i.e. Court Clerks, Registrars, Bailiffs) are always encouraged to go for the basic Judicial Course at either Ahmadu Bello University or any other Polytechnics offering such a course. are encouraged to Moreover, there is a lack of continued training and professional education for judicial officers, in particular in the lower bench level.

Many delays were caused by unnecessary adjournments requested by the lawyers. However, through active case-management this problem can be contained. There was an agreement that after the second adjournment further requests should be evaluated with utmost scrutiny and not granted if it is not absolutely justified. At the higher bench level, delays are also caused by complex, cumbersome and archaic procedures and rules. Lawyers often take advantage of these rules to delay the trial process through frivolous application for adjournments of cases. Judges are often obliged to grant such adjournments due to the present wording of the rules.

Delays, however, are not only a problem located within the judicial domain. Additional, delays occur as a result of prisoners not being brought to court on time. Also, legal advice by the Ministry of Justice is often delayed considerably, Significant delays are experienced at the stage of the investigation as well as in the forwarding of case diaries from the police to the Ministry of Justice. The unavailability of prosecutors/lawyers during the period of trials contributes to delaying the trial process as cases are often adjourned in order to ensure that every party is heard. Another reoccurring problem in all

the States is the frequent transfer of Police Prosecutors and Officers. Moreover, delays are caused by untimely enforcement of judgments often the police ignore court orders and do not enforce judgments. In most cases they collect bribes from the party against whom judgment has been given and then try to thwart any attempt to execute such judgment.

In a number of cases the limited jurisdiction of the Magistrate Courts, create further delays for example, land disputes involving titles can only handled by the High Court and the Magistrate Courts are limited to grant compensation of less than US $ 100.

Participants agreed that the lack of codification of the Sharia Criminal Procedure was a setback and should be addressed with urgency. Outdated laws also affected the quality of justice delivery, which currently requires revisiting. So far the legislator has not been sufficiently responsive in addressing the needs for new or revised laws.

Some delays are due to the outcome of incompetence on the part of judicial officer/court staff. In view of the fact that the judicial officer is not familiar with certain procedures on various issues, the general tendency is to adjourn cases at will. Lack of training opportunities for judicial officers and staff on different material regarding the justice system also inhibits efficiency and effectiveness. The quality of justice suffers in particular because of the sometimes questionable competence and integrity of some of the Sharia Court judges. Due to insufficient funds Shari Court judges are not offered continuous training which is necessary since all that is required in order to be appointed, as a Sharia Court Judge is a diploma in civil law or Islamic studies. Last year the State Government provided Nira 1 million which enabled the CJ to train to train some Sharia'a Judges for only about one week. They hope to repeat this training for more Judges later this year Presently, there is no continuous legal training for all judicial officers. As a consequence there are inconsistencies in court decisions, which in turn increase the possibilities for abuse of discretion by judicial officers.

C. Public Trust in the Courts

All participants consider corruption among court staff and police a serious problem. This is not only due to insufficient remuneration but also a lack of supervision and disciplinary control. Widespread touting and other corrupt practices involving in particular the lower cadres of the courts gravely damage public trust. Participants agreed that in some cases judicial officers set a bad example through an inappropriate attitude and a lack of judicial decorum, both inside and outside the courts. Traditional rulers trying time and again to unduly influence the court proceedings posed another challenge. However, participants agreed that, as much as this was an annoyance, they were sufficiently equipped under the current regime to refute such attempts.

The conduct and performance of several judicial officers and court staff in the execution of their duties has led to erosion of public confidence in the judicial system. The general feeling is that the court should only be used as a last resort because it has compromised

itself in both private and public sector with regards the judicial officers utterances and actions, some of which border on professional misconduct. The actual as well as the perceived lack of independence of the judiciary continue to undermine public confidence. This perception is fueled by what is considered an overly politicized appointment process. The judiciary is perceived as weak and lacking the required independence and leadership to carry out its oversight functions with respect to the other arms of government. Both, the executive as well as powerful interest groups are interfering with the due course of justice.

It was observed that another reason for lack of trust by the public is the manipulation of the judicial process by the elite particularly the political class who do not either understand or appreciate the concept of the rule of law.

Lack of trust is often the result of ignorance and the insufficient information concerning the functions of the courts and the judicial system as a whole. There appears to be fear of victimization in attending court proceedings because courts are perceived as not being equipped to protect plaintiffs against the potential harassment by the opponent and his kinsman.

D. Trust in and Effectiveness of the Complaints System

There is general consensus among participants that the existing complaints mechanism is both trustworthy as well as effective. The Chief Judge (CJ) or the Chief Registrar receives petitions. The CJ assesses the complaint and after his investigation takes action himself or when appropriate forwards the complaint to the Judicial Service Commission to investigate who in turn takes the necessary disciplinary measures. Upon completion of this process, the petitioner is informed about the outcomes of his or her complaint. Participants generally agreed that the CJ is committed to dispose of any petition within a week's time as of its receipt. He does not tolerate corruption, indolence or professional misconduct. Complaints are received and processed manually. Records are filed but there is no database or analysis with regards time, courts or professional categories when it comes to complaints.

E. Coordination across the Criminal Justice System

Participants concurred that police prosecutors were insufficiently trained, under-funded, unmotivated and ill equipped. Generally the police are seen as a weak institution, which lacks discipline, is too fragmented and carries to many responsibilities.

There is insufficient coordination due to the irregularity of meetings in the Administration of Justice Committees as well as the lack of communication of their deliberations and decisions to all stakeholders.

Another problem was posed by the concurrent jurisdictions of the Magistrate and the Sharia Courts because of the significant differences in the application of laws and

sanctions.

Participants, finally, agreed that there were not enough prisons in the State to handle the increasing numbers of persons imprisoned. The Prisons are understaffed and lack the capacity to deal with the increasing number of inmates, e.g. three Prisons and seven lock-ups serving eighty-eight Sharia Courts, eighteen Magistrate courts and nine High courts for a population of five million.

With the exception of the High Court in Katsina State, other courts have not been provided with funds for witnesses' allowance, the courts seem to encounter problems ensuring their timely attendance.

Police prosecutors and police officers are frequently transferred to other States without consulting the judiciary and independently of the fact that their appearance in court may still be required. This leads to regular delays. The DPP is recognized as been unsuccessful in providing legal advice on time.

The lack of funding of the criminal justice system in general impacts negatively on all institutions involved. This has led to common erosion of confidence, insecurity, and corruption. Police and court staff often complain of the insufficient working materials which is required to ensure speedy processing of files.

Coordination proves to be problematic as the courts are state-run while the prisons and the police are federal institutions.

F. Statement Concerning Justice Delivery

Situation 1: Access to justice hampered through complex procedures
A litigant appeared in the court without his lawyer. It was a rather complicated case. When invited by the CJ to represent his own case he responded;" *I want Justice" A High Court Judge, Focus Group 1, Judges, Katsina State*

Situation 2; Language problems
In a criminal case a litigant was found guilty of a serious crime. After the verdict had been read to him the judge asked whether he had understood the verdict that was passed by the court. There was no response just a blank stare. The litigant had not understood a word.
A High Court Judge, Focus Group 1 Judges, Katsina State

Situation 3; Language problems
In a criminal case of concealment of birth the witness referred to a "pond" which was translated by the interpreter as "river". The mistake could seriously distort the outcome of the case
A High Court Judge, Focus Group 1, Judges, Katsina State

Situation 4, Bribery
Nigerians cherish taking photographs. The only time they don't like taking photographs when "***Ghana must go"*** is exchanging hands.
A Court User, Focus Group 5, Court Users, Katsina State

Situation 5, Interference, Independence
In order to influence his decision-making, a land document was given to a judge who had not applied for it. He returned it by saying *'I did not apply for Land why are you sending me land documents? I hereby return your document!!'*
A court staff, Focus Group 3, Court Staff, Katsina State

Situation 6; Corruption in the Health Sector
"A child was knocked over by a car, the child was taken to the hospital where he spent four hours without any treatment, because we did not have money to bribe the doctors. We would have liked to sue the doctors for negligence but could not afford the legal fees and other payment associated with the processing of the case."*A Court user, Focus Group 5, Katsina State*

Statement Concerning Justice Delivery (continued)

Situation 7; Systemic Corruption
When the head is rotten, you cannot change the legs and the hands-same goes for institutions and establishments''
A Court User, Focus Group 5, Katsina State

They may claim, that they are collecting bribes for the judges.
A Sharia Court Judge (Focus Group 2, Magistrates and Sharia Curt Judges, Katsina State)

Situation 9; Same rule for everybody
"There is injustice in the temple of justice. While having the same obligations under the Code of Conduct, Magistrates and Sharia Court Judges are treated very differently from High Court Judges, when it comes to status, welfare, benefits and working conditions.**"**
A Magistrate (Focus Group 2, Magistrates and Sharia Court Judges, Katsina State)

Situation 10; Expectations to Judicial Reform
"Reforming the Courts means making justice available to all",
A Court User, Focus Group 5, Court Users, Katsina State

Situation 11; Access to Justice
We don't have problems with access to justice because government have built Sharia courts all over the state, our people can now access justice easily by merely walking into any of the courts in their communities and saying, I want to defend my self, my goat was stolen or my child was beaten up''
A Court Staff, Focus Group 3, Court Staff Katsina State

G. Key Reform Areas and Measures

The Focus Groups identified the following reform areas and measures in order to enhance justice delivery in Katsina State.

1. Access to Justice

As far as the cost of litigation is concerned the Focus Groups recommended that the costs for filing in Katsina State should be reduced, the filing fees in the Sharia Court should be regulated and the Bar should ensure that the official scale for lawyer fees are

implemented. In this context, participants proposed that the official scale should be displayed in all courts and should include suggestions on ways in which litigants should proceed against lawyers not complying with the official scale. It is evident that Legal Aid Schemes should be expanded to include not only capital offences but also other offences, the Poverty Alleviation Programme of the Bar should be strengthened and the establishment of a legal aid clinic should be considered.

In order to reduce the language barrier, participants advised that courts should be allowed to use other leading local languages in court. Since there is no clarity to what extent this may require changes to the procedural law or even the constitution, it was suggested that the CJ should request clarification of the matter by the National Judicial Council and eventually, depending on the response, prepare a proposal for the amendment of concerned laws.

Since ignorance and legal illiteracy was identified as one of the main obstacles, it was further proposed that an integrated awareness campaign should be launched including posters targeting court users and educating them on their rights and obligations when accessing the courts (e.g. presumption of innocence, the right to a counsel of choice, right to interpretation, right against self-incrimination) as well as the role and procedures of the courts. The awareness campaign should further encompass radio and TV programmes drawing from similar programmes organized by the Ministry of Health and include activities targeted specifically at the youth (essay competition, civic education including anti-corruption issues in secondary schools, university courses and seminars). In this context it was also suggested that all judges should liaise with the principle of a secondary school nearby to set aside one day per year to visit the school and enlighten students about the rule of law and the purpose of judges in society. The awareness campaign should be carried out in close collaboration with NGO's and other stakeholders, such as traditional and religious leaders focusing on educating in particular, the rural population.

Moreover, one group suggested the re-introduction of mobile courts in order to ensure the full geographical coverage of the territory by Magistrate courts. At the same time participants called for more courts in order enhance geographical accessibility.

It was also felt that it was necessary to enhance the access of lawyers to the prisons and to widen the jurisdiction of the Magistrate Courts with regards the granting of bail. Participants were of the opinion that a Federal High Court should be established in Katsina in order to reduce the delay of cases falling under the Federal Courts jurisdiction.

2. Timeliness and Quality of Justice Delivery

Participants agreed that the State Government should be made aware of its obligation to ensure the financial independence of the Judiciary. As one of the Arms of Government, the Justice System Institutions should receive financial means directly. Until the full implementation of financial independence, the judiciary should be involved in the decision-making concerning the allocation of resources. Once allocated the financial resources should be provided without delay. Increased funding should not only encompass appropriate welfare for judicial officers but also of support staff and the employees of the other justice institutions. Further, the capital budget should be increased

in order to provide for working and reference materials, the publication of annual law reports, court rooms, computers, court recording equipment, internet access and other logistics.

Participants agreed that there was a need for improved personnel management, in particular of support staff in order to reduce the unequal staffing in various courts in the Katsina State. The overall number of support staff and their distribution throughout the courts should be revisited and, eventually reduced. The available resources should be used in to train new staff and increase their salaries in order to attract more qualified personnel to the job.

Participants recommended the establishment of a training centre at the High Court level with the task of designing low-cost training and re-training for both court staff and judicial officers. Participants also raised the need for training by national and international experts in issues relating to the application of Sharia Law. New court staff should receive proper on-the-job training by the senior court clerks. Furthermore, there is a need to train court interpreters in Hausa, English and Arabic. At the same time the increased use of Hausa as the language of the court would be beneficial, both in terms of speeding up the trial process, and in terms of reducing the barrier for the common man to access the courts.

As in the past, it was agreed upon that all court staff should receive an initial six-month basic training before being assigned to their duty station. Training of court staff should include record keeping, the receipt and processing of complaints as well as professional ethics according to the civil service rules, the Code of Conduct for Public Officials, and if adopted, the Code of Conduct for Court Staff, which is currently being developed under the auspices of the National Centre for State Courts in collaboration with UNODC.

Furthermore, the Judiciary should support the Commissioner of Police in training police prosecutors.

Participants felt that in order to enhance the quality of justice delivery it was necessary to intensify the review of candidates, who are called to the bench, with regard to their integrity and professional qualifications.

Participants agreed that the introduction of self imposed rules of practice limiting the time for the delivery of justice should be considered. As far as the complexity of the procedures of the High and Magistrate Courts are concerned, they should be revisited and eventual amendments should be recommended in order to speed up the trial process. In particular, the jurisdiction of the Magistrate Courts should be reviewed and possibly expanded both in criminal and civil matters (e.g. land matters, bail). Participants further recommended, that Sharia Court Judges should be consulted in the drafting of the Sharia Criminal Procedure Code in order to ensure the highest standards of quality of the final Draft.

Furthermore, there was a proposal for the establishment of specialized courts in order to enhance both quality and timeliness during the decision-making process.

In order to reduce delays, participants felt that judicial officers should enhance active case-management, in particular to not entertain frivolous applications for adjournments. Judicial officers should sit on time and insist also on punctuality of the parties, in addition electronic court recording equipment should be introduced.

3. Public Trust in the Courts

In order to address the problem of corruption and evading trust in the courts, both judicial officers and courts staff should be instructed in the appropriate behaviour under the Code of Conduct addressing, in particular, the issue of favoritism. Participants recommended enhancing the monitoring of the compliance of judicial officers with regard to the Code of Conduct and of Court Staff with regard to the Civil Service Rules and the Code of Conduct for Public Officials. In addition, one group proposed the development of a Special Code of Conduct for Court Staff.

It was mentioned that the general public should be provided with the necessary information in order to be able to distinguish between official fees and informal payments/bribes (e.g. bail is free, etc.).

Judicial officers should exhibit the correct behaviour to be followed thereby emphasizing a role model standing. Participants also agreed, that the professional ethics of lawyers and prosecutors needed to be highlighted in particular when it came to the frequent unnecessary adjournments.

As far as the traditional rulers are concerned, the Emir should be requested to enlighten and instill discipline in the lower ranking traditional rulers.

One group recommended the establishment of a public relations unit in the High Court with the mandate to enhance the communication with the public.

Some participants also emphasized the need to strengthen judicial independence in order to enhance public trust.

4. Trust in and effectiveness of the Public Complaints Mechanism

Participants stressed the need for the close monitoring of judicial officers and court staff and the swift and credible follow-up on complaints. They recommended the establishment of a Public Complaints Committee or Court User Committee to review the complaints comprising representatives of the Judicial Service Commission, the Sharia Court Directorate, the Bar, the ICPC and Members of the Public. They proposed the computerization of the complaints system which would allow simple confirmation concerning the status of the complaint, provide timely information to the complainant and allow for analysis of the frequency and nature of misbehaviors across, time, space, courts and professional categories (possible types of complaints: e.g. dissatisfaction with court decision, revocation of bail, delays in the trial process, unfair hearing, lack of punctuality of judges, corruption, incompetence, abuse of discretion, nepotism). One group also recommended decentralizing the complaints system.

5. Coordination throughout the criminal justice system

Participants agreed that the Administration of Justice Committee should meet more frequently and its decision and deliberations should be made available to all stakeholders. It should also consider establishing such Committees at the local level in order to deal with the day-to-day problems concerning the coordination throughout the justice system institutions and to harmonize and streamline the working relationships among the various stakeholders in the administration of justice.

Furthermore, the Ministry of Justice (MoJ) should be called upon to ensure appropriate training of police prosecutors and ensure the timely provision of legal advice to the Police Prosecutors. Participants felt that it would be beneficial to increase the autonomy of the DPP. In addition, the D.P.O. should instruct the Prosecutors to submit all cases to the Chief Magistrate in order for him to assign them in accordance with the capacities of the various courts. The MoJ should be requested to provide sufficient funding for witness fees relating to cases pending within the courts at the lower bench level.

A Bar-Bench should be launched and therefore conduct monthly meetings focusing *inter alia* on development and adoption of measures to build integrity and curb corruption and to reduce delays resulting from the unnecessary adjournments and motions.

The Administration of Justice Committee should further request the CoP to adopt a more restrictive policy for the transfer of police prosecutors and IPO's whose presence in court is still required.

CJ through the CJS Coordination committee should recommend to the Commissioner of Police to explore the need for and possible content of a Code of Conduct for police officers and the introduction of a complaints system. The setting up of a special unit of police prosecutors in DPP should also be considered in order to enhance the collaboration between the DPP and the Police. Participants stressed the merit of restructuring the police in more manageable units and recommended the decentralization of the investigation by police as well as establishing time limits for the filing of charges in court.

Finally, the Administration of Justice Committee should be used to continuously remind Police and Magistrates of their specific mandate and jurisdiction. In particular they should refrain from handling civil matters under the disguise of presumed criminal implications.

H. Implementation Framework and Arrangements

In order to ensure swift and sustainable implementation there was a general agreement that an implementation mechanism should be institutionalized consisting of an overall Implementation Committee and various Subcommittees. While the Implementation Committee would have the mandate to ensure the overall coordination and monitoring of the implementation of the action plans, the Sub-Committees, would have the task of implementing specific measures. In order to facilitate coordination of the various initiatives and to avoid Sub-Committees overlapping their activities, it was recommended that the Chairperson of each of these Committees would be a Member of the Implementation Committee under the able Chairmanship of the Chief Judge of Katsina State.

Besides the Implementation Committee, the following Subcommittees were proposed: The Public Complaints Committee, the Court User Committee, the Performance Monitoring and Evaluation Committee, the Administration of Justice (or Criminal Justice Coordination Committee) and the Public Awareness and Training Committee.

While the above mentioned Committees were recommended, it is important to note, that Committees could also be merged, if the single mandates otherwise would appear too narrow or wherever another implementation mechanism has already been put into place.

The Committees would meet on a monthly basis and produce minutes from their meetings. Based on these minutes, the Implementation and Coordination Committee will produce a monthly progress report, which will be submitted to the CJN and copied to UNODC.

I. KATSINA STATE; Anti Corruption Action Plan

1. Implemenation framework	Priority	Who is Resp.	Starting date	Cost	Output/Impact Indicators
1. Institutionalizing the Implementation Framework					
- Implementation and Coordination Committee (ICC) - Public Complaints Committee, (PCC) - Court User Committee, (CUC) - Performance monitoring and Evaluation Committee (PMEC) - Administration of Justice (or Criminal Justice Coordination Committee) (AJC) - Public Awareness and Training Committee (PATC) - Rules Amendment Committee (RAC)		CJ CJ Cj CJ CJ CJ Cj CJ	Immediately Immediately Immediately Immediately Immediately Immediately Immediately immediately	Minimal Minimal Minimal Minimal Minimal Minimal Minimal Minimal	- For all Committees: - committee estbl. - TOR distributed: - Regular meeting - Quality of minutes
2. TOR and Secretariat					
All subcommittees will develop Terms of Reference distributing the tasks established under the action plan. All subcommittees will appoint a secretary and establish a secretariat.		ICC, PCC, CUC, AJC, PATC, RAC UNODC	Immediately Immediately	Minimal Staff cost	Availability of TORs
3. Reporting to the ICC					
All subcommittees to prepare and submit minutes latest 5 working days after the meeting (with copy to UNODC).		PCC, CUC, AJC, PATC, RAC	Jun 03	Minimal	Availability of Minutes from meetings within 5 days
4. Reporting of the ICC					
Based on minutes submitted by the sub-committees, ICC to prepare monthly report to be submitted to CJN (with copy to UNODC).		ICC	Jun o3	Minimal	
5. Select Pilot Courts					
- High Court No. 1 - Magistrate Court No.1 - Sharia Court No.2		CJ, ICC CJ, ICC CJ, ICC	Jun 03 Jun 03 Jun 03	Nil	Initiation of reform programme
2. Measures to enhance acess to justice					
6. Reduce costs of accessing the courts					Perceived access to justice by the public
Provision of free legal aid should be among the criteria for appointing lawyers into higher offices in the Judiciary	14.0	CJ, JSC	Jul 03	Nil	Adapted selection criteria
Government to offer token fees to lawyers, who take up pro bono cases	14,0	AG, PAC Com (Bar)	Jul 03	TBD	Government to provide funds
Bar Association/NGOs to assist indigent litigants as part of their community development program.	14,0	Bar Association	Aug 03		
Reconsider filing fees and eventually amend rules of the court		RAC	Sept. 03	Nil	
Establish scale for filing fees for Sharia Courts		RAC	Sep 2003	Nil	
Consider the introduction of an legal aid clinic		ICC, NBA, NGOs, Univ.			
Strengthen legal aid council		CJ, ICC, Legal Aid Council		TBD	Reported legal aid cases
Localize legal aid: (i) need for sufficient support (ii) need to mobilize NGO's; (iii) need to employ new lawyers for the legal aid council	11.2	FG MOF NBA		Recurrent budget	
The bar should monitor guidelines on charges for lawyers (to be raised by AJC) Publish scale for lawyer fees in all courts in Katsina		AJC, NBA		NIL	Compliance with scale for lawyer fees.

KATSINA STATE; Anti Corruption Action Plan

Measures to enhance acess to justice	Priority	Who is Resp.	Starting date	Cost	Output/Impact Indicators
7. Adoption of local languages in proceedings	9				
Study legal framework governing the language of the Court in the Sharia, Magistrate and High Court and prepare report. Submit report to AG including eventual proposal for amendments of the law.		RAC RAC	August 2003 September 2003	Minimal	Increased use of local language in court proceedings
- Depending on the findings and recommendation of the Report, CJ/ AG to develop a proposal to introduce adequate languages in the courts. - Submission of proposal to the appropriate Organ		CJ/AG CJ/AG/RAC			
3. Measures to enhance quality and timeliness of the court process					
8. Decentralization of police investigation	**9,16**				
CJ, with the support of NBA, should recommend to the AG to discuss issue with CoP to keep investigations in locus of criminal offence.		CJ, NBA, CoP	July 2003	Nil	Speed of investigation. No repetition of same investigative steps. Reduce cost for witnesses
9**. Time limit for filing charges and the providing legal advice by MoJ**	9,25				
To establish by law or practice a 30 days time-limits as of receipt case diary to file charges or provide legal advice, failure upon which suspect will released on conditional bail.		CJ, RAC, MoJ	End 2003	Minimal	Law or practice on time-limit for legal advice established
CJ to recommend to AG to propose bill.		CJ, RAC, AG			
NBA to lobby for such a law		NBA			
10. Monitoring Judges for sitting on time	9				
CJ, Chief Magistrates to monitor and enforce the sitting on time of judges		CJ, chief Magistrates, PMEC	Immediately	Nil	Speeding up the trial, increase trust and respect for the court
Enlighten Public on official sitting times by judges and invite complaints		PATC	Immediately	Minimal	Compliance of Judges with sitting times
11. Prevent interference of magistrates and police in civil matters	9,04				
- CJ to instruct Magistrates to refrain from handling civil matters for which they do not have jurisdiction. - AJC to recommend to the CoP to instruct police to refrain from handling civil matters for which they do not have jurisdictions. - AJC to recommend to the NBA to instruct lawyers to refrain from disguising civil matters as criminal ones with the aim of filing the case with courts that do not have jurisdiction.		CJ, AJC, CoP, NBA	Immediately	Nil	Speed up dispensation of civil matters
12. Immediate granting of bail in all minor cases	8,16				
CJ to advised all judicial officers to grant bail in all minor cases immediately, Art.341 Subsection 1 C.P.C.		CJ	Immediately	Nil	Reduced Number of long remand cases
13. Encourage judges to sit in prisons in accordance with the Prison Act	8,91				
Comptroller of Prisons to inform Administration of Justice Committee Members of Prison Act providing for the possibility of court sitting in prison premises.		CoPris., AJC	July 2003		Number of Judicial officers sitting regularly in court
Administration Justice Committee, to communicate recommendation to Divisional Committees		AJC	August 2003		

KATSINA STATE; Anti Corruption Action Plan

Measures to enhance quality and timeliness of the court process	Priority	Who is Resp.	Starting date	Cost	Output/Impact Indicators
14. Law report of High Court and Sharia Court of Appeal Decisions to be published	9,75				
Collect court decisions and publish.		PATC	2004	US $ 10.000/annually	Increase quality of justice delivery.
15. Ensure Adequate Funding of the Judiciary					
Raise need for financial independence with Federal and State Legislator		CJN/AG/MOF	2004		Increased independence
In the interim lobby for the judiciary to be part of the allocation decision process		ICC, NBA, AG			
Develop comprehensive 5 years budget for the judiciary		ICC			
Financial Resources should be released immediately following the appropriation		ICC MOF State/Federal			
16. Law reform					
Establish the Rules Amendment Committee (RAC)		CJ, MoJ, JSC, NBA, House of Assembly	Immediately	Sitting allowances 20,000/ meeting	RAC meeting regularely
Review: - High Court Civil Procedure rules - Magistrate and District Court rules - District Court rules - Criminal Procedure code		RAC	August 2003	Nil	Reviews available in quarterly report
- RAC to review Rules and Procedure recently adopted by other Nigerian States. - RAC to come up with a suggestion for eventual changes of the laws focusing on simplifying procedural law, extension of jurisdiction of lower courts, of court language, etc. - CJ to recommend to the Law Reform Commission (LRC) the laws which should be amended. (Private citizens can also propose amendments to laws through elected representatives)	15.5	RAC, CJ, LRC, AG House of Assembly	September 2003	5 Mio	Reviews made available Suggestions submitted to the CJ and CJN
Production First Draft		RAC	N500,000 for 500 copies	April 2004	
Workshop on the Proposed New Rules		RAC	N200,000	June, 2004	
Production of Final Draft		RAC	N500,000 for 500 copies	July, 2004	
Submission to House of Assembly		Min. of Justice	No cost	August, 2004	New Rules adopted
17. Provide Working and Reference Materials to the Judiciary					
- PATC to conduct need assessment for working and reference materials in particular of the pilot court (High Court No.1, Magistrate Court No.1 and Sharia Court No.2) - Increase the availability of resources including reference materials in the lower courts and pilot courts based on the needs assessment		PATC, State Gov. UNODC	August 2003	TBD	

KATSINA STATE; Anti Corruption Action Plan

Measures to enhance quality and timeliness of the court process	Priority	Who is Resp.	Starting date	Cost	Output/Impact Indicators
18. Train and retrain judicial officers and court staff					
- PATC to identify training needs of judicial officers and submit to CJ, UNODC, NJI and international donors. - Expose judicial staff to modern trends in court and case-management.	16.4	PATC, University, NJI, Donors	Immediately	20 Million	
Court staff: training should include record keeping, receiving and filing of complaints, professional ethics & Code of Conduct Court staff: introduce and enforce a code of conduct for court staff		IGP/DPP I&CC ICC			
19. Train Police Prosecutors					
- PATC to make develop a curriculum for the training of police prosecutors. - PATC to assist CoP in conducting practical training for police prosecutors,		PATC, CoP, UNODC		October 2003	Training curriculum developed. Number of Police Prosecutors trained.
20. Improve case-management					
- RAC to deploy two committee members to review case management models of Lagos , Abuja and Katsina. - PATC to submit report to ICC. - Establish new case-management system		PATC, UNODC PATC, ICC, CJ, ICC		TBD	More efficient case management system adopted.
4. Measure to enhance public trust in the courts					
21. Establish Public Awareness and Training Committee and a Court User Committee					
Court Users Committee: - Membership: CJ-Chair, Judges - NBA, Legal Aid, Traditional, Religious, Community leaders. Trade Unions, NGOs, Women Rights - Organization, A/G office, Prisons, Police.			Monthly	40,000	
Draft TOR for Court User Committee					
Public Awareness Committee Membership: Min. of Justice, NGO, CJ, CR, JSC, NBA, NGOs/Donors			June 2003	20,000 copies at N500,000	
Establish Public Relation Unit in the Judicial Divisions (5 Judicial Divisions will cost)		CJ, PACT, CR, DCRs	N1million	July, 2003	
22. General Enlightenment/awareness campaign	16,7				
- Prepare concept paper on radio/ tv program and jingles, including content, costs and select programme moderator. - Record 12 30 min programmes.		ICC/PATC/Min. of Info./ KR TV/ LEPAD, MOI PATC, donors	November 2003	N. 600,000 for 1 year	
Develop Reach Out Program (Places of Workshop, Schools Debate/Quiz)		PACT, MOE, Clergy, Donors, NGO	N100,000	Sept 2003	

KATSINA STATE; Anti Corruption Action Plan

4. Measure to enhance public trust in the courts	Priority	Who is Resp.	Starting date	Cost	Output/Impact Indicators
23. Targeted Awareness Campaign for stakeholders					
Advocacy through traditional and religious institutions and NGO's	16.05	State govt. Judiciary, NGOs, ICPC & NHRC, CUC, trad. and rel. leaders	Aug 03	15 million	
Organization of a annual the Bar, Bench and Public Forum	16	CUC, NBA, Public & others	Annually,	N100,000	
Awareness Raising Posters to be distributed to court houses, schools and other public places		ICC/PATC	July 03		
Use Print Media to raise awareness, in particular to prepare regular press releases for the Newspapers		ICC/PATC	July 03		
Launch quarterly Newsletter		Public Relation Unit, PACT	N100,000 per issue	Septembe r, 2003	
24. Targeted awareness campaign for the youth	10.3				
Play and drama Civic training- develop training material for civic teaching in schools Essay competition to raise awareness about corruption		ICC/PATC/ Min of Edu./ School Principles, Students	Oct. 2003	TBD	
Prepare in close cooperation with stakeholders a concept paper on an essay competition		ICC/PATC/ MOE./ School Principles, Students	Aug 03		
25. Enhance Performance Monitoring	14,9				
Establish Performance Monitoring and Evaluation Committee, (PMEC)					
Establish performance standard Ensure effective monitoring of standard		PMEC, CJ, GK,AG,and CR PMEC CJ, GK and AG	,, ,,	Minimal ,,	
5. Measure to enhance public trust in and effectiveness of the complaints system	**Priority**	**Who is Resp.**	**Starting date**	**Cost**	**Output/Impact Indicators**
26. Establish complaints system					
- Establish a broad based Public Complaints Committee (PCC) involving ICPC, Judicial Service Committee and Sharia Court Directors, NBA, NGO's - Conduct Inauguration Meeting - Define Terms of Reference for the adoption by the ICC/ CJ	10.1	CJ, ICC ICC/PCC ICC	June 03 July 03 July 03	Nil	PCC established, Regularity of the Meetings, TOR adopted
Design Procedural chart for the handling of complaints		PCC	August 03		
Consider Decentralization of the complaints system each zone should have their own complaints system and complaints committee,	10.9	CJ/ICC/PCC	July 03	Low cost	
Introduction/ reinvigoration of the complaints system for court staff.		PCC	Sep 2003	Low costs	
Establish Computerized Complaint Registry at the High Court Needs assessment regarding categories (e.g Code of Conduct, ICPC Act, Dissatisfaction with court decisions, (2) Revocation of bail; Delays in the trail process; (3) Lack of fair hearing; (4) Late sitting by judges; (5) Corruption, (6) Incompetence; (7) Abuse of discretion; (8) Nepotism; (9) others) Computer program being developed	10.7	PCC, CJ, UNODC, ICPC	August 2003 Oct. 2003		
Install Petition and Complaints Boxes in all the courts and prisons (with locks and indication for next emptying)	10,1	PCC, ICC, CJ		Medium	
Consider establishment of alternative complaint mechanism e.g. by special interest groups and NGOs		PCC, Special interest groups/NGOs		TBD	

1. KATSINA STATE; Anti Corruption Action Plan

MEASURE TO ENHANCE PUBLIC TRUST IN AND EFFECTIVENESS OF THE COMPLAINTS SYSTEM	Priority	Who is Resp.	Starting date	Cost	Output/Impact Indicators
27. Enforce the Code Of Conduct					
Empower the Public to complain Educate the public about their rights Explore the creation of a Whistle blower act Traditional institutions and religious bodies should be included	10.0	PCC, ICPC, MoJ	2004	None	
Enhance compliance with the code of conduct Awareness raising among the judicial staff generally Know your rights radio and tv (see above) Ethics training (see below) Complaints/ suggestion boxes in court premises (see above) Complaints procedure (see above)	10.1	UNODC			
Ethics training Syllabus for the training on ethics Three workshops have been held with the NCSC Training the trainers procedure 10 trainers over a three day period Judges and magistrate – one day	10.8	ICC CJN CJ NJI NCSC (USAID) UNODC	Ongoing	About N500,000	
28. Review Code Of Conduct	16,0				
Code of Conduct Committee (JCCC)		JSC, Min. of Justice, NBA, CJ	No cost	July,2003	
Preparation of Comprehensive Code of conduct for Judicial and not judicial staff		JCCC, Min. of Justice, JSC, NGO and Donors	N2000,000	July/Aug, 2003	
Production of First Draft		JCCC	N50,000	Sept, 2004	
Workshop on the Draft Code		JCCC,JSC, Min. of Justice, NBA, NGO/Donors	N100,000	October, 2004	
Production of Final Copies Distribution		JCCC	N50,000	Nov, 2004	
Practice Directions		Chief Judge	No cost	Nov, 2004	
6. Measures to enhance coordination across criminal justice system (cjs)	**Priority**	**Who is Resp.**	**Starting date**	**Cost**	**Output/Impact Indicators**
29. Strengthen efficiency of Administration of Justice Committee (AJC)	14,1				
Minutes of meetings should be prepared & distributed to all stakeholders within 5 working days. 2 Extract of decisions to be implemented should be forwarded to all heads of relevant stakeholders. 3 Follow up actions to be taken by relevant officials. 4 Feedback on the state of implementation to ICC		Secretary of the AJC Secretary & AJC Chairman Heads of various Stakeholders Secretary & Chairman or CJ	Immediate (Short term)	Minimal	Enhanced Transparency and swift implementation of AJC decisions
Ensure monthly meetings of the AJC Meetings to be hosted by the AG	15,2	CJ/AG			
30. Enhance collaboration between Bar and Bench					
Launch quarterly Bar Bench Forum providing a platform for exchange of common problems in the administration of justice and development of solutions.		Chief Judge, HC Judges, Magistrates and Sharia Court Judge, NBA	August, 2003 (quarterly)	Minimal	

1. KATSINA STATE; Anti Corruption Action Plan

Measures to enhance coordination across criminal justice system (cjs)	Priority	Who is Resp.	Starting date	Cost	Output/Impact Indicators
31. Enhance collaboration between DPP and Police	14,3				
Ensure DPP host monthly meeting between his office and Police. Extract of decisions to be implemented be forwarded to stakeholders. (CJ, AG and COP). AG should provide funding for hosting the meetings		AJC, DPP and COP Secretary and DPP AG	August 2003 (monthly)		Monthly meetings Decisions communicated AG funding
Restrict/ coordinate transfer of police prosecutors and IPO's who have cases pending in court		AJC, DPP, CoP	Oct 03		coordinate transfer of police prosecutors
CoP to explore the setting up of a special branch in DPP established solely for public prosecution		AJC, CoP, DPP	Nov 03		Special Branch in DPP for public prosecution
32. Enhance Integrity and Effectiveness of the Police					
Police to introduce and enforce code of conduct		CoP	Nov 03		Code of Conduct for Police
AJC to review current professional standards governing police.		AJC, CUC			
Prepare a report on the current corruption and integrity challenges. and propose countermeasures including a Code of Conduct		AJC, CUC			
Introduce/ strengthen the complaint system		AJC CoP			
Police; explore the restructuring of the command hierarchy		AJC, CoP, IGoP			
33. Enhance Integrity and Effectiveness of the Prison Services					
Prison Services, with support of AJC committee identify needs for changes in the Prison Act.		AJS, CoPris.			
Prison Services with support of AJC and HRC to identify needs for Prison Reform		AJS, CoPris.			
Prison Services to develop and enforce a code of conduct of prison staff		AJS, CoPris.			
Prison Services to introduce a complaints system within the prisons		AJS, CoPris.			

VI ANNEXES

A. Defining Corruption
Dr. Petter Langseth, Global Programme against Corruption, UN ODC

There is no single, comprehensive, universally accepted definition of corruption. Attempts to develop such a definition invariably encounter legal, criminological and, in many countries, political problems.

When the negotiations of the United Nations Convention against Corruption began in early 2002, one option under consideration was not to define corruption at all but to list specific types or acts of corruption. Moreover, proposals to require countries to criminalize corruption mainly covered specific offences or groups of offences that depended on what type of conduct was involved, whether those implicated were public officials, whether cross-border conduct or foreign officials were involved, and if the cases related to unlawful or improper enrichment. (1

Many specific forms of corruption are clearly defined and understood, and are the subject of numerous legal or academic definitions. Many are also criminal offences, although in some cases Governments consider that specific forms of corruption are better dealt with by regulatory or civil law controls. Some of the more commonly encountered forms of corruption are considered below.

1.“Grand” and “Petty” Corruption
Grand corruption is corruption that pervades the highest levels of a national Government, leading to a broad erosion of confidence in good governance, the rule of law and economic stability. (2) Petty corruption can involve the exchange of very small amounts of money, the granting of minor favours by those seeking preferential treatment or the employment of friends and relatives in minor positions.
The most critical difference between grand corruption and petty corruption is that the former involves the distortion or corruption of the central functions of Government, while the latter develops and exists within the context of established governance and social frameworks.

2.“Active” and “Passive” Corruption
In discussions of transactional offences such as bribery, "active bribery" usually refers to the offering or paying of the bribe, while "passive bribery” refers to the receiving of the bribe. (3) This, the commonest usage, will be used in the Toolkit.
In criminal law terminology, the terms may be used to distinguish between a particular corrupt action and an attempted or incomplete offence. For example, "active" corruption would include all cases where payment and/or acceptance of a bribe had taken place. It would not include cases where a bribe was offered but not accepted, or solicited but not paid. In the formulation of comprehensive national anti-corruption strategies that combine criminal justice with other elements, such distinctions are less critical. Nevertheless, care should be taken to avoid confusion between the two concepts.

3. Bribery

Bribery is the bestowing of a benefit in order to unduly influence an action or decision. It can be initiated by a person who seeks or solicits bribes or by a person who offers and then pays bribes. Bribery is probably the most common form of corruption known. Definitions or descriptions appear in several international instruments, in the domestic laws of most countries and in academic publications. (4)

The "benefit" in bribery can be virtually any inducement: money and valuables, company shares, inside information, sexual or other favours, entertainment, employment or, indeed, the mere promise of incentives. The benefit may be passed directly or indirectly to the person bribed, or to a third party, such as a friend, relative, associate, favourite charity, private business, political party or election campaign. The conduct for which the bribe is paid can be active: the exertion of administrative or political influence, or it can be passive: the overlooking of some offence or obligation. Bribes can be paid individually on a case-by-case basis or as part of a continuing relationship in which officials receive regular benefits in exchange for regular favours.

Once bribery has occurred, it can lead to other forms of corruption. By accepting a bribe, an official becomes much more susceptible to blackmail.
Most international and national legal definitions seek to criminalize bribery. Some definitions seek to limit criminalization to situations where the recipient is a public official or where the public interest is affected, leaving other cases of bribery to be resolved by non-criminal or non-judicial means.

In jurisdictions where criminal bribery necessarily involves a public official, the offence is often defined broadly to extend to private individuals offered bribes to influence their conduct in a public function, such as exercising electoral functions or carrying out jury duty. Public sector bribery can target any individual who has the power to make a decision or take an action affecting others and is willing to resort to bribery to influence the outcome. Politicians, regulators, law enforcement officials, judges, prosecutors and inspectors are all potential targets for public sector bribery. Specific types of bribery include:

- Influence-peddling in which public officials or political or Government insiders peddle privileges acquired exclusively through their public status that are usually unavailable to outsiders, for example access to or influence on Government decision-making. Influence-peddling is distinct from legitimate political advocacy or lobbying.
- Offering or receiving improper gifts, gratuities, favours or commissions. In some countries, public officials commonly accept tips or gratuities in exchange for their services. As links always develop between payments and results, such payments become difficult to distinguish from bribery or extortion.
- Bribery to avoid liability for taxes or other costs. Officials of revenue collecting agencies, such as tax authorities or customs, are susceptible to bribery. They may be asked to reduce or eliminate amounts of tax or other revenues due; to conceal or overlook evidence of wrongdoing, including tax infractions or other crimes. They may be called upon to ignore illegal imports or exports or to conceal, ignore or facilitate illicit transactions for purposes such as money-laundering.
- Bribery in support of fraud. Payroll officials may be bribed to participate in abuses such as listing and paying non-existent employees ("ghost workers").

- Bribery to avoid criminal liability. Law enforcement officers, prosecutors, judges or other officials may be bribed to ensure that criminal activities are not investigated or prosecuted or, if they are prosecuted, to ensure a favourable outcome.
- Bribery in support of unfair competition for benefits or resources. Public or private sector employees responsible for making contracts for goods or services may be bribed to ensure that contracts are made with the party that is paying the bribe and on favourable terms. In some cases, where the bribe is paid out of the contract proceeds themselves, this may also be described as a "kickback" or secret commission.
- Private sector bribery. Corrupt banking and finance officials are bribed to approve loans that do not meet basic security criteria and cannot later be collected, causing widespread economic damage to individuals, institutions and economies.
- Bribery to obtain confidential or "inside" information. Employees in the public and private sectors are often bribed to disclose valuable confidential information, undermining national security and disclosing industrial secrets. Inside information is used to trade unfairly in stocks or securities, in trade secrets and other commercially valuable information.

4.Embezzlement, Theft and Fraud.

In the context of corruption, embezzlement, theft and fraud all involve the taking or conversion of money, property or valuable items by an individual who is not entitled to them but, by virtue of his or her position or employment, has access to them. (5) In the case of embezzlement and theft, the property is taken by someone to whom it was entrusted. Fraud, however, consists of the use of false or misleading information to induce the owner of the property to relinquish it voluntarily. For example, an official who takes and sells part of a relief donation or a shipment of food or medical supplies would be committing theft or embezzlement; an official who induces an aid agency to oversupply aid by misrepresenting the number of people in need of it is committing fraud.

As with bribery and other forms of corruption, many domestic and international legal definitions are intended to form the basis of criminal offences. Thus, they include only those situations involving a public official or where the public interest is crucially affected. "Theft", per se, goes far beyond the scope of corruption, including the taking of any property by a person with no right to it. Using the same example of the relief donation, an ordinary bystander who steals aid packages from a truck is committing theft but not corruption. That is why the term “embezzlement”, which is essentially the theft of property by someone to whom it was entrusted, is commonly used in corruption cases. In some legal definitions "theft" is limited to the taking of tangible items, such as property or cash, but non-legal definitions tend to include the taking of anything of value, including intangibles such as valuable information. In the Toolkit, the broader meaning of "theft" is intended.

Examples of corrupt theft, fraud and embezzlement abound. Virtually anyone responsible for storing or handling cash, valuables or other tangible property is in a position to steal it or to assist others in stealing it, particularly if auditing or monitoring safeguards are inadequate or non-existent. Employees or officials with access to company or Government operating accounts can make unauthorized withdrawals or pass to others the information required to do so. Elements of fraud are more complex. Officials may create artificial expenses; "ghost workers" may be added to payrolls or

false bills submitted for goods, services, or travel expenses. The purchase or improvement of private real estate may be billed against public funds. Employment-related equipment, such as motor vehicles, may be used for private purposes. In one case, World Bank-funded vehicles were used for taking the children of officials to school, consuming about 25 per cent of their total use.

6. Extortion

Whereas bribery involves the use of payments or other positive incentives, extortion relies on coercion, such as the use or threat of violence or the exposure of damaging information, to induce cooperation. As with other forms of corruption, the "victim" can be the public interest or individuals adversely affected by a corrupt act or decision. In extortion cases, however, a further "victim" is created, namely the person who is coerced into cooperation.

While extortion can be committed by Government officials or insiders, such officials can also be victims of it. For example, an official can extort corrupt payments in exchange for a favour or a person seeking a favour can extort it from the official by making threats.

In some cases, extortion may differ from bribery only in the degree of coercion involved. A doctor may solicit a bribe for seeing a patient quickly but if an appointment is a matter of medical necessity, the "bribe" is more properly characterised as "extortion". In extreme cases, poor patients can suffer illness or even death if medical services are allocated through extortionate methods rather than legitimate medical prioritizing.

Officials in a position to initiate or conduct criminal prosecution or punishment often use the threat of prosecution or punishment as a basis for extortion. In many countries, people involved in minor incidents, such as traffic accidents, may be threatened with more serious charges unless they “pay up”. Alternatively, officials who have committed acts of corruption or other wrongdoings may be threatened with exposure unless they themselves pay up. Low-level extortion, such as the payment of "speed money" to ensure timely consideration and decision-making of minor matters by officials, is widespread in many countries.

7.Abuse of discretion

In some cases, corruption can involve the abuse of a discretion, vested in an individual, for personal gain. For example, an official responsible for Government contracting may exercise the discretion to purchase goods or services from a company in which he or she holds a personal interest or propose real estate developments that will increase the value of personal property. Such abuse is often associated with bureaucracies where there is broad individual discretion and few oversight or accountability structures, or where decision making rules are so complex that they neutralize the effectiveness of any accountability structures that do exist.

8.Favouritism, Nepotism and Clientelism

Generally, favouritism, nepotism and clientelism involve abuses of discretion. Such abuses, however, are governed not by the self-interest of an official but the interests of someone linked to him or her through membership of a family, political party, tribe, religious or other group. If an individual bribes an official to hire him or her, the official acts in self-interest. If a corrupt official hires a relative, he or she acts in exchange for the

less tangible benefit of advancing the interests of family or the specific relative involved (nepotism). The favouring of, or discriminating against, individuals can be based on a wide range of group characteristics: race, religion, geographical factors, political or other affiliation, as well as personal or organizational relationships, such as friendship or membership of clubs or associations.

9.Conduct Creating or Exploiting Conflicting Interests

As noted in the United Nations Manual on Anti-corruption Policy, most forms of corruption involve the creation or exploitation of some conflict between the professional responsibilities of a corrupt individual and his or her private interests. The acceptance of a bribe creates such a conflict of interest. Most cases of embezzlement, theft or fraud involve an individual yielding to temptation and taking undue advantage of a conflict of interest that already exists. In both the public and private sector, employees and officials are routinely confronted with circumstances in which their personal interests conflict with those of their responsibility to act in the best interests of the State or their employer.

10.Improper Political Contributions

One of the most difficult challenges in developing anti-corruption measures is to make the distinction between legitimate contributions to political organizations and payments made in an attempt to unduly influence present or future activities by a party or its members once they are in power. A donation made because the donor supports the party and wishes to increase its chances of being elected is not corrupt; it may be an important part of the political system and, in some countries, is a basic right of expression or political activity protected by the constitution. A donation made with the intention or expectation that the party will, once in office, favour the interests of the donor over the interests of the public is tantamount to the payment of a bribe.

Regulating political contributions has proved difficult in practice. Donations may take the form of direct cash payments, low-interest loans, the giving of goods or services or intangible contributions that favour the interests of the political party involved. One common approach to combating the problem is to introduce measures that seek to ensure transparency by requiring disclosure of contributions, thus ensuring that both the donor and recipient are politically accountable. Another is to limit the size of contributions to prevent any one donor from having too much influence.

B. Guide for Planning a Federal Integrity Meeting

1. Description

National or state integrity meetings or "workshops" should bring together a broad-based group of stakeholders to develop a consensual understanding of the types, levels, locations and causes of corruption, and its potential remedies. At the early stages of the process, such workshops will usually be multipurpose:

- Assessment of the nature and scope of the problem;
- Development of a preliminary assessment of priority areas for attention; and
- Education and, in some cases, reassurance of participants to secure their support and cooperation

Later in the process, the focus will usually shift to:

- Assessment of past efforts;
- Planning of future efforts; and, where necessary;
- Readjustment of priorities to take account of ongoing efforts and developments.

Meetings can be organized at the federal, national, state or sub-national level or for a particular sector in which common issues are likely to arise. Meetings could also be used to bring specific sectors together to facilitate cooperation or help share expertise or experiences. The process component of meetings should maximize learning and communication; the content component should produce new knowledge and stimulate debate leading to new policies. The discussions held at meetings and their outcome should be documented where possible so that they can be used as the basis for assessing future progress and for future meetings.

2. The evolution of meetings as the national strategy proceeds

Within specific sectors of Government, several meetings may be held in sequence as the strategy is developed, implemented and assessed. For example, municipal or sub-national integrity workshops have been held in the following distinct stages or phases.

- **Phase I** seeks to build a coalition to support reform, focusing on discussions with local stakeholders to raise awareness of corruption and assess their perceptions of the problem. Their views regarding priorities and modalities are considered and, where possible, reflected in the applicable action plan. That ensures future cooperation and support for the national strategy, and especially those elements of it that directly affect the sector or region involved.
- **Phase II** focuses on a more objective assessment of the problem in the region or sector concerned, using an independent assessment or similarmethods. Information is systematically gathered, recorded and analysed during Phase II.
- In **Phase III**, the results of the independent assessment are considered, and participants are asked to help develop and consider options for dealing with the problems identified. Priorities may also be set or adjusted at this stage, taking into account not only the seriousness of specific problems but also sequencing issues, in which reforms in one area may be needed at an early stage to support later reforms planned for other areas. An action plan, setting out specific activities and the order in which they should be undertaken, is developed.

- **Phase IV** usually involves implementation of the various elements of an action plan according to an agreed timetable.
- **Phase V** involves the assessment of progress and, where necessary, the adjustment of substantive actions or priorities in accordance with that assessment. Meetings for such purposes could be held regularly or as necessary.

a. Information for the holding of state integrity or action-planning meetings

All meetings should be designed with specific objectives in mind. Every aspect of the design should increase the chance that objectives will be met. The most important objectives are to:

- Ensure that content is focused and that the scope of the content is clearly defined; and
- Ensure that the process enhances the sharing of information and transfer of knowledge.

Other important process components include:

- Creation of a learning environment;
- Enabling networking and cooperation between participants;
- Generating enthusiasm and motivating participants to take follow-up actions; and
- Encouraging participants to focus on the development of solutions rather than merely dwelling on the problems themselves.

State integrity meetings should be carefully planned, and there should be a sound framework in place well before actual start-up. Participants who will play leading roles, such as facilitators, chairpersons, panelists, speakers and support staff, should be well briefed in advance about their respective roles and tasks. Participants should also be informed in advance about what is expected of them, and should attend the workshop well prepared to meet both the content and process objectives. Flexibility on the part of organizers and participants is also important. The process should be evaluated as the meeting proceeds, and adjusted as necessary.

Based on previous experience, meetings could employ the following general pattern:

- A series of preparatory activities is conducted to build organizational capacity, foster broad-based consultation, collect credible data, select key workshop personnel and publicize the meeting and its objectives. Some of those requirements may be met using standardized materials or personnel, while others will be specific to each meeting and to the entity or entities in which it is to be held.
- Most meetings held thus far have been two-day events, which provides sufficient time to explore the issues involved and does not overtax leaders or participants.
- A first plenary session is held to raise general awareness, launch the meeting and build pressure on participants to deliver on the objectives of the meeting. Such sessions usually begin with a keynote address and a review of workshop objectives and methodology. Foreign experts, survey analysts and local analysts may be called upon to offer brief presentations.

- The opening plenary should set the tone for the meeting, with presentations covering the full range of topics within the chosen theme. Content should cover problems and possible solutions. Speakers may include some experts from outside the host country, region or participant group, but domination by "outsiders" should be avoided if possible.
- A series of working group sessions follows the opening session, using small (fewer than 15) groups and trained chairpersons to analyse substantive areas and build consensus on facts and issues. For example, a group may be called upon to examine the causes and results of corruption and/or lack of integrity, and to identify actions to address those problems. A range of separate topics can be developed to allow participants to select those they wish to address. If appropriate, separate groups can be asked to consider similar, related or overlapping topics to permit later comparison or stimulate discussion between groups when the plenary reconvenes.
- Where separate groups are used, each group should designate a member to report to the plenary on its deliberations to ensure clarity and facilitate documentation.
- A final plenary session should be held to synthesize the results of the working groups. That session is also a forum for publicly presenting the findings of the workshops and other outcomes of the meeting, such as action plans or recommendations. It helps to ensure that the outcome of the meeting is documented and disseminated.

b. Procedural objectives of meetings.

In organizing meetings, basic procedural goals should be set and communicated to those organizing and running each meeting. Goals can be adjusted in accordance with the substantive goals of the meeting (see below). In cases where a series of meetings is held, the objectives and the extent to which they have been achieved can also be taken into account in planning future meetings. Process objectives should be clearly communicated to leaders and participants well in advance of the meeting and reaffirmed, as necessary, at the start of and during the meeting. Process objectives will normally be as follow:

- To initiate a sharing and learning process appropriate for the participants involved;
- To establish an atmosphere in which participants can contribute effectively and are encouraged to do so; and
- To create partnerships or linkages between participants from different stakeholder groups.

3. Participation

There should be no more than 15 people per group and facilitators should ensure that all group members have an opportunity to speak. Organizers should ensure that participants do not listen passively to speakers but have the opportunity to ask questions, express their views and actively participate in discussions addressing the workshop objectives. Such participation ensures better understanding, ownership of information and heightened awareness.

Facilitators should also prevent individual participants from dominating discussions. While deliberations may aim at consensus, organizers and participants should recognize

that it is not always realistic. An equally valid goal in most cases is the identification, clarification and understanding of differing positions or viewpoints and the reasons they are held. This benefits the participants directly and assists others in adjusting the strategy to take account of and resolve the differences in other ways.

4 Creating Partnership

Many meetings are used to bring together individuals who do not normally associate. In such cases, a key function is the development of contacts and relationships that benefit the anti-corruption strategy and would not otherwise exist. For example, contacts may be established between those responsible for anti-corruption measures in relevant public sector departments or agencies or between representatives of the Government, media, religious groups, private sector groups, and non-governmental organizations or other elements of civil society. In processes funded or supported by outside agencies or donors, partnerships can also be created between donors, recipients and other interested parties. In such cases, however, it is important to ensure that the major focus of the meeting is on domestic issues and that foreign donors or international agencies or experts do not unduly impose their views on country participants.

In order to achieve partnership, several options may be considered for the workshop process, for example, asking some participants act as observers only. Such "observers" would not participate in the small-group discussions; they would only listen and offer comments on group feedback during plenary sessions. Another option is to ask participants to discuss identical topics during separate small-group sessions and then to compare findings during plenary sessions.

5. Managing Group Dynamics

Every group has its own dynamics, which can be either detrimental or conducive to achieving group objectives. Facilitators should monitor the proceedings and be prepared to intervene if necessary. To present content effectively, organizers may ask presenters or other participants to do any of the following:

- Present a general introduction to the workshop theme;
- Present key issues and formulate questions to stimulate discussion among participants;
- Share research information;
- Present (theoretical) models;
- Present examples of practical successes and failures; and
- Generally facilitate and stimulate discussion.

6. Content Objectives of the Meeting

From a substantive standpoint, the content of a meeting will depend on several factors, such as who the participants are and what stage they or the entities they represent have reached in implementing their elements of the national strategy. Organizers should begin by ensuring that the content to be covered meets the needs of the participants. Presenters and panellists should be briefed beforehand on what is expected of them and asked to prepare accordingly.

7. Workshop Topics, Key Issues and Elements

To ensure that the content is relevant to the theme of the meeting, organizers should designate a list of topics or themes, from which specific areas to be covered can be designated by the participants or in consultation with them. Those responsible for chairing or facilitating actual discussions should formulate basic questions or issues for each topic area and these can be used to stimulate discussion or refocus participants on the issues at hand.

General themes or topics that might be discussed include:

- The need to build a workable national integrity system, the development of specific recommendations for action and the assignment of responsibility for improving the system;
- How society as a whole might participate in a continuing debate on such issues and work with like-minded political players in a creative and constructive fashion;
- Issues of leadership, including the sort of leadership required, whether the right kind of leadership is available and, if not, what can be done to fill leadership vacuums, and whether available leaders are appropriately trained;
- Identification of the results to be achieved and best-practice guidelines that could be followed to achieve them;
- The need to foster partnership, action, learning and participation. The focus should be on partnerships between the types of organizations represented: how such partnerships can be established and what is needed from individuals and organizations to achieve that; and
- The creation of political will and commitment: whether a commitment for change exists and how to develop or reinforce it.

Some possible areas for specific discussions could include the following.

- Role of the Government in promoting or establishing key elements of the national strategy, such as transparency and accountability structures;
- Role of the political process, including the legislature, the bodies that conduct and validate elections, and the democratic political process in general;
- Role of civil society, such as non-governmental organizations, the media, religious groups and professional organizations;
- Role of the private sector; and
- Role of specific officials or institutions, such as Auditors General, the judiciary, law enforcement agencies and other constitutional office holders.

8. Preparation of materials

Careful consideration should be given to the written and oral materials prepared in advance. They help to orient and sensitize participants beforehand, serve as guidelines during discussions, and provide reference information afterwards. It is important that drafters consider carefully the participants for each meeting, framing materials in a style and format that is appropriate to their educational and knowledge level, linguistic, cultural and other relevant characteristics. Content should seek to build upon existing knowledge and complement it by introducing areas that may be new to participants. For example, meetings of groups such as law enforcement officers, prosecutors or judges could be based on the assumption that participants will have some level of legal

knowledge but less understanding of social or economic issues. Content could then seek to develop specialized legal knowledge relevant to corruption, while also raising more general awareness of its social, political and economic effects.

Materials could include the following.

- Background papers and other relevant documents distributed in advance or handed out on the first day;
- Short oral remarks by the authors of the papers;
- General comments from a number of speakers on the first morning of the workshop; and
- "Trigger" questions formulated by the facilitators for each small group discussion to help identify key issues and stimulate the interest of participants.

9. Materials produced by meetings

The basic purpose of documentation is to inform those responsible for the overall strategy about the status of efforts in each area, to keep those who may be dealing with similar issues in other areas up to date, and to inform those who plan future meetings or other activities about the history and development of each issue discussed.

Documentation also forms an important source of historical information and, in the case of projects funded or supported by donors, demonstrates the results achieved as a result of the support and provides guidance regarding future support. Generally, organizers should attempt to document as much as possible of the proceedings, keeping in mind the costs of producing and disseminating documents and the fact that texts that are too long or too detailed are less likely to be read.

The format of reports may be determined by the authority convening the meeting, by the meeting itself or by the organizers. Whatever the format, the relevant information should be set out clearly and logically to assist participants in referring back to former proceedings, and to inform those who did not attend. Organization into clear and well titled categories or segments greatly assists the process. To some extent, standardization of format assists anyone charged with obtaining information from many reports. If a series of meetings is planned, organizers may wish to create a template for reports. Strict adherence to a template should not, however, take priority over clarity or the effective organization and labelling of information for ease of access. If possible, reports should be prepared as the meeting proceeds, and reviewed, corrected and adopted by the meeting before it concludes.

Where feasible, documentation should include the following:

- A list of all participants, including their basic "contact information" to enable those involved to meet or discuss after the meeting;
- If the meeting is convened by a specific authority, based on a specific mandate, or as part of a series of meetings, basic historical and reference information about these should be included;
- A statement of the basic purpose of the meeting, the issue or issues taken up and the basic organizational framework or process used;
- The results of discussions, and enough information about the tenor and substance of discussions to indicate how results were reached, or if they were not reached, the reason(s) why;

- Texts of papers or speeches presented during the meeting (full texts, extracts or summaries), edited for uniformity and consistency;
- Observations, reports or other notes provided by presenters or other participants; and,
- Any suggested follow-up actions, conclusions and recommendations (42).

a. Role of organizers and other personnel

Meetings should be organized and conducted by a team that assesses the needs of the country or region, develops specific themes and topics, prepares materials, organizes and conducts the meeting itself, and prepares reports and other substantive outputs. Team members should be properly briefed in writing ahead of time. If possible, they should meet two days before the meeting to share ideas, clarify and coordinate individual roles, agree on content and process objectives and clarify the content of topics and key issues. They should also agree on the format of small-group and plenary findings that are to be included in the proceedings.

Some typical roles are described below.

b. Workshop Management.

A group of organizers can be assigned the task of selecting topics or options for workshops or discussion groups, organizing each group, ensuring that chairpersons, resource persons (e.g. subject-matter experts) and other facilitators are present, and making sure that the proceedings are documented. The group can also meet to coordinate subgroup activities as discussions proceed. Additional facilitators may be recruited to provide further assistance if needed. Some specific assignments for managers include:

- The selection and briefing and training of chairpersons, facilitators, rapporteurs and other personnel, as needed;
- Visiting small groups during discussions and supporting or assisting group facilitators where necessary;
- Management of time;
- Passing information between groups; and
- Providing feedback to organizers as the meeting proceeds.

c. Chairpersons.

Chairpersons are needed for plenary sessions and for each subgroup conducted. Individuals are usually selected for their ability to interact with large audiences and for their conceptual ability in guiding and summarizing discussions. It is advisable to have one or more vice-chairpersons appointed and briefed to ensure that proceedings are not disrupted if a chairperson becomes indisposed or unavailable. Specific responsibilities include:

- Chairing sessions;
- Encouraging, identifying and calling upon speakers in discussions;
- Ensuring that discussions are balanced and that everyone is encouraged and permitted to speak;
- Ensuring that discussions remain focused;

- Guiding discussions where necessary but also maintaining basic fairness and neutrality should there be controversy between participants;
- Managing time;
- Summarizing discussions at the end of each issue;
- Posing questions to be addressed by subgroups;
- In the case of subgroup chairpersons, reporting the results of discussions back to the plenary; and
- Approving the official record of the meeting or ensuring that the plenary itself does so.

d. Substantive support for assisting chairpersons.

Depending on the size and complexity of the meeting and the personal ability of designated chairpersons, additional personnel may be designated to help run the meeting or manage discussions. In ongoing national strategies, facilitators trained in advance can provide valuable assistance to chairpersons who are selected by the plenary and have less time to prepare. In some cases, such facilitators may provide the basis for ensuring meaningful input and "ownership" from multiple sources. Meetings of entities, such as the professional associations of judges, lawyers or local government, can ensure some degree of control and ownership of the proceedings by appointing knowledgeable insiders as chairpersons; the national anti-corruption programme can also supply input into the substance and management of meetings either by providing facilitators or training them to support and assist chairpersons. In such cases, the functions of facilitators commonly include preparation of discussion agendas and briefing materials for chairpersons, provision of advice and assistance in identifying issues and summing up discussions, and either drafting reports or assisting chairpersons or others to do so.

e. Secretariat support.

Professional staff to provide organizational support, generate and manage correspondence, arrange transport, accreditation and other matters for participants, maintain financial records, produce documents and allied functions are also important, particularly for large or important meetings where smooth proceedings and accurate documentation are of the essence.

f. Media liaison.

Ensuring that a meeting is well publicized is important both for transparency and to raise awareness of the anti-corruption programme. The media liaison should be reasonably familiar with the local or other media who are likely to attend, as well as with the theme and topics for the meeting. He or she should be able to prepare press releases or communiqués as needed and assist the media by, for example, obtaining information and arranging interviews. Kits of materials may be prepared, and in-session documents and post-meeting reports may be made available, if appropriate. One means of assisting the media is to set up a "press board" where newspaper clippings and other materials can be displayed on a daily basis.

10. Precondition and Risk

A number of challenges may arise with the organization and conduct of meetings and workshops.

- It may be difficult to identify a full range of stakeholders, given the needs of the country or region involved and the specific themes and topics to be covered. It may also be difficult to ensure the maximum possible breadth of representation.
- It is usually difficult to strike a balance between process and substance. Too much emphasis on process results in a well run meeting without substance. Too much emphasis on substance can lead to detailed discussions that produce no clear outcomes.
- Sizes of working groups may be too large or too small. Experience has shown that a maximum of 15 participants works well. Larger groups make it difficult for everyone to contribute, and smaller groups may not have enough participants to represent a good range of knowledge and views.
- It may be difficult to produce output materials, such as action plans, that are reasonable and credible, or to mobilize support for those outputs. The true purpose of meetings and workshops is to consider issues and develop appropriate responses that lead to action. Where the outputs are unreasonable or lack credibility, further action is unlikely.
- Where meetings involve specific groups, a balance of "inside" and "outside" participation is important. Meetings sponsored by foreign donors, for example, could include foreign participation but should reflect the perceptions and priorities of the participants and not the donors. Foreign experts can be used to support discussions, if needed, but should not dominate them. The same principle applies where participants are drawn from smaller communities, such as law enforcement personnel or judges. Outsiders can support the efforts of such groups to identify problems and develop solutions but should avoid the perception of imposing solutions from outside.

11. Related Tools

Tools that may be required before an integrity or action planning meeting can be successfully implemented include:

- A credible agency or body with a formal mandate and necessary resources to organize the meeting;
- Where an action plan or similar instrument is produced, the organization and capacity actually to implement or supervise implementation of the plan. Plans that are not implemented erode the credibility of the overall anti-corruption effort;
- Tools that raise awareness of the meeting itself and the role of the different stakeholders at the meeting, and that establish appropriate expectations on the part of populations;
- Where a meeting is likely to identify specific complaints or problems, the institutions and mechanisms needed to deal with such complaints should be in place;

Tools that may be needed in conjunction with integrity and action-planning meetings include:

- The institution or entity that convened and mandated the meeting should be prepared to receive and follow up on any report or recommendations the meeting produces;
- Where multiple meetings are held, the convening entity should retain and compile reports. A parent agency, such as a national commission or committee, may also be charged with making collective periodic reports synthesizing the information from many meetings to the national legislature or executive; and
- Basic transparency is important to ensure that results are credible and that they are widely disseminated for use by others. An independent media to report on the outcome of the meeting and to monitor the implementation of action plans or recommendations is important. Reports can also be made to public bodies such as legislative assemblies or committees.

C. Strengthening Judicial Integrity Against Corruption[4]

1. Introduction

This article is an outgrowth of the successful outcome of the Workshop of the Judicial Group on Strengthening Judicial Integrity, convened by the Centre for International Crime Prevention (Global Programme against Corruption), at its Headquarters in Vienna, in April 2000, in cooperation with Transparency International. It was hosted by the Centre in conjunction with the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Workshop, in which 8 Chief Justices and Senior judges from countries of Africa and Asia participated, was conducted under the chairmanship of former World Court Judge Christie Weeramantry, with Justice Michael Kirby of Australia acting as Rapporteur. Uniquely, they have formed a "peer group" to share plans and experience and will meet again in February 2001 to assess progress in that regard.

This Group of Justices considered means by which to strengthen judicial institutions and procedures in participating and other countries, including via a pilot project geared toward judicial and enforcement reform. The authors found that the unique approach taken on that occasion to this subject matter is most likely to yield the best results in terms of combating judicial corruption. One lesson learned from this experience was that strengthening the judiciary against corruption can best be achieved by the type of partnership based on mutual trust, self-evaluative and remedial, or 'indigenous', recommendations of the justices themselves. The way to future effectiveness in this regard is transfer of such kind of judicial know-how between senior judges of the so-called 'north' and those of developing countries.

The findings and recommendations of the first meeting of justices, documented by Michael Kirby, can be accessed on the web page of the Centre *(http://www.ODCCP.org/corruption_judiciary.html)* The insightful and practical recommendations made by the participating justices highlighted how critical it is to involve the senior practitioners of the sector which is a target of reformative action.

The focus of this article is the judiciary, its integrity, and in an inter-active mode and thereby addressing the issue of enforcement. The challenge lies in the process which needs to involve all stakeholders so as to be ultimately successful. The successful designing and launching of such process would completely revolutionize the understanding, perhaps deeply entrenched in the political life of a State, that public figures have Alicense" to dispense favors and they are somehow above others before the law-- without regard to the public interest or to the burden a State incurs as a result thereof.

Key issues which the authors will address in this article are the following:

Rule of law (as part of good governance): Rule of law has moved up among the development economists to become one of four critical variables for sustainable development and poverty alleviation.

[4] *Prepared by: Petter Langseth, Ph.D. , Programme Manager and Oliver Stolpe, Associate Expert, United Nations Global Programme against Corruption, Centre for International Crime Prevention, Office for Drug Control and Crime Prevention, United Nations Office at Vienna, 20 December 2000, for CIJL Yearbook, 2000. The expressed views are those of the authors and not necessarily those of the United Nations.

Evidence based change: It is not possible to strengthen the integrity and capacity of criminal justice system without an independent assessment of corruption levels and performance of the judiciary.
Involvement: Successful changes of the integrity and capacity of the judiciary requires involvement of: (a) the judiciary itself and (b) the court users both in developing a change programme and in the monitoring of the implementation of the same programme

2. *Judicial Corruption-A Developmpent Issue*

It has now become clear that corruption is one of the main obstacles to peace, stability, sustainable development, democracy, and human rights around the Globe [1].

The "quality counts"[2] discussion among economists conclude recently that the key to reduced poverty is an integrated approach to development—one that addresses quality growth, including environment, education, health, and **governance**.

Good governance, with its crosscutting nature, is the key determinant among these elements. It requires, among other things, trust between the State and the people, integrity, transparency, **rule of law**, checks and balances, co-ordination among governmental and parastatal agencies, and increased involvement of all other key stakeholders.

International and regional human rights instruments recognize as fundamental that, in the determination of any criminal charge against him/her, or of his/her rights and obligations in a suit at law, everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The importance of this right in the protection of human rights is underscored by the fact that the implementation of all the other rights depends upon proper administration of justice. An essential element of the right to a fair trial is an impartial tribunal. Another inherent element of a fair trial is the procedural equality of parties - or what is generally called "the equality of arms". If the judicial system is corrupt, neither of these elements exists. If one of the parties has bribed the judge or other court official and obtained access to documents to which the other party has no access, or, caused documents to disappear, there is no equality of arms. A judge who has taken a bribe is neither independent nor impartial.

When a party to judicial proceedings offers a bribe to the judge or a court official and that bribe is accepted or recognized, that party immediately acquires a privileged status in relation to other parties not offered or in a position to offer, any such bribe or inducement. The preferential treatment secured does not have objective or reasonable justification. It does not pursue a legitimate aim. It constitutes discrimination and violates the principle of non-discrimination, which is fundamental to the concept of human rights"[2].

A corrupt judiciary means also that the legal and institutional mechanism designed to curb corruption, however well targeted, efficient or honest, remains handicapped. The Judiciary is the public institution that is supposed to provide essential checks on other public institutions. A fair and efficient judiciary is key to any comprehensive anti-corruption initiative. Judicial integrity and capacity should therefore be dealt with from the start of any reform programme [3].

---

[5] A World Bank Study has been criticized in the (Economist, October 5th 2000, *Economic Focus* section in an article about *Why quality matters)* recently for muddling the message on growth and poverty. A World Bank representative, when asked to reply to the criticism, agreed to the centrality of quality growth in reducing poverty. Stated: *"it is a big mistake to neglect, lessons on how to achieve more and better growth --that is sustained, and whose benefit flow to all*.

There is increasing evidence of the infiltration of corruption into all branches of Government--charged with the safeguarding of the rule of law. Particularly insidious in this regard is judicial corruption. A fair trial, one of the most fundamental human rights, requires an impartial tribunal and the procedural equality of parties. If the judicial system is corrupt, neither element exists. A judge who has been bribed is neither independent nor impartial.

There are more practical considerations suggesting that initiatives to strengthen the integrity of the institutional framework should initially focus on the judiciary. Because of its independence, the judiciary tends to have a comparatively strong position inside the institutional framework. While police and prosecution sectors are often susceptible to political interference, the judiciary has only to face the issues of insufficient capacity and integrity inside its own institution. The judiciary tends to be the smallest of the justice system institutions. Technical assistance addressing both integrity- and capacity- building can easily reach a critical mass of judges and magistrates and is therefore more likely to have an impact. If efforts are initially concentrated on law enforcement institutions there is an additional danger that cases will be brought to trial, and expectations will be raised and ultimately destroyed, once the courts do not rule according to the law. Such a scenario easily leads to frustration within police and prosecution as well as by the general public and ultimately confirms the notion that corruption pays off.

3. Judicial Corruption ¼a Global Problem

Judicial corruption appears to be a global problem. It is not restricted to a specific country or region. Yet manifestations of corruption seem to be at their worst in developing countries and countries in transition. According to the Geneva-based Centre for the Independence of Judges and Lawyers [4], of the 48 countries covered in its annual report for 1999, judicial corruption was pervasive in 30 countries.

In a service delivery survey conducted in Mauritius, between 15,2 % and 22,4 % of the interviewees stated that “all" or “most” of the magistrates were “corrupt” [5]. According to a similar survey conducted in Tanzania in 1996[6], 32% of the respondents who were in contact with the judiciary had actually paid “extra” to receive the service [7]. In Uganda, a similar survey yielded even higher values. Over 50% of those who came into contact with the courts reported to have paid bribes to officials.[8] Even more telling, perhaps, are the statements recorded in the focus groups on judicial corruption in Uganda. These are the following:

> ***Issues raised about the courts in Uganda in Focus Groups held at the village level***
> If you do not “cough” (pay a bribe) something, the case will always be turned against you and you end up losing it. *Mbale, Site 4, Men*
>
> The clerks won't allow you see the magistrate unless you have given in some money. *Lira, Site 4, Men*
>
> The magistrates keep on adjourning cases until they are bribed.
> **Kamuli, Site 1, Men**
>
> **Source: CIETinternational, National Integrity Survey in Uganda, 1998**

In Asia the situation might be seen as equally discouraging. In a survey carried out for the World Bank in Cambodia, 64% of the interviewees agreed with the statement: “The Judicial system is very corrupt” and 40% of those who had been in contact with the judiciary had actually paid bribes. Corruption in the judicial system was ranked among all factors as the most significant obstacle to using courts [9]. A recent national household survey on corruption in Bangladesh,

revealed that 63% of those involved in litigation had paid bribed either court officials or the opponent's lawyer, while 89% of those surveyed were convinced that judges were corrupt [10]. In the Philippines, 62% of the respondents believed that there were significant levels of corruption within the judiciary and 57% thought that many or most of the judges could be bribed [11].

In a similar study conducted by the World Bank in Latvia, 40% of the respondents who had dealings with the court system reported that bribes to judges and prosecutors were frequent. Moreover, 10% of the businesses and 14.5 % of the households having had contacts with the court system received indications of the necessity of paying a bribe [12]. In Nicaragua, it was found that 46% of those surveyed who had dealings with the court system stated that there was corruption in the judiciary while 15% had actually received some indications that the payment of a bribe was expected [13]. In Bolivia, 30% of the respondents to a service delivery survey were asked for a bribe upon contact with the judiciary and 18.6% actually paid a bribe [14].

The above-mentioned surveys suggest that corruption by far is not the only reason why individuals are dissatisfied with the judiciary. They and others indicate that, in many countries, individuals are also dissatisfied with the cost, timeliness, accessibility and fairness of justice. They are dissatisfied with the delays. They are dissatisfied with the cumbersome and daunting procedures involved in going to court. In Colombia, the backlog of cases has exceeded four million; about 70% of the typical judge's time was consumed by paperwork. In a number of countries, Governments do not hesitate to ask judges to undertake non-judicial work, such as sitting on commissions of inquiry, sometimes with a distinct political flavor, and the judges concerned rarely decline to do so. These might be seen as indicators of judicial systems in a perpetual state of crisis.

4. Causes And Indicators Of Judicial Corruption

The few studies conducted suggest that the causes for judicial corruption vary significantly from State to State. Some of the possible causes are low remuneration, a high concentration of jurisdictional, and the administrative roles of judges, combined with far reaching discretional powers and weak monitoring of the execution of these powers. This not only generates extensive possibilities for the abuse of power but also creates an environment where whistle blowing becomes more unlikely because of the extensive powers of individual holding these powers.

Such a situation is often additionally worsened by a lack of transparency due to defective information collection and information sharing systems, in particular the absence of a comprehensive and regularly updated database with the most recent jurisprudence. This leads easily to inconsistencies in the application of the law and makes it impossible to track decisions, which might have been motivated by corruption. The lack of computer systems is one of the main causes for inconsistencies according to Latin American lawyers and judges [15]. Inconsistencies might not only arise with regard to the substance of court decisions but also with respect to court delays, fostered by the absence of time standards and their close monitoring.

Indicators of corruption as perceived by the public include episodes such as: delays in executing court orders, the unjustifiable issuing of summons and granting of bails, prisoners not being brought to court, the lack of public access to records of court proceedings, disappearance of files, unusual variations in sentencing, delays in delivering and giving reasons for judgement, high acquittal rates, the apparent conflict of interest, prejudices for/against a party, witness, or lawyer, whether individually or as a member of an ethnic, religious, social, gender or sexual group, immediate family members of a judge regularly appearing in court, prolonged service in a particular judicial station, high rates of decisions in favor of the executive, appointments perceived as resulting from political patronage, preferential/hostile treatment by the executive or legislature, frequent socializing with particular members of the legal profession, the executive or the legislature, with litigants or potential litigants, and post-retirement placements.

5. A UN Strategy To Combat Judicial Corruption

Legal provisions, at national and international levels, continue to emphasize the independence of the judiciary. Technical assistance projects mainly deal with the building of professionalism and capacities within the judiciary. The challenges of *strengthening integrity through increased accountability of judges and the development of methodologies to clean up a corrupt judicial service remain neglected*. This is exactly where the Centre for International Crime Prevention intends to make a difference. Even though judicial integrity is critical, only a few international institutions are currently focusing on this issue. Where this issue is dealt with, it typically has to do with reforming the judiciary from outside, through the executive and/or focus on capacity rather than the integrity of the judiciary. The unique feature of the approach presented in this article is that it has managed to attract some key chief justices and high court judges from developed and developing countries. Trusting each other, the justices joined in partnership for an international cause. With vast experience and expertise on the matter, they also demonstrated their willingness to be self-critical and openly address highly sensitive issues like the integrity of their own institution, the judiciary, for the benefit of strengthening the judiciary across legal systems against corruption.

Corruption in the judiciary is a complex problem and needs to be addressed using a variety of approaches. In Venezuela where 75% of the population reportedly distrusts the judicial system, a US$120 million reform programme aims, inter alia, at eliminating corruption by opening up the system, with public trials, oral arguments, public prosecutors and citizen juries. In countries of Asia and Africa, where these are standard features of the system, the judiciary is perceived to be corrupt.

Elsewhere, consequent to donor-driven reform initiatives, more and better equipped courts have been established, and judges' salaries have been increased but, in the public perception, the judiciary remains corrupt. The phenomenon of corruption in the judiciary, therefore, needs to be revisited. A right balance needs to be achieved between autonomy in decision-making and independence from external forces on the one hand, and accountability to the community in the other.

Any approach aiming at strengthening judicial integrity needs also take into account, that it in order to be truly being effective, it is not enough to fight corruption but in parallel measures need to be undertaken to restore the public trusts in the judiciary. Any programme must therefore also include a specific strategy to enhance the public□s trust in the judiciary. Only if this trust relationship is restored the public will begin to report cases of corruption and trust the judiciary with their protection.

a. An International Judicial Leadership Group on Strengthening Judicial Integrity

In the firm belief that the process of developing a concept of judicial accountability should not be led by politicians or public officials but by the judges themselves, the United Nations Centre for International Crime Prevention in collaboration with Transparency International invited a Group of Chief Justices and High Level Judges to a preparatory meeting (Vienna April 2000) to consider formulating a programme to strengthen judicial integrity.

Having regard to recent attempts by some development organizations to reform judiciaries in Latin America and Eastern Europe which were not particularly successful principally due to their failure to recognize the existence of different legal traditions in the world, it was decided to focus, at this pilot stage, on the common law system. The Group was formed exclusively by common law Chief Justices or senior judges of 7 Asian and African countries namely from Bangladesh, State of Karnataka in India, Nepal, Nigeria, Uganda, Tanzania, and South Africa [16].

The objective of the programme was to launch an open and client driven action learning process at the international level, during which the involved Chief Justices identify possible anti-corruption policies and measures for the adoption in their own jurisdictions, test them out at the national level, share their experiences in subsequent meetings at the international level, hereby refine the approach and, given a positive impact was made, trigger the adoption by their colleagues. Consistent with the global "action learning" approach which they generally adopt, neither CICP nor TI pretend to know all the answers and do not come to countries seeking to impose off the shelf ready-made solutions. They do not approach the programme with any pre-conceived notions. Instead, they will work with relevant institutions and stakeholders within each country to develop and implement appropriate methodologies and will submit, on a continuing basis, any conclusions to scrutiny by specialist groups. The entire project will be based on partnership and shared learning.

The objectives of the first meeting were to (a) raise awareness regarding: (i) the negative impact of corruption, (ii) the level of corruption in the judiciary, (iii) the effectiveness and sustainability of an anti-corruption strategy consistent with the principles of the rule of law, and (iv) the role of the judiciary in combating corruption. (b) Formulate the concept of judicial accountability and devise the methodology for introducing that concept without compromising the principle of judicial independence; and (c) design approaches which will be of practical effect and have the potential to impact positively on the standard of judicial conduct and raise the level of public confidence in the rule of law.

The following issues were discussed, recorded and adopted
[17] by the Group, namely:
- Public perception of the judicial system.
- Indicators of corruption in the judicial system.
- Causes of corruption in the judicial system.
- Developing a concept of judicial accountability.
- Remedial action.
- Designing a process to develop plans of action at the national level.

With regards to the causes of judicial corruption or the perception of judicial corruption the participating Chief Justices concluded that this is not only fueled by first hand experiences of judges or court staff asking for bribes but also by a series of circumstances which are all to easily interpreted as being caused by corrupt behavior rather than the mere lack of professional skills and a coherent organization and administration of justice. Such indicators include episodes like: delays in executing court orders, the unjustified issuing of summons and granting of bails, prisoners not being brought to court, the lack of public access to records of court proceedings, files disappearing, unusual variations in sentencing, delays in delivering and giving reasons for judgement, high acquittal rates, the apparent conflict of interest, prejudices for/against a party, witness, or lawyer, whether individually or as a member of an ethnic, religious, social, gender or sexual group, immediate family members of a judge regularly appearing in court, prolonged service in a particular judicial station, high rates of decisions in favor of the executive, appointments perceived as resulting from political patronage, preferential/hostile treatment by the executive or legislature, frequent socializing with particular members of the legal profession, the executive or the legislature, with litigants or potential litigants, and post-retirement placements.

However, the Chief Justices agreed that the current knowledge of judicial corruption was inadequate to base remedies upon. Even in those countries where surveys had been conducted, the results were not sufficiently specific. Generic questions about the levels of corruption in the courts do not reveal the precise location of the corruption and will therefore be easily rejected by the judiciary as grounds for the formulation of counter measures and policies. They agreed that there was a strong need for the elaboration of a detailed survey instrument that would allow the

identification not only of the levels of corruption, but also the types, causes and locations, of corruption. They were convinced that the perception of judicial corruption was caused to a large extent by the malpractice within the other legal professions. E.g. experiences from some countries show that the court staff or the lawyers pretend to have been asked for the payment of a bribe by a judge in order to enrich themselves. Furthermore, surveys in the past did not sufficiently differentiate between the various branches and levels of the court system. Such an approach inevitably had to lead to a highly distorted picture of judicial corruption since the absolute majority of contacts with the judiciary were restricted to the lower courts. Also the survey instruments used so far seem not to take into account that the perception of corruption might be strongly influenced by the outcome of the court case. In particular where lawyers try to cover up their own shortcomings, the loosing parties are often presuming that the judge being bribed by the opponent caused their defeat.

Furthermore, service delivery surveys usually rely exclusively on the perceptions or experiences of court users, while they do not try at all to use insider information, which easily could be obtained by interviewing prosecutors, investigative judges and police officers. Existing instruments do also seldom try to further refine the information obtained in the survey by having the data discussed in focus groups and/ or by conducting case studies.

The Judicial Group agreed that a set of preconditions, mostly connected to the attraction of the judicial profession, must be put into place before the concrete measures to fight judicial corruption can be applied successfully. In particular, low salaries paid in many countries to judicial officers and court staff must be improved. Without fair ***remuneration*** there is not much hope, the traditional system of paying "tips" to court staff on the filing of documents can be abolished. However, adequate salaries will not guarantee a corruption free judiciary. Countless examples of public services all over the world prove that regardless of adequate remuneration, corruption remains a problem. An adequate salary is a necessary, but not sufficient condition for official probity [18]. Moreover, an excessive workload will hinder the judge to ensure the quality of his work which eventually will make him loose the interest in his job and hereby more susceptible to corruption. In addition to the remuneration, improving service conditions might increase the attraction of the judicial career. However, "extras" and salaries must be well balanced. . Examples from some developing countries show that States tend often to provide a great part of the remuneration in form of housing, car, personnel etc. while the salaries paid are hardly covering the costs of these "extras". Such a situation can have an extremely negative effect since the state suggests the adequacy of a living standard far beyond what the judge would be able to afford if he would be only paid his salary. Consequently he gets used to a living standard which he will not be able to maintain once he retires. Such a situation may as a matter of fact contribute to the temptation of adopting corrupt practices since the judge might feel tempted to accumulate sufficient resources to preserve his social status also during retirement.

In order to come up with a realistic, focused, and effective plan of action to prevent and contain judicial corruption effectively, the judicial group recommended first of all to develop a coherent survey instrument allowing for an adequate assessment of the types, levels, locations and remedies of judicial corruption. There is a need to establish a mechanism to assemble and record such data and, in appropriate format, to make it widely available for research, analysis and response.

Also it was felt that more transparent procedures for ***judicial appointments*** were necessary to combat the actuality or perception of corruption in judicial appointments (including nepotism or politicization) and in order to expose candidates for appointment, in an appropriate way, to examination concerning allegations or suspicion of past involvement in corruption.

The Judicial Group concluded furthermore that there is a need for the adoption of a transparent and publicly known (and possibly random) procedure for the ***assignment*** of cases to particular

judicial officers to combat the actuality or perception of litigant control over the decision-maker. Internal procedures should be adopted within court systems, as appropriate, to ensure regular change of the assignment of judges to different districts having regard to appropriate factors including the gender, race, tribe, religion, minority involvement and other features of the judicial office-holder. Such rotation should be adopted to avoid the appearance of partiality.

In order to ensure the correct behavior of judicial officers, the Judicial Group urged for the adoption of ***judicial codes of conduct***. Judges must be instructed in the provisions established by such a code and the public must be informed about the existence, the content and the possibilities to complain in case of the violation of such a code. Newly appointed judicial officers must formally subscribe to such a judicial code of conduct and agree, in the case of proven breach of the code, to resign from judicial or related office. Representatives from the Judicial Association, the Bar Association, the Prosecutors office, the Ministry of Justice, the Parliament and the Civil Society should be involved in the setting of standards for the integrity of the judiciary and in helping to rule on best practices and to report upon the handling of complaints against errant judicial officers and court staff.

Moreover, rigorous obligations should be adopted to require all judicial officers publicly to ***declare their assets*** and the assets of their parents, spouse, children and other close family members. Such publicly available declarations should be regularly updated. They should be inspected after appointment and monitored from time to time by an independent and respected official.

As another pressing field of intervention the Group identified widespread ***delays*** causing both, opportunities for corrupt practices and the perception of corruption. Therefore practically possible standards for timely delivery must be developed and made publicly known. In this context it should be however noted that reducing court delays has proven extremely difficult even in countries where the mobilization of human and financial resources are far less problematic than it will be in countries in the developing world. E.g. the United States delay reduction programme, even though generally referred to as a success did not manage to reduce court delays significantly. What the programme did was to increase the amount of cases concluded by a court decision, since more litigants were willing to sit through also lengthy court proceedings seeing the light at the end of the tunnel [19].

Practical measures should be adopted, such as ***computerization of court files***. Experiences from Karnataka State in India suggest that the computerization of case files helps not only to immensely reduce the work load of the single judge and speeds up the administration of justice but also helps to avoid the reality or appearance that court files are “lost” to require “fees” for their retrieval or substitution.
The Group supported also the notion that ***sentencing guidelines*** could significantly help in identifying clearly criminal sentences and other decisions which are so exceptional as to give rise to reasonable suspicions of partiality.

Furthermore it was felt that making available systems for ***alternative dispute resolution*** would give the litigants the possibility to avoid actual or suspected corruption in the judicial branch. A study carried out for the World Bank on the development of corruption in two South American judiciaries, namely the Chilean and the Ecuadorian judiciary seems to confirm this assumption[20].

The Group also noted the importance of proper ***peer pressure*** to be brought to bear on judicial officers should be enhanced in order to help maintain high standards of probity within the judicature.
The establishment of an independent, credible and responsive ***complaint mechanism*** was seen as an essential step in the fight against judicial corruption. The responsible entity should be staffed with serving and past judges and be given the mandate to receive, investigate and determine

complaints of corruption allegedly involving judicial officers and court staff. The entity, where appropriate, should be included in a body having a more general responsibility for judicial appointments, education and action or recommendation for removal from office.

In the event of proof of the involvement of a member of the legal profession in corruption, in relation to activities as a member of the legal profession, appropriate means should be in place for investigation and, where proved ***disbarment*** of the persons concerned.

Procedures that are put in place for the investigation of allegations of judicial corruption should be designed after due consideration of the viewpoint of judicial officers, court staff, the legal profession, users of the legal system and the public. Appropriate provisions for due process in the case of a judicial officer under investigation should be established bearing in mind the vulnerability of judicial officers to false and malicious allegations of corruption by disappointed litigants and others.

It should be acknowledged that judges, like other citizens, are subject to the criminal law. They have, and should have, ***no immunity from obedience to the general law***. Where reasonable cause exists to warrant investigation by police and other public bodies of suspected criminal offences on the part of judicial officers and court staff, such investigations should take their ordinary course, according to law.
An ***inspectorate*** or equivalent independent guardian should be established to visit all judicial districts regularly in order to inspect, and report upon, any systems or procedures that are observed, which may endanger the actuality or appearance of probity and also to report upon complaints of corruption or the perception of corruption in the judiciary.

The role and functions of ***Bar Associations*** and ***Law Societies*** in combating corruption in the judiciary should be acknowledged. Such bodies have an obligation to report to the appropriate authorities instances of corruption, which are reasonably suspected. They also have the obligation to explain to clients and the public the principles and procedures for handling complaints against judicial officers. Such bodies also have a duty to institute effective means to discipline members of the legal profession who are alleged to have been engaged in corruption of the judicial branch.

In order to assure the transparency of court proceedings and judicial decisions, systems of ***direct access*** should be implemented to permit litigants to receive advice directly from court officials concerning the status of their cases awaiting hearing.
Workshops and ***seminars*** for the judiciary should be conducted to consider ethical issues and to combat corruption in the ranks of the judiciary and to heighten vigilance by the judiciary against all forms of corruption. A judge's journal should, if it does not already exist, be instituted and it should contain practical information on all of the foregoing topics relevant to enhancing the integrity of the judiciary.

Judicial officers in their initial education and thereafter should be regularly assisted with instruction in binding decisions concerning the ***law of judicial bias*** (actual and apparent) and judicial obligations to disqualify oneself for actual or perceived partiality. In order to achieve accountability there is a need that both, ***civil society and judiciary*** recognize that the judiciary operates within the civil society it serves. It is essential to adopt every available means of strengthening the civil society to reinforce the integrity of the judiciary and the vigilance of the society that such integrity is maintained. In order to assure the monitoring of judicial performance, the explanation to the public of the work of the judiciary and its importance, including the importance of maintaining high standards of integrity needs to be explained. The adoption of initiatives such as a ***National Law Day*** or ***Law Week*** should be considered.

Finally it was agreed that the role of the ***independent media*** as a vigilant and informed guardian against corruptibility in the judiciary should be recognized, enhanced and strengthened by the

support of the judiciary itself. Courts should be afforded the means to appoint, and should appoint, ***Media Liaison Officers*** to explain to the public the importance of integrity in the judicial institution, the procedures available for complaint and investigation of corruption and the outcome of any such investigations. Such officers should help to remove the causes of misunderstanding of the judicial role and function.

b. Strengthening judicial integrity at the national level: An example from Nigeria

Following the establishment of the international judicial leadership group, the next challenge was to translate this theoretical exchange of ideas at the international level into country specific action at the national and sub national level and hereby launch the action learning cycle.

CICP started in April 2000, in close consultation with the Nigerian Supreme Court, to design a project assisting the Nigerian Judiciary at the national and sub national level to develop and implement Integrity Strategies and Action Plans addressing judicial corruption. The scope of the project is to support the Nigerian Judiciary to:

- Reintroduce Rule of Law and the public confidence in the judiciary by strengthening its integrity and capacity
- Increasing judicial accountability while maintaining judicial independence to ensure general *checks and balances.*
- Increasing the risk, cost and uncertainty for members of the legal profession and court staff of misusing their public powers for private gain and
- Establish the judicial assessment as monitoring tools to periodically to assess the trust level between criminal justice system and the public and the perceived levels of corruption in the judiciary.

In order to ensure evidence based development and implementation of the Integrity Strategies and the Action plans, the CICP is assisting the Supreme Court in collaboration with the independent Anti Corruption Commission (ACC) to conduct an *assessment* of the justice system producing a clear and coherent picture of:

- The levels, locations, types, cost, causes and effects of corruption in the criminal justice system,
- The trust level between the public and different institutions in the Justice System, and
- The possible remedies of corruption in the judiciary

The Chief Justice, supported by the ACC and the CICP, will conduct a *National Integrity Meeting* inviting all key stakeholders including the Chief Justices from the 36 state to build broad consensus for an Integrity Strategy and an Anti-Corruption Action Plan for the Judiciary. Based on the findings of the assessment of the justice system and the recommendations issued by the International Judicial Group, the meeting will identify measures and policies to fight corruption within and through the Judiciary. The National Integrity meeting will serve at the same time to disseminate the key findings from the Assessment to: (i) raise awareness among the relevant stakeholders and the public and to (ii) empower the civil society to monitor the judiciary when it comes to corruption.

CICP will also support the Chief Justice in starting an *action learning process* at a *sub national level*. Three States will be selected to serve as pilots for the entire country. Following the above-described process, CICP will support the Judiciaries at the State level to develop State Action Plans and to implement some of the proposed policies and measures. The lessons learned during the implementation will then be shared at the federal level at a second national integrity meeting in year 2002. They will help develop and refine the national implementation strategy. At the local level the single activities proposed should increasingly shift from anti-corruption measures to the improvement of service delivery.

The lessons learned from Nigeria will again be shared with the international Judicial Group who will meet regularily to discuss lessons learned from different pilot countries. It is also expected that the survey instrument applied at the state level to assess the judicial corruption, will be developed with the necessary inputs from the leadership group.

6. Conclusion

Like other entities involved in the "development business," the Cetre's Global Programme against Corruption has experienced a steep learning curve with regards to understanding the negative impacts of corruption and devising means of curbing it. After almost seven years of governance work, Member Sates, development agencies and international Organisations have realized that the problem of corruption. Corruption within justice administration was underestimated. A clear-cut global strategy or approach to the situation is only now emerging.
The approach described in this paper is based on the premises that:

- Success in the global fight against corruption requires concrete implementation at the national and sub-national level;
- At national and international levels, a coherent assessment of the levels, causes, locations, effects and costs of corruption is a necessary precondition for the formulation of effective remedies;
- Evidence- based planning is only possible where the data has a high level of credibility with regards to the sample size, the methodologies used to allow cross checking (focus groups, case studies), the specificity of the information obtained and the independence and professionalism of the entity responsible for the data collection and analyses;
- Assessment must be repeated regularly to allow independent impact- monitoring of anti-corruption work;
- The findings of the assessment should be disseminated widely in the relevant local languages;
- Although being an important, conducting the assessment is only a part of a far more comprehensive process. The bigger challenge is to improve the quality of decision making and the accountability of the decisionmakers by utilising the assessment as a basis for the development, the implementation, the monitoring, the reviewing and impact evaluation of a broad based action plan;
- The eradication of corruption from the justice system is a joint task involving not only judges or members of the legal profession but literally all stakeholders, including all branches of Government, the Media and the civil society; and
- The entire process should be monitored by an independent and credible body with members selected on the basis of professional integrity and competence (like the Anti Corruption Commission in Nigeria).

The authors are convinced that past reform initiatives often could not achieve the expected impact because efforts were made primarily in the formulation of the objectives, e.g. substance. Yet little or no importance was given to *processes,* e.g., having to do with broad-based ownership, transparency, accountability. Goals were not accomplished because: (i) the implementation strategy remained unclear; (ii) the objective itself was not capturing the problem to be addressed or remained unrealistic; (iii) there were few incentives for the involved parties to implement the plan; (iv) there were no accountability or disincentives for not implementing the pla; and (v) there was no public expectation or pressure from key stakeholder groups to implement the plan.

The challenge is to come up with an integrated, evidence-based approach that balances process and substance to ensure a more coherent and realistic formulation of objectives but also create the necessary ownership among stakeholders. This is crucial to establishing transparent accountability and monitoring and keeping implementation progressing as planned.

References

The Lima Declaration against Corruption, 8th International Conference against Corruption, September 1997, Lima, Peru.

Economist, October 5th 2000, in the *Economic Focus* section in an article about *Why quality matters*

Nihal Jayawickrama, paper presented at the "Strenghtening Judicial Integrity Workshop", April 15/16 Vienna, unpublished

Buscaglia/ Dakolias, An Analysis of the Causes of Corruption in the Judiciary, Legal and Judicial Reform Unit – Legal Department - The World Bank 1999, p. 2.

Centre for the Independence of Judges and Lawyers, 9th annual report on Attacks on Justice, March 1997 – February 1999.

Building an Island of Integrity, Proceedings of a Workshop on National Integrity Systems in Mauritius, Presented by the Office of the Attorney General in collaboration with TI (Mauritius), Transparency International, and the Economic Development Institute of the World Bank with financial support of the Government of Norway and Mauritius, February 1998.

Service Delivery Survey, Corruption in the Police, Judiciary, Revenue and Land Services, Presidential Commission of Inquiry against Corruption, CIETinternational & Worldbank, Tanzania 1996

Service Delivery Survey, Corruption in the Police, Judiciary, Revenue and Land Services, Presidential Commission of Inquiry against Corruption, CIETinternational Tanzania 1996

Building Integrity to Fight Corruption to Improve Service Delivery, The Inspecorate of Government, Uganda 1999

Cambodia, Governance and Corruption Diagnostic: Evidence from Citizen, Enterprise, and Public Official Surveys, Prepared by the World Bank at the Request of the Royal Government of Cambodia, May 2000, http://www.worldbank.org/wbi/governance

Transparency International – Bangladesh Chapter, Corruption in Bagladesh Survey, http://www.transparency.ca/Readings/TI-F01.htm

Philippines, Combating Corruption in the Philippines, World Bank, Philippine Country Management Unit East Asia and Pacific Region, May 2000, Report No. 20369-PH

Corruption in Latvia, Survey Evidence, World Bank, December 1998

Encuestat Nacional Sobre Integridad y Corrupcion en la Administracion publica, ComitJ Nacional de Integridad-Banco Mundial-CIETinternational, Nicaragua Agosto 1998

Popular Perception of Corruption in the Public Service, Key Findings of the first National Integrity Survey in Bolivia, CIETinternational, April 1998

Buscaglia/ Dakolias, An Analysis of the Causes of Corruption in the Judiciary, Legal and Judicial Reform Unit – Legal Department - The World Bank 1999, p.7

Integrity in Judiciary , GPAC Working Paper No 3, Vienna May 2000

Moskos, Upholding Integrity among Justice and Security Forces, in A Global Forum against Corruption, Final Conference Report, 63

Messick, Reducing court delays: Five lessons from the United States, The World Bank PREMnotes, Dec. 1999, No. 34,

Buscaglia/ Dakolias, An Analysis of the Causes of Corruption in the Judiciary, Legal and Judicial Reform Unit – Legal Department - The World Bank 1999, p.10

Judicial Integrity in Nigeria; draft Project Idea document was discussed and agreed with the Nigerian Supreme Court during a CICP mission to Nigeria in November 2000

Bibliography

- Ades, A. and R. Di Tella. 1996. "The Causes and Consequences of Corruption: a Review of Recent Empirical Contributions." *IDS Bulletin*. University of Sussex, Institute of Development Studies (U.K.); 27:6-11. April.
- Allen, J. R. 1994. *Developing and Using Performance Indicators: The Case of Canada*. Presentation at National Academy of Public Administration, Washington, D.C., Sept. 27, 1994. (Mimeo).
- Anderson, Neil. 1996. *Evidenced-based Planning: The Philosophy and Methods of Sentinel Community Surveillance*. EDI.
- Bardhan, P. 1997. *Journal of Economic Literature*. Volume 35. September.
- Beckhard, R. and W. Pritchard. 1992. *Changing the Essence: The Art of Creating and Leading Fundamental Change in Organisation*. San Francisco: Jossey-Bass Publishers.
- Brunetti, A., G. Kisunko, and B. Weder. 1997. *Institutional Obstacles to Doing Business: Region-by-Region Results from a Worldwide Survey of the Private Sector*, Policy Research Working Paper, 1759. The World Bank.
- Bryson, J. 1996. *Creating and implementing your strategic plan: a Workbook for Public and Nonprofit Organisations*. San Francisco: Jossey-Bass Publishers.
- CIETinternational. 1996. Service Delivery Survey: Corruption in the Police, Judiciary, Revenue and Lands Services, Washington, D.C.: EDI, World Bank.
- CIETinternational. 1995. *Performance and Perceptions of Health and Agricultural Services in Uganda*.
- Fink, A. 1995. *The Survey Kit* (9 vols.) Thousand Oaks, California: Sage Publications.
- Goerzen, Jean (ed.). 1996. *Service Delivery Surveys: Applying the Sentinel Community Surveillance Methodology, Country Overviews*. Washington: EDI.
- Global Programme against Corruption. *The Development of a Rapid Assessment Methodology: Results of a UN Expert Group Meeting*, CICP Working Paper. Vienna: United Nations, December 1999.
- Grey, C. (1998). "Corruption and Development." *Finance and Development*. Volume 35. March.
- Grindle, Merilee S. 1996. *Challenging the State: Crisis and Innovation in Latin America and Africa*. Cambridge University Press.
- Independent Commission Against Corruption. 1999. *Operations Department Review 1998-1999*. Hong Kong: ICAC.
- IRIS. 1996. *Governance and the Economy in Africa: Tools for Analysis and Reform of Corruption*. College Park, MD: University of Maryland at College Park.
- Kaufmann, D. 1997. "Corruption: The Facts." *Foreign Policy*. Summer.
- Klitgaard, R. (1988). *Controlling Corruption*. Berkeley, CA: University of California Press.
- Kpundeh, Sahr, and Petter Langseth (eds.) 1997. *Good Governance for Private Sector Development and Investment: Proceedings of a Regional Ministerial Seminar in Entebbe*, Uganda. Washington, D.C.: World Bank.
- Kpundeh, Sahr, and Petter Langseth (eds.) 1997. *Good Governance for Sustainable Development*, Proceedings of a Workshop for Parliamentarians in Kampala, Uganda. Washington, D.C.: The World Bank.
- Lai, Alan N. 2000. "Corruption Prevention: A Hong Kong Perspective," *Responding to the Challenges of Corruption: Acts of an International Conference*, edited by Anna Alvazzi del Frate and Giovanni Pasqua. Milan: United Nations.
- LaMagna, Richard C. 1999. *Changing a Culture of Corruption: How Hong Kong's Independent Commission Against Corruption Succeeded in Furthering a Culture of Lawfulness*, Washington, D.C.: US Working Group on Organized Crime, National Strategy Information Center.
- Langseth, Petter (Ed) 2003, United Nations Anti Corruption Toolkit, Vienna, 2003
- Langseth, Petter. 2000. *Integrated vs Quantitative Approach. Lessons Learned.* A Paper delived at: Corruption: Critical Assessments of Contemporary Research. A workshop hosted by Chr.

Michelsen Institute and Norwegian Institute for Foreign Affairs in collaboration with NORAD in Oslo 19-21 Oct. 2000

- Langseth, Petter. 2000. " Prevention: an Effective Tool to Reduce Corruption," *Responding to the Challenges of Corruption: Acts of an International Conference*, edited by Anna Alvazzi del Frate and Giovanni Pasqua. Milan: United Nations.
- Langseth, Petter and Rick Stapenhurst. 1997. *National Integrity Systems: Country Studies*, EDI Working Papers Series. Washington, D.C.: World Bank.
- Langseth, Petter, Rick Stapenhurst, and Jeremy Pope. 1997. *The Role of a National Integrity System in Fighting Corruption*, Working Papers Series. Washington, D.C.: EDI, World Bank.
- Langseth, Petter et al, 1998. *Building Integrity to Fight Corruption in Uganda; Fountain Publishing House*, Kampala, Uganda
- Langseth, Petter. 1995. *Civil Service Reform: Lessons from Uganda*, Working Papers Series. Washington, D.C.: EDI, World Bank, No. 95-05.
- Mauro, P. 1995. Corruption and Growth, *Quarterly Journal of Economics*, 110:681-712. August.
- Mauro, P. 1997. *Why Worry about Corruption?* Washington, D.C.: International Monetary Fund.
- National Performance Review Office, Office of the Vice President of the United States. *Putting Customers First: Standards for Serving the American People (Report of the National Performance Review)*. Washington, D.C., Sept. 1994.
- Pope, Jeremy (ed.). 1997. *National Integrity Systems: The TI Source Book* (second edition). Washington, D.C.: EDI, World Bank.
- Presidential Commission of Inquiry Against Corruption. 1996. *Report on the Commission on Corruption*. Dar-es-Salaam.
- Presidential Commission of Inquiry Against Corruption. 1996. *Service Delivery Survey: Corruption in the Police, Judiciary, Revenue, and Lands Services*. Dar es Salaam.
- Rose-Ackerman, S. 1997. *Corruption and Development*. Paper prepared for the Annual World Bank Conference on Development Economics. Washington, D.C., April 30 and May 1.
- Selener, D. 1997. *Participatory Action Research and Social Change*. Ithaca, New York: Cornell Participatory Action Research Network, Cornell University.
- Seligson, Mitchell. 1997. *Nicaraguans Talk about Corruption*. Unprocessed.
- Smith, S., D. Williams, and N. Johnson. 1997. *Nurtured by Knowledge: Learning to Do Participatory Action-Research*. New York: The Apex Press.
- Urban Institute. 1998. Selected Urban Institute Staff Reports and Publications on Performance Measurement and Program Evaluation. Washington, D.C.: Urban Institute Press.
- Wei, S. 1997. *How Taxing is International Corruption*. NBER Working Papers. No 6030. May.
- Weisbord 1995. *Future Search: An Action Guide to Finding Common Ground for Action in Organisations and Communities*. San Francisco: Berrett-Koehler.
- Williamson, O. 1995. "The Institutions and Governance of Economic Development and Reform." In Proceedings of the *Annual World Bank Conference on Development Economics: 1994*, edited by Michael Bruno and Boris Pleskovic. Washington, D.C.: World Bank.
- World Bank. 1993. *1993 Research International Report*.. Washington, D.C.: EDI.
- World Bank. 1994. *Evaluation Capacity Development: Report of the Task Force*. Washington, D.C.: World Bank.
- World Bank. 1997. *Helping Countries Combat Corruption: The Role of the World Bank*.. Washington, D.C.: Poverty Reduction and Economic Management Network, World Bank.
- World Bank. 1998. *Ukraine National Integrity Survey: Citizens' Experiences of Public Service Quality, Integrity and Corruption*. Washington,

Endnotes

[1] The Lima Declaration against Corruption, 8th International Conference against Corruption, September 1997, Lima, Peru.

[2] Nihal Jayawickrama, un published paper presented at the "Strengthening Judicial Integrity Workshop", April 15/16 Vienna.

[3] Buscaglia/ Dakolias, An Analysis of the Causes of Corruption in the Judiciary, Legal and Judicial Reform Unit – Legal Department - The World Bank 1999, p. 2

[4] Centre for the Independence of Judges and Lawyers, 9th annual report on Attacks on Justice, March 1997 – February 1999.

[5] Building an Island of Integrity, Proceedings of a Workshop on National Integrity Systems in Mauritius, Presented by the Office of the Attorney General in collaboration with TI (Mauritius), Transparency International, and the Economic Development Institute of the World Bank with financial support of the Government of Norway and Mauritius, February 1998

[6] Service Delivery Survey, Corruption in the Police, Judiciary, Revenue and Land Services, Presidential Commission of Inquiry against Corruption, CIETinternational & Worldbank, Tanzania 1996

[7] Service Delivery Survey, Corruption in the Police, Judiciary, Revenue and Land Services, Presidential Commission of Inquiry against Corruption, CIETinternational Tanzania 1996

[8] Building Integrity to Fight Corruption to Improve Service Delivery, The Inspecorate of Government, Uganda 1999

[9] Cambodia, Governance and Corruption Diagnostic: Evidence from Citizen, Enterprise, and Public Official Surveys, Prepared by the World Bank at the Request of the Royal Government of Cambodia, May 2000, http://www.worldbank.org/wbi/governance

[10] Transparency International – Bangladesh Chapter, Corruption in Bagladesh Survey, http://www.transparency.ca/Readings/TI-F01.htm

[11] Philippines, Combating Corruption in the Philippines, World Bank, Philippine Country Management Unit East Asia and Pacific Region, May 2000, Report No. 20369-PH

[12] Corruption in Latvia, Survey Evidence, World Bank, December 1998

[13] Encuestat Nacional Sobre Integridad y Corrupcion en la Administracion publica, ComitJ Nacional de Integridad-Banco Mundial-CIETinternational, Nicaragua Agosto 1998

[14] Popular Perception of Corruption in the Public Service, Key Findings of the first National Integrity Survey in Bolivia, CIETinternational, April 1998

[15] Buscaglia/ Dakolias, An Analysis of the Causes of Corruption in the Judiciary, Legal and Judicial Reform Unit – Legal Department - The World Bank 1999, p.7

[16] The preparatory meeting was held in Vienna on April 15 and 16, 2000, under the framework of the Global Programme Against Corruption and in conjunction with the 10th United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It was attended by the Honorables M. L. Uwais, Chief Justice of Nigeria; Pius Langa, Vice-President of the Constitutional Court of South Africa; Hon. F. L. Nyalali, Former Chief Justice of Tanzania, B. J. Odoki, Chairman of the Judicial Service Commission, Bhaskar Rao, Chief Justice of Karnataka; Latifur Rahman, Chief Justice of Bangladesh, and Govind Bahadur Shrestha, Chief Justice of Nepal. The Hon. Sarath Silva, Chief Justice of Sri Lanka could not attend but conveyed his fullest support to the group. The meeting was chaired by the Hon. Christopher Weeramantry, Former Vice-President of the International Court of Justice and facilitated by the Hon. Dr. Giuseppe di Gennaro, Former Judge of the Italian High Court, and Dato Param Cumaraswamy, the United Nations Special Rapporteur on the Independence of Judges and Lawyers. The rapporteur was the Hon. Michael Kirby, Judge of the High Court of Australia

[17] Integrity in Judiciary , GPAC Working Paper No 3, Vienna May 2000

[18] Moskos, Upholding Integrity among Justice and Security Forces, in A Global Forum against Corruption, Final Conference Report, 63

[19] Messick, Reducing court delays: Five lessons from the United States, The World Bank PREMnotes, Dec. 1999, No. 34,

[20] Buscaglia/ Dakolias, An Analysis of the Causes of Corruption in the Judiciary, Legal and Judicial Reform Unit – Legal Department - The World Bank 1999, p.10

Judicial Integrity in Nigeria; draft Project Idea document was discussed and agreed with the Nigerian Supreme Court during a CICP mission to Nigeria in November 2000

Corruption was until 1993 only referred to as the C-Word in most international donor institutons.

D. Strengthen Judicial Integrity and Capacity, Lessons learned

1. Background

Under the Framework of the Global Programme Against Corruption and in conjunction with the 10th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna, Austria in April 2000, the United Nations Centre for International Crime Prevention (CICP), in collaboration with Transparency International convened a two day workshop for Chief Justices and other senior judges from eight Asian and African countries. The Meeting was chaired by HE Judge Christopher Weeramantry (former Vice-President of the International Court of Justice). The participants were: Chief Justice Latifur Rahman (Bangladesh); Chief Justice Y Bhaskar Rao (Karnataka State, India); Chief Justice M L Uwais (Nigeria); The Hon F L Nyallali (former Chief Justice of Tanzania); Justice B J Odoki (Chairman of the Judicial Service Commission of Uganda); Justice Pius Langa (Vice-President of the Constitutional Court of South Africa); and Justice Govind Bahadur Shrestha (Nepal). Apologies were received from Chief Justice Sarath Silva (Sri Lanka). The rapporteurs of the Meeting were Justice Michael Kirby (Judge of the High Court of Australia) and Dr G di Gennaro (former President of the Supreme Court of Italy). Observers attending the meeting included Dato' Param Cumaraswamy (Malaysia: UN Special Rapporteur on the Independence of Judges and Lawyers); Mr B Ngcuka (DPP, South Africa); Dr E Markel (International Association of Judges, Austria); and Judge R Winter (Austria). The co-ordinators of the meeting were Dr Nihal Jayawickrama and Mr Jeremy Pope (Transparency International, London), and Dr Petter Langseth (CICP, United Nations).[6] The purpose of the workshop was to consider means of strengthening judicial institutions and procedures as part of strengthening the national integrity systems in the participating countries and beyond. The object was to consider the design of a pilot project for judicial and enforcement reform to be implemented in participating countries. The purpose was also to provide a basis for discussion at subsequent meetings of the Meeting and at other meetings of members of the judiciary from other countries, stimulated by the initiatives taken by the Meeting.

During this Conference, the Chief Justice, in collaboration with CICP, began to develop a preliminary draft action plan for the Nigerian judiciary. This draft as well as the outcomes of the first and second meeting of the Judicial Leadership Meeting served as a basis for the development of a pilot project to strengthen judicial integrity and capacity in Nigeria. The project was launched in October 2001 with the conduct of the first federal integrity meeting for Chief Judges, held in Abuja, Nigeria.[7] Based on the initial plan of action developed by the eight Chief Justices from Asia and Africa the meeting identified 17 measures which would address the most pressing issues of access to justice, timeliness and quality of justice, the public's trust in the judiciary and the development and implementation of a credible and responsive complaints system. The meeting also

---

[6] For an account of the first meeting of the Judicial Meeting on Strengthening Judicial Integrity refer to: Langseth/ Stolpe, Strengthening the Judiciary against Corruption, in Strengthening Judicial Independence – Eliminating Judicial Corruption, Yearbook 2000, Centre for the Independence of Judges and Lawyers, pp. 53-72

[7] For a summary account of the First Federal Integrity Meeting of Chief Judges, refer to: Langseth/ Stolpe, The United Nations Approach to Helping Countries Help Themeselves by Strengthening Judicial Integrity – a Case Study from Nigeria, in Corruption, Integrity and Law Enforcement (ed. Fijnaut & Huberts) pp. 310, 325-328

delineated 57 indicators that should be measured by CICP to provide a baseline against which future progress could be assessed. Further, the meeting agreed to implement the project initially in nine pilot courts in Borno, Delta and Lagos. CICP hired the Nigerian Institute for Advanced Legal Studies (NIALS) to conduct the data collection. The first round of the data collection has been completed and the Centre has initiated in collaboration with NIALS to analyze the data.

The present paper tries to outline lessons learned and emerging best practices from judicial reform projects around the world in the four above mentioned areas that have been found particular relevant by the First Federal Integrity Meeting for Chief Judges.

2. Access to justice

a. Enhance the Public's Understanding of Basic Rights and Obligations

The First Federal Integrity Meeting concluded that the Chief Judge is the proper person to brief the media on the rights and obligations of litigants and the workings of the court system, including issues of jurisdiction etc. In this regard, judges were enjoined to move away from the traditional notion that judges should shy away from publicity and therefore, not grant interviews or participate in public enlightenment activities. It was however cautioned that in educating the public on their rights and obligations, judges should avoid controversial issues which are likely to be the subject of legal dispute. The Meeting was of the view that this secondary indicator could be attained within the envisaged 18 months period.

Some Studies suggest that the citizens' lack of information on their rights and obligations as well as the basic information of the court process rank among the most important obstacles to access to justice.[8] Judicial reform initiatives in some countries have, among others, specifically focused on taking a proactive approach towards educating communities and representatives of businesses and schools on issues linked to the administration of justice, including the basic rights and obligations of the citizen. Such community outreach and other communication strategies were not only beneficial for the public but did also contribute to improving the judges public image and, ultimately contributed to enhancing the public's trust towards the judiciary.[9] In some jurisdictions information centers were established in the courts with the purpose of providing information to the public on the court process and case status as well as to receive comments, suggestions and complaints.[10] This did not only facilitate the access to timely

[8] In Colombia in a survey of 4500 rural households 66% and 44% respectively considered "Information on Rights and Obligations" and "Basic Information on the Initial Proceeding" the two most serious obstacles to the access to justice. Buscaglia, Investigating the Links Between Access to Justice and Governance Factors, p. 7. In the Dominican Republic Court User Focus Groups that were interviewed in the context of a World Bank sponsored assessment confirmed, that the lack of legal information was a significant barrier to the exercise of protection of citizen rights, to prevent and resolve conflicts, and to effectively use the justice system, World Bank, Dominican Republic, Statistical Review of the Justice Sector, p. 62

[9] Said/ Varela, Colombia, Modernization of the Itagüí Court System, pp. 23, 24; Dakolias/ Said, Judicial Reform, A Process of Change Through Pilot Courts, p. 6

[10] Dakolias/ Said, Judicial Reform, A Process of Change Through Pilot Courts, p. 12, 15

and user friendly information by the public but also alleviated the burden previously borne by the judges.

b. Financial Cost

The First Federal Integrity Meeting noted that court fees vary from jurisdiction to jurisdiction. Whilst avoiding the temptation to fix uniform fees especially in view of its impracticability, the meeting noted that the fixation of court fees is within the powers of the Chief Justice and the chief judges. The Constitution of the Federal Republic of Nigeria empowers the Chief Justice and Chief Judges to make court rules which encapsulate the fixing of fees. Chief judges were therefore enjoined to take appropriate steps to remove obstacles to easy access to courts, particularly high fees. Other measures proposed include facilitating the appearance of witnesses, and the possible establishment of new courts. The Meeting also proposed the re-introduction of the old system where courts seat in sessions at the various localities in order to carry justice nearer to the people. The Meeting also agreed that this measure is attainable within the envisaged 18 months period.

Some jurisdictions have used exponentially increases in court fees according to court time used to enhance institutional efficiency. One such example is Singapore where parties are no longer entitled to unlimited use of court time. While the first trial day is free from added fee, thereafter, each additional day of trial incurs an extra charge, which escalates with time in order to curb abuse. As a result over 80% of the cases take only one day to complete.[11] In addition, cost orders are being used against parties and their lawyers for abuses of civil process. This gives the court the flexibility to hold accountable the lawyers rather than their clients. Such a system allows for making at least initially the courts more accessible also to the poor, since additional income from exponentially growing court fees could be used to cut down on the initial cost. However, in most countries more serious obstacles to access to justice are stemming form high-lawyer fees. The possibility of contingency fees and class action law suits as well as law clinics, consultation bureaus, ombudsman offices and advocacy NGO's can help to some extend.[12] Courts should be aware of such structures and in case indicate them to needy users.

c. Differing Cultural Norms

The Meeting observed that Nigerian courts have the comparative advantage of using local languages peculiar to the locality of the court in order to transact its business, and that even where a litigant is not versed in the language of the court, an interpreter is made available. It was further noted that this practice is observed in all trial courts, from the lowest court to the high court, notwithstanding the fact that all court records are in English. The Meeting however agreed that training and public enlightenment programmes in various local languages should be pursued.

In some countries alternative dispute resolution mechanisms have been introduced allowing disputing parties to seek their own solutions. The emanating, rather flexible and non-binding decisions are normally more adept to reflect local or tribal cultural norms.

11 Dakolias, Court performance around the World, pp. 47, 48

12 Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union, p. 23

Neighborhood councils and complaint panels and boards manned with prominent local residents can enjoy a high level of popular-based legitimacy and become the preferred form of dispute resolution.[13]

d Friendly Environment for Litigants, Witnesses, etc.

The First Federal Integrity Meeting observed that the current practice is for witnesses to be excluded from the court room, and that no waiting facility is provided in most of our courts. It was therefore proposed that new court buildings should include waiting rooms for witnesses, litigants, etc. It was noted that this measure is not immediately attainable, and that the implementation of the measure is not within power of the court, because the resources for such capital expenditures is controlled by the executive. However, the Meeting recommended that Chief Judges should explore the possibility of converting idle rooms in existing court structures into waiting rooms for witnesses, litigants as well as persons released on bail who are awaiting the perfection of their bail conditions.

Inadequate physical facilities that constrain smooth operations of courts are an important aspect of judicial reform. Shortages, rundown conditions, inappropriate space distribution, lack of security, poor lighting, poor maintenance, and a lack of decorum and appropriate symbolism, poor locations and the lack of facilities in rural areas are only the main shortcomings. [14] Many reform projects, therefore, have been addressing court infrastructure through the development of simple conceptual models addressing strategic planning needs, accommodating the increased need for judicial services and the newly implemented orally-based and transparent procedures. In some countries courthouses have consciously been conceptualized a catalysts of change taking into account five main concepts: Cultural and judicial decorum, expansion of facilities, reform oriented spaces taking into account needs for increased transparency, access to the public and upgraded technology.[15]

e. Prompt Treatment of Bail Applications

The Meeting discussed the issue of bail and noted that to reduce congestion in the prisons, courts are encouraged to grant bail in respect of all offences other than those with capital punishment. The Meeting also appreciated the need to simplify the procedures for bail, but agreed that the accused and his sureties must go to the admin officers to sign the bail bonds, etc. The Meeting noted the high number of persons awaiting trial amongst whom were those whose offences though bailable were not granted bail, and those who have been granted bail but could not perfect the bail conditions, etc. It was therefore resolved that bail should be made available to accused persons in all bailable offences unless there are special circumstances which will warrant the denial of such bail. The Meeting also emphasized the need for public enlightenment as well as proposed the need for a review of the laws so as to introduce "suspended sentences". It was also observed

[13] In Colombia a survey revealed that 61 % of the 4500 sampled rural households actually voiced their preference for the informal system both in terms of timeliness and predictability. Buscaglia, Investigating the Links Between Access to Justice and Governance Factors, p. 11

[14] World Bank, Staff Appraisal Report – Peru, Judicial Reform Project, p. 9; Dakolias/ Said, Judicial Reform, A Process of Change Through Pilot Courts, p. 13

[15] Malik, Judicial Reform in Latin America and the Caribbean: Venezuela's search for a New Architecture of Justice, p. 9

that the fines provided in our statute books are outdated and as such it was proposed that such fines should be reviewed to make them more meaningful.

f. Increased Coordination between various Criminal Justice System Institutions

Participants extensively discussed the issue of coordination between justice agencies, especially in the area of criminal justice. It was noted that in all the states there exist a coordination mechanism in the form of Criminal Justice Committees which are comprised of the representatives of the Police, the Attorney-General's Office, the Courts and the Prisons Service. It was also observed that Chief Judges periodically carry out visits to prisons with a view to ascertaining the level of inmates awaiting trial and those who are being improperly detained. The Meeting therefore noted that the coordination mechanism necessary for the smooth running of the system is already in place. It was however resolved that participants should ensure the effective use of such mechanisms to reduce the proportion of persons awaiting trial, as well as the harmonious inter-dependence between the various criminal justice agencies, i.e. the investigative, the prosecution, the adjudication, and the penal/reformative.

Criminal Justice Committees are being used in several jurisdiction around the world to enhance the cooperation and coordination of the various institutions involved in the criminal justice process, mainly in order to increase the overall efficiency of the system. Regular meetings of the various actors provide a vehicle for problem identification, the sharing of differing institutional perspectives, the exchange of information and ideas and the collaborative development of plans for improvement.[16] Particularly useful are such meetings when they involve officials at the operational levels, e.g. at the court level since many coordination problems may not require strategic changes but rather ad-hoc adjustments within existing procedures.[17] In some countries such committees have been formed at various geographical and hierarchical levels. In addition to strategic and practical problem solving, such Committees lend themselves to the organization of interdisciplinary training sessions aiming particularly at increasing the capacity of the various actors to cooperate and coordinate.

16 The Council for Court Excellence, A Roadmap to a Better Criminal Justice System, p. 3

17 Hammergren, Enhancing Cooperation in Judicial Reform: Lessons From Latin America, pp. 6,7

g. Reducing delays

In the area of civil justice, the Meeting observed that certain aspect of our procedures tend to encourage delays, especially in the filing of pleadings, the attendance of witnesses and even obedience to court orders. It was noted that in the area of civil law, it is within the purview of the judge to deal with contempt of his court or disobedience to court orders.

A more active role of judges in case management rather than leaving the management to the parties and their lawyers has helped in many countries to reduce delays and increase individual clearance rates significantly. As a matter of fact increased judicial activism in case management has proven to be one of the main factors capable of reducing the time it takes to dispose of a case.[18] This may include not the strict enforcement of deadlines but also a more mediating approach to encourage settlement among parties to a dispute. Some countries have established pre-trial conferences, with the sole purpose of encouraging parties to make every effort to resolve their dispute under judicial supervision or with the help of a mediator.[19] A relatively easy way to start, which yields quick success consists in reducing the backlog by identifying inactive cases and purging them from the files.[20]

Other jurisdictions increased court time and extended the hours of the registrars office, a measure which did not only enhance the overall productivity of staff but also increased the access to justice and impacted positively on the perceptions of service users.[21] As a Georgian lawyer stated "Before, you could go there in the middle of the day and not to be able to find a judge. Now, everyone is there, working".[22]

3. Quality and Timeliness of Justice

a. Increase Timeliness of the criminal justice process

Cooperation between agencies is vital to the achievement of a speedy justice process. As such, participants proposed that appropriate steps should be taken to increase the cooperation between agencies in the justice system. In addition, there has been a backlog of old outstanding cases which have accumulated as a result of the slow nature of the justice system. It was therefore proposed that in dealing with such cases, some form of prioritization is required. Incessant and unnecessary adjournments was also noted to be a major cause for the delays in the trial process. The need for strictness on adjournment requests was therefore stressed. It was further observed that failure by judges to sit on time also contribute to the delays. To facilitate timeliness in the trial process the performance of the individual judge needs to be monitored. Also, sustained consultation between judiciary and the bar should be encouraged. Delays are also facilitated by some procedural rules. As such it recommended a review of such procedural rules in order to minimize delays and reduce potential abuse of process. Another problem affecting the

---

18 Ernst & Young, Reducing Delay in Criminal Justice System, p. 2; In the U.K. in a pilot project aiming at delay reduction in criminal cases, it was possible to decrease the average number of days-to-disposal from 85.5 to 30 by introducing early first hearings and increasing the powers of single judges and justices' clerks to assist case management.

19 Dakolias, Court Performance around the World, p. 47

20 Dakolias, Court Performance around the World, p. 14

21 Dakolias, Court Performance around the World, pp. 28 (Chile), p. 33 (Colombia and p. 48 (Singapore)

22 Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union, p. 8

timeliness of the trial process was the lack of an effective case management system. The Meeting recommended the need to put in place appropriate case management system that will take into cognizance the case loads, case types and length of such cases, so as to minimize undue delays.

Most countries embarking on judicial reform projects were forced to address delays and extensive backlogs if their reform efforts were to be successful. Extensive delays are one of the main reasons for public distrust undermining the judiciary's legitimacy and ultimately calling for interventions by the executive often limiting its independence. Some countries have tried to solve the issue through simply increasing the number of judges. Hiring more judges is often a favorite solution for problems of inefficiency.[23] The lack of judges has been cited frequently as the main reason for delay.[24] This perception, however, relates primarily to courts that are not well-managed rather than understaffed. While hiring additional staff in some situations may be necessary, more successful have been those attempts aiming at increasing the output of the system through strengthening its efficiency rather than its over all capacity in terms of human resources. [25]

Much of the delay is caused by an unnecessary high number of procedural steps combined with a lack of time-limits. This does not only increase the time-to disposition but also the propensity of the system towards corrupt practices. [26] Delay reduction programmes may include reducing the amount of procedural steps and the complexity of the single steps through more simplified, oral-based procedural codes as well as establishing time-limits for each procedural step.[27] However, "delays cannot be legislated away".[28] Meaningful service delivery deadliness seem only to be achieved, where the judges and court staff are involved in their establishment and commit themselves to the prescribed times.[29] Regular meetings to review if all service deadlines are being met are useful since they confirm the commitment and allow for eventually needed adjustments. Other judicial reform programs address both the issue of time-to-disposition and judicial work culture by improving incentives for court employees, including judges. In most jurisdictions the reduction of procedural times will actually require changes in the respective procedural codes. Such measures will take time and require consolidated action by the judicature, the executive and the legislative. In one country it was possible to reduce the amount of procedures foreseen by the Civil Procedural code from over a 100 to 6.[30]

Delay reduction programs will normally be combined with backlog-solving exercises. It has shown that courts that have reduced the backlog were able also to experience substantial reduction in processing time. Some countries in this regard made good experiences with the hiring of temporary personal whose sole purpose was to review the

---

23 Buscaglia/ Dakolias, Comparative International Study of Court Performance Indicators, p. 13

24 National Center for State Courts, How many judges do we nee anyway?, March 1993, p. 1

25 Dakolias, Court Performance around the World, p. 20

26 Buscaglia, An Analysis of the Causes of Corruption in the Judiciary, p. 7

27 Buscaglia, An Economic and Jurimetric Analysis of Official Corruption in Courts, p. 9

28 Messick, Reducing court delays: Five lessons learned from the United States, PREM notes, Number 34, Des. 1999, p. 1

29 Said/ Varela, Colombia, Modernization of the Itagüí Court System, pp. 17, 18

30 World Bank, Staff Appraisal Report – Peru, p. 10

existing backlog of cases, purging inactive cases from the files, identify those cases that require immediate action by the judge and prepare for the hearing of the case.[31]

Much of the delay is also caused by parties and their lawyers. As already mentioned increasing the judges activism in case management has proven to be highly effective in this regard. This includes making judges personally responsible for their own share of the Court's caseload, insisting on absolute adherence to time schedules, granting permit of adjournments and temporary injunctions only when absolutely justified, limiting or even abolishing the possibility of interlocutory appeals and building a culture of timeliness among advocates and parties.[32] Also minimal court fees, the lack of court fines for rejected motions, a system permitting for appeals in all cases, and the accrual of legal fees on each new procedural step potentially encourage clients and lawyers likewise to pursue claims up to the highest instance regardless of the merit of the case.[33]

Some countries try in addition to reduce delay and increase user satisfaction by emphasizing negotiation and mediation seeking pre-trial settlement.[34] All of them experienced significant success reaching settlement on the average in more then 70% of the cases.[35] This did not only prevent delay and backlog in the respective courts but reduced also significantly the caseload in appeal.[36]

b. Reduce proportion of prison population awaiting trial

In the area of criminal cases, the Meeting observed that the lack of timeliness in the justice system has occasioned serious congestion in the prison system, which are populated largely by suspects awaiting trial. It was noted that apart from procedural delays, a major problem in this area has to do with non production of such suspects before the court for trial, resulting in some of them spending more years awaiting trial than the would have spent had they been convicted for the offence with which they were charged. In deploring this situation, the Meeting recommended regular de-congestion exercises as well as prison visits with human rights organizations. The Meeting also observed that some delays are caused because of lack of access to books by judicial officers, and recommended that appropriate measures are required to ensure increased access to books for judicial officers

Some countries have undertaken specific measures to reduce congestion in prison caused by a high number of persons awaiting trial. This measures necessarily have to involve the various institutions taking part in the criminal justice process. Particular focus was given

---

31 Buscaglia/ Dakolias, Comparative International Study of Court Performance Indicators, p. 15; World Bank, Project Appraisal Report, Model Court Development Project - Argentina, Annex 2

32 Finnegan, Observations on Tanzania's Commercial Court – A Case Study, p. 7; World Bank, Administration of Justice and the Legal Profession in Slovakia, p. 12;

33 World Bank, Dominican Republic, Statistical Review of the Justice Sector, p. 4

34 Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Poland), p. 33; Dakolias, Court Performance around the World (Peru), p. 44; World Bank, Dominican Republic - Statistical Review of the Justice Sector, p. 5

35 In Argentina a pilot project succeeded in settling more than 60% of the cases through mediation Dakolias/ Said, Judicial Reform, A Process of Change Through Pilot Courts (Argentina), p. 2. In a pilot court project in Tanzania it was possible to settle 80% of the cases short of trial; Finnegan, Observations on Tanzania's Commercial Court – A Case Study, p. 7. In Singapore, over the last five years, the Mediation Centre reaches an amicable settlement between the parties in 77% of the cases; the Hon. Chief Justice Yong Pung How, Speech at the Launch of "Disputemanager.com", 31 July 2002.

36 Finnegan, Observations on Tanzania's Commercial Court – A Case Study, p. 7

to the initial stages of the criminal case processing. Measures included the provision of out of hours advice by the Attorney General's Office, the location of State prosecutors in police stations, the introduction of "early first hearings" in the case of straightforward guilty pleas and of "early administrative hearings" for all other cases as well as the increase of case management powers of judges and justices clerks.[37] In particular regarding misdemeanors administrative hearings and similar caseflow management practices facilitate early negotiations that may lead to rapid, non-trial disposition of the case.[38] Also, non-incarcerative dispositional alternatives for low-level offenders should be considered.[39] In other jurisdiction specialized courts[40] or the function of popularly elected lay judges [41] have been created with the exclusive function of dealing with minor criminal offences and small civil claims.

c. Jurisdiction on Bail

The Meeting then discussed the issue of jurisdiction and in particular the need to clarify the jurisdiction of lower courts to grant bail. It was observed that such clarity is essential in order to understand the extent of such jurisdiction. The Meeting expressed the need for public education especially on the issue of bail as it was noted that substantial number of the populace are ignorant of bail rights and procedures. It was however, the opinion of the Meeting that such measures must be complemented with effective monitoring such as frequent court inspections as well as review of case files.

d. Consistency in Sentencing

As a pre-requisite of quality of justice, the Meeting discussed the need for consistency in Sentencing. To achieve this, the Meeting resolved that accurate criminal records are essential which must be made available at the time of sentencing. Most importantly, it was agreed that the development of a coherent sentencing guidelines is imperative as a measure that could enable achievement of consistency in sentencing.

Rulings disregarding laws and jurisprudence generate inconsistencies, uncertainty and unpredictability and, as a consequence increase the propensity of the judiciary towards corrupt practices.[42] In order to improve the predictability and quality of justice many countries have undertaken measures strengthening the capacity, attitude, skills and ethics of judges. Such measures include training, increasing the access to legal materials, developing codes of conduct and improving the incentive system.[43] Various judicial reform projects revealed the lack of timely accessibility to judicial information, including laws, prevailing jurisprudence, doctrines and legal literature due to defective court information systems and antiquated technology as one of the main obstacles to the successful delivery of justice.[44]

---

37 Ernst & Young, Reducing Delay in Criminal Justice System, p. 2;

38 Council for Court Excellence, A Roadmap to a Better Criminal Justice System, p. 4

39 Council for Court Excellence, A Roadmap to a Better Criminal Justice System, p. 5

40 Dakolias, Court Performance around the World, p. 26

41 World Bank, Staff Appraisal Report – Peru, Judicial Reform Project, p. 22

42 Buscaglia/ Langseth, Empowering the Victims of Corruption through Social Control Mechanisms, p. 23

43 USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality, p. 27

44 Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Poland), p. 32; USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality, p. 45; Dakolias, Court Performance around the World (Ukraine), p. 51; Finnegan,

Training is probably the field that most donor agencies get involved to. There are several approaches both regarding content as well as organization and follow-up to such training activities. Lately there seems to be an increasing shift from training on theoretical-legal to managerial issues and practical skills, including computer courses, case and court management, quality and productivity and leadership skills.[45] However, critical voices complain that there is still too much emphasis by donor's on training programmes that do not really have any impact because they are run by foreign experts without any knowledge of the specific country's context and they do neither go into the necessary depth nor provide for any follow-up. [46] Therefore, training programmes need to increasingly draw from national and regional expertise and ensure sustainability by linking training activity to the curriculum of the respective judicial schools or other training institutions.[47] Training should focus on improving organizational performance. Training evaluations should not be conducted once training is completed but rather when knowledge has been applied. Research demonstrates that training is not effective until worker assimilates the acquired skills and the skill is applied naturally.[48]

Also, training programmes are mostly held in the capital cities and often do only reach the judicial leadership, while the biggest training needs exist at the lower courts, especially outside the capital. Even though the latter may impose even greater challenges of sustainability there is a more urgent need.[49] On the other hand study tours that for long have been observed with suspicion, seem to have potentially an impact that goes beyond a mere increase of professional skills. Participants report that their entire vision of their profession and role in society changed.[50] It is important to observe that training does not only enhance the quality of justice by increasing the professional qualification and even vision, but it also contributes to the attractiveness of the profession as such, which ultimately draws more and better qualified candidates to the bench.[51]

As far as the academic legal training is concerned, in many countries complaints have been raised that teaching methodologies are antiquated, inefficient and actually do not prepare for the profession. Clinical legal education seems to represent a promising alternative.[52] Here in addition to skills, law students acquire values and ethical attitudes.

Observations on Tanzania's Commercial Court – A Case Study, p. 5; Buscaglia/ Langseth, Empowering the Victims of Corruption through Social Control Mechanisms, p.24

[45] USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality, pp. 27, 28; Dakolias, Court Performance around the World (Peru), p. 44

[46] Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Russia, Georgia, Romania and Romania), pp. 11, 12; Hammergren, Institutional Strengthening and Justice Reform, p. 59

[47] Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Romania), p. 13

[48] Said/ Varela, Colombia, Modernization of the Itagüí Court System, pp. 11,12 & 18

[49] USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality, p. 28

[50] Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Russia, Georgia, Romania and Romania), p.12; USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality, p. 29; Goddard, Institution Building and Strengthening of Corruption Control Capacity in Romania, Evaluation of UN Centre for International Crime Prevention Project, p. 25

[51] Dakolias, Court Performance around the World (Peru), p. 44

[52] Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Romania), p.25

Students under professional supervision provide legal services in actual cases to people who would otherwise not have access to counsel. Clinical law education programmes have been implemented with great success in various countries in Eastern Europe and the former Soviet Union.[53] Key seems to be the relative limited number of students that are coached by a professor and a professional lawyer. Other countries try to bridge the gap between theoretical legal education and judicial praxis by transforming their judicial training centers into actual schools for judges, where senior judges train the magistrates of the future.[54]

e. Establishing performance indicators for courts and judges

Further, the Meeting discussed performance indicators for individual judges, as a way of enhancing the quality of justice. To determine the performance of judges it is necessary to assess whether such judges sit on time, whether they are making efforts to reduce backlog of their cases, the level of procedural errors they commit in the discharge of their functions, number of appeals allowed against their substantive judgements and the level of public complaints against their conduct in court. These indicators could provide a definite and effective method of assessing the performance of Judges. In addition to the role of Chief Judges in monitoring the performance of individual judges, the Meeting also noted the role the National Judicial Council and the Independent Anti-Corruption Commission in this endeavour.

Even though justice is not a service just like any other, there are qualitative and quantitative indicators that allow for reviewing judicial performance. Quantitative, this means the number of cases handled, absolutely and in relation to the total demand, the average time to resolution, and the percentage of cases completed within some reasonable time. Qualitatively, the assessment is more subjective, and requires some external evaluation of predictability, conformity with the law and legitimacy as well as user satisfaction.[55] Several judicial reform projects have proven that establishing performance standards and indicators, both for individual judges and for courts are such can become an extremely effective way of enhancing the efficiency of entire system. In one jurisdiction the Supreme Court sets performance goals for courts across the country. It then measures the performance of each court against these performance goals and awards a 5% bonus to the employees of the court that rank in the top 40%. [56] In a pilot court in another country judges are expected to meet a monthly quota of case solved and court staff have established exact service delivery deadlines for each type of service provided by the administrational office of the court. The compliance with these performance indicators is monitored on a regular basis.[57] Some experts suggest that in addition it would be important to review the number of decisions revoked by higher courts and the reasons for these revocations.[58]

---

53 Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Romania), p.26; USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality, p. 30

54 USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality (Romania & Georgia), p. 66

55 Hammergren, Institutional Strengthening and Justice Reform, p. 75

56 Dakolias, Court Performance around the World (Chile), p. 29

57 Said/ Varela, Colombia, Modernization of the Itagüí Court System, pp. 17, 18

58 USAID, Office for Democracy and Governance, Guidance for Promoting Judicial Independence and impartiality (Dominican Republic), p. 114

f. Abuse of Civil Process – ex parte communications

On the abuse of civil process, the Meeting noted that the major the major areas of such abuse are in relation to ex-parte injunctions, improper proceedings in the absence of parties, judgements in chambers instead of open court as well as abuse of process by vacation judges. The Meeting therefore expressed the need for caution by judges in the issuance of ex-pate injunctions and the imperative of serving the ends of justice by fair hearing to all the parties. Whilst stressing that judges should only give judgements in open court, it was also the view of participants in the Meeting that vacation judges should only hear genuinely urgent matters.

4 Public confidence in the courts

a. Public Confidence in the Courts

The First Federal Integrity Meeting concluded that there is a direct link between the conduct of judges and other court staff and public confidence in the judiciary. On the conduct of judges, the Meeting cautioned that judges should avoid exhibiting judicial arrogance by behaving as if they are unaccountable. It was the view of the participants that judges are accountable to the people and that it is for that reason that a succinct code of conduct was put in place. It was therefore recommended that Chief Judges should ensure a strict enforcement of the code of conduct as well as the dissemination of such code of conduct to the understanding of the judges and the general public. It was also recommended that a strict monitoring of other court staff is essential in order to ensure that they keep to the tenets of their various responsibilities.

Another aspect that will enhance public confidence in the courts, according to the Meeting, would be keeping the public informed about what happens in the courts. Public enlightenment is a necessary tool which the courts could effectively employ in winning public confidence.

In some countries were efforts made to transform the judicial mentality in order to accept that the role of the judiciary is to provide a service to the public.[59] In other courts the judge in additional to their traditional role (studying cases and issuing judgement), have become social actors and critical member of the local community[60].

b. Strengthening Social Control System:

During the First Federal Integrity Meeting the Meeting examined the current system of public complaints by court users. There should be prompt and effective method of dealing with complaints by court users. In this regard it was recommended that Complaints Committees be established in each court and that complaints received should be expeditiously dealt with.

[59] (Pilot Project Itagüí, Columbia)Maria Dakolias, Javier Said, Judicial Reform. A process of Change Through Pilot Courts, WB 1999 (p.7)

[60] Javier Said, David F. Varela, Columbia, Modernization of the Itagüí Court System. A Management and Leadership Case Study. P.24

In some countries the implementation of social control boards as part of judicial reform programmes has shown positive results. The so-called "Complaint Panel or Board" can enjoy a high level of popular-based legitimacy.[61] While some of these boards serve mainly the purpose of providing alternative means of dispute resolution to citizens (mostly family and commercial related case types) while others have also been mandated to monitor the functioning of pilot courts during judicial reforms.[62] As such they may be involved in the monitoring of the impact of reform and, at a more advanced stage, they may be mandated to provide external monitoring of court performance in general. Finally, they may also receive, review and eventually channel citizens' complaints to the appropriate authorities and assist in following-up.

c. Fairness and Impartiality

Fairness and impartiality were identified as necessary catalysts to public confidence in the courts. It was the view of the Meeting that the conduct of judges both in and outside the court determines a great deal the level of confidence, which the public could repose in the courts. Judges must not only be fair and impartial but must be seen to have been so by the general public. On the part of the Chief Judges, random case allocation and fairness in such case assignments was also seen to be essential.

Judges must not only render impartial judgement, but their entire behavior must project an aura of fairness. In this regard a Code of Conduct and even more the respective guidelines may be extremely helpful giving an account of what behavior is expected and what behavior is not acceptable. Fear of bias may stems in particular from the assignment of sensitive cases to judges (even wrongly) perceived as pro-governmental. Such concerns can be overcome through a system of random case assignment. Even though deliberate and systematic case assignment procedures may have some advantages in terms of optimizing the use of available expertise and of distributing workload equally, they clearly outweigh the disadvantages in terms of possible or actual partisan influence. The equal distribution of workload can still be assured by using formulas estimating the work on certain case types. Also, a potential loss of expertise can be avoided by forming subject related divisions within courts.[63]

d. Political Neutrality

The issue of political neutrality as a necessary pre-requisite to the independence and integrity of the judicial system was also discussed. It was the view of the Meeting that judges must not be seen to partake in politics or be in political associations, meetings or gatherings. Indeed, the Meeting even cautioned that Chief Judges as well as other judges must be cautious in the way they relate with the executive, so as not to undermine the cherished concept of separation of powers and judicial independence. The Meeting

---

61 Langseth/ Buscaglia, Empowering the Victims of corruption through social control mechanism, p. 18

62 These social control boards, composed of civil society representatives at the local level, have varied in nature and scope. For example, in some countries these civil society boards were proposed as simply civil society-based court-monitoring systems (Singapore and Costa Rica) and in other cases, these bodies were recognized and performed their conflict resolution function as alternative –informal mechanisms (in the cases of Chile, Colombia, and Guatemala).

63 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 48 & 49

resolved that except where judges have a specified role to play, they should avoid delving into executive functions.

Executive-mindedness or a predisposition to favor the government is a serious problem of judges in many countries. Political neutrality and the perception of such can be challenged by various factors, including the behavior of judges, the appointment process. Among those behaviors that may compromise the appearance of fairness rank also the socializing with members of the executive or the providing of legal opinions even when they detached from the facts of a particular case. Since the latter in some legal traditions may be considered acceptable or even desirable to some extend, there should be some exact guidelines which would be elaborated based on the inputs of the various legal professions, the executive, legislative and civil society.

e. Inadequate funding for the judiciary

During the First Federal Integrity Meeting was said that although the issue of funding is one that is beyond the purview of those indicators which the judiciary could handle sui motu, an adequate funding is central to the effective performance of the judiciary as well as the preservation of its independence. The Meeting noted that whilst the other two arms of government to a large extent received adequate resources required for their functions, the judiciary at all times remained starved of the requisite funds for its effective functions. It was the view of participants that the judiciary is yet to attain its independence in the area of resource allocation. This must be pursued and achieved in order to provide for the necessary requirements of the third arm of government.

Judicial budget is an important economic instrument to ensure a reliable and efficient judicial system.[64] In order to secure the necessary resources to the judiciary and to increase its budgetary independence in some countries a minimum portion of the overall Government budget has been assigned to the judiciary in the constitutions. In several countries the increase of budgetary resources has helped judiciaries to improve their overall performance.[65] A common problem remains the poor allocation and lack of management of resources within the judiciary, rather than or in addition to an overall lack

---

64 John McEldowney, Developing the Judicial Budget: An Analysis, p. 3

65 John McEldowney, Developing the Judicial Budget: An Analysis, pp. 11, 12. Crucial in this context were the development of sound management rules for the judical budget. As e.g. in Venezuela:

- The judicial budget should be linked to a transparent system of case management that covers the main sectors of court activity,
- Budget formulation should be capable of providing information and planning as on of the primary means of implementing efficiency studies in the court.
- Internal budget arrangement should ensure that policy formulation is implemented and efficiency structures supported,
- The management of the judicial budget should reflect cases heard by the courts, and the resources needed for each sector of the judicial system should be evaluated as a whole,
- Internal controls over the judicial budget should assist in the development of a management strategy. Case management systems should be sufficiently flexible to take into account variations in caseload
- External control such as audit system should be fully integrated into the judicial budget,
- Judicial statistics should fully reflect the resources allocated and the detail of cases including case outcome,
- Capital assets, regular items of expenditure and expenditure on special programs should be fully reflected in the way the judicial budget is organizes.

of resources.[66] More detailed studies actually have proven, that budgetary increases were particularly effective where the capital budget grew exponentially comparing to those budgetary resources used for salaries, benefits and additional staff. In a country, as part of a new case management system, a decision was taken to adopt strategies to develop sound management of the judicial budget.[67] One important lesson learned in this context seems to be that an increase in capital resources affects time to disposition, but adding general resources to the budget does not. While the latter allows for increasing salaries and number of staff,[68] the first sets aside the necessary monies to improve information technology and facilities in the courts, which in turn increase the clearance rate.[69] E.g. in Singapore a significant increase of capital budget in 1991 was rewarded by a subsequent 39 % decrease of pending cases in 1993. Also in Panama an increase in the capital budget was followed by improved court performance. Increasing salaries of judicial personnel does not seem to have the same effect. However, on the long-run higher salaries should attract better-qualified judges and may also assist in reducing corruption.

f. Irregular appointments

The First Federal Integrity Meeting concluded that there is the need to ensure that only qualified and competent persons of Integrity are appointed as judges. The system of appointment of judges was discussed and it was the view of participants that the current centralized system in which the Judicial Council handles the appointment is quite good, as it has helped a great deal in preventing the appointment of judges from being politicized. It was the feeling that due diligence must be exercised in recommending persons for appointment to the bench, in order to prevent irregular appointments or appointment of incompetent persons or those of questionable integrity.

Although it is not possible to determine which selection process works best, some principles are emerging: [70]

Transparency to be achieved i.e. by advertising judicial vacancy widely, publicizing candidate's names, their background as well as the selection process and criteria; inviting public comment on candidates' qualification and dividing responsibility for the process between two separate bodies.

Composition of the judicial council by introducing also additional actors to diluting the influence of any political entity. Recommended should be the participation of lawyers and law professors, lower-level judges, and allowing representative members to be chosen by the sector they represent. That will be increase the likelihood that they will have greater accountability to their own group and autonomy from the other actors.

Merit-based selection. A positive example is the Chile experience. Here the selection was carried out with unprecedented transparency and appears to have achieved positive results both in terms of credibility and qualification of the selected candidates. The recruitment campaign is widely publicized and the Candidate are evaluated based on their background and tested of their knowledge, abilities and physiological fitness, the interviewed. Those selected attend a six month course at the judicial academy and the graduates receive preference over external competitors for openings. The obvious

66 USAID, Guidance for promoting judicial independence and impartiality, p. 26

67 Buscaglia/ Dakolias, Comparative International Study of Court Performance Indicators, p. 15

68 In many countries almost the 95% of the budget is used for salaries.

69 Buscaglia/ Dakolias, Comparative International Study of Court Performance Indicators, p. 21

70 USAID, Guidance for promoting judicial independence and impartiality, pp. 17-18

disadvantages is its expense. Few judiciaries have resources to provide long-term training for applicants who may not ultimately be selected as judges.
Diversity. A judiciary that reflects the diversity of its country is more likely to garner public confidence, important for a judiciary 's credibility.

The appointment process, terms of appointments, salary level directly impact on the quality of applicants and ultimately on the quality of justice.[71] High salary and terms of appointment for life seem also to contribute to the independence of judges. Regardless of the high salary level, public confidence seems to remain low where judges are appointed only for a limited time period.[72]. Judges appointed to the bench for life with retirement at seventy and regular performance review, incentives to improve their performance such as system of bonuses based on productivity have shown positive results. As far as court staff is concerned, some reforms targeted specifically wide-spread nepotism by prohibiting non-salaried clerical staff and not allowing judges' family members to work in the court.[73]

g. External Monitoring by the ICPC:
As a way of ensuring the integrity of the courts, judges and other personnel, the Meeting resolved that external monitoring of the system is required. In line with its mandate under the Corrupt Practices and Other Related Offences Act, 2000, the Meeting resolved that the Independent Corrupt Practices and Other Related Offences Commission, ICPC should monitor the courts, the conduct of judges and other court personnel, and where necessary take appropriate steps to report erring judges or court staff to the National Judicial Council, appropriate Judicial Service Committee, or where necessary take appropriate measures in accordance with its mandate. It was also the view that the ICPC should make available its reports to the public.

Philippine Center for Investigative Journalism led in one case to resignation of a supreme court justice. (Guidance for promoting judicial independence and impartiality, USAID, January 2002 , p. 36)

5 Credible and Responsive Complaints Mechanism

a. Establishment of a Credible and Effective Complaints System
The Meeting commenced by emphasizing that a credible complaint system is an imperative way of holding the judiciary accountable to the general public which it should serve. For this reason, the establishment of such a system is not only necessary but that such a system must be well known to the public. The Meeting observed that although the current complaints system in which general public are to lay their complaints to the Chief Justice of Nigeria, the Chief Judges in the various states, the National Judicial Council or the Judicial Service Committees at the Federal and State levels are quite adequate, the general public is not enlightened on these avenues, as well as the procedures for making these complaints. Hence it was resolved that the current complaints system must not only be publicized in courts, but also how such complaints are to be made.

71 Dakolias , Court Performance around the world, p. 22
72 Dakolias , Court Performance around the world (Ecuador), p.32
73 Dakolias , Court Performance around the world (Peru), pp. 43-44

The Meeting also discussed the procedural steps that needed to be taken in relation to such complaints and expressed the need to give fair hearing to the judicial officer complained against and that the result of the decision of the National Judicial Council or Judicial Service Committee should be communicated to the complainant. Indeed, the Meeting went further to recommend that in cases of particular public interest, such decisions should be publicized.

Participants also discussed the need to discourage frivolous and malicious petitions, but stressed that anonymous complaints should be investigated and should only be disregarded if found to be lacking in substance.

The need of the public to voice their eventual complaints against judges in order to initiate disciplinary or even criminal action against them is a crucial tool in increasing the accountability of judges and hereby reducing both actual as well as perceived levels of corruption in the judicial domain. All judiciaries around the world have some form of disciplinary body, however, many of them do not contribute to the strengthening of the respect for a strong and independent yet accountable judiciary. Some lack the trust by the public and others even by the judges themselves. In some countries it is the dominant role of the executive branch on the disciplinary body that is perceived by judges as a direct attack on their independence.[74] But also relying exclusively on judges to discipline their colleagues does not only raise problems of credibility, but has also proven problematic in terms of misinterpreted solidarity among judges.[75] Positive experiences, as far as credibility and impartiality are concerned, were made in those countries were disciplinary bodies are composed of all relevant stakeholder groups, including judges from various levels, the bar, Attorney General's Office, the academia, the parliament and civil society.[76]

Another challenge faced by any judicial complaints mechanism is the number and nature of complaints. Experiences from several countries confirm that complaints are filed mainly by disgruntled litigants and are largely unfounded. This needs to be taken into account especially with regard to eventual preliminary action such as suspension. Steps should be taken to ensure that judges are protected from frivolous or unfair attacks by unhappy litigants who seeks to use the disciplinary system as an alternative appellate process or simply for revenge.[77] It also puts high pressure on disciplinary boards in terms of capacity. Complaints should be handled in a speedy and effective manner in order to limit the negative professional and personal impact on the concerned judge who turns out to be falsely accused.[78] Citizen education about the role and responsibilities of judges

---

74 E.g. in Romania one third of the members of the Superior Council of Magistrates, responsible for taking non-criminal disciplinary action are actually prosecutors. USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 60

75 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 61

76 E.g. the Ugandan Judicial Commission includes representatives of the supreme court, attorneys chosen by the Uganda Legal Society, the public service commissioner and lay people chosen by the President. In Paraguay the judicial disciplinary board is made up by two Supreme Court Justices, two Members of the Judicial Council, two senators and two deputies, who must be lawyers USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 15 & 116

77 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 115

78 E.g. in Bolivia the lack of a system capable of resolving the complaints in a timely and effective manner discourage many judges, sometimes deciding to leave their position rather then defending themselves in prolonged disciplinary proceedings. USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 115

should include information about how to file complaints when judges fail to fulfill their duties. Further, a strict separation of performance evaluation and the handling of complaints as well as discipline seems to be key.[79]

b. Enforcement of Code of Conduct

The participants agreed that the already existing Code of Conduct needed to be complemented by a credible complaint system. The Meeting reasoned that the credibility of any complaints system lies in the ability of the system to effectively respond to such complaints by ensuring that such complaints of misconduct as have been proven are duly punished in accordance with the code of conduct, and the complainant informed of the action taken. This has the advantage of ensuring the effectiveness and integrity of the judiciary as well as building up accountability and public confidence in the institution. The Meeting emphasized the role of the National Judicial Council and the respective Judicial Service Committees in the effective enforcement of the Code of Conduct. Participants also noted that although a succinct code of conduct for judicial officers is in place, the code is not sufficiently publicized to judicial officers and the general public. It was resolved that this is essential for the judicial officers to comply, and for the public to hold them accountable for such compliance.

Enhancing ethical behavior among judges through the development and enforcement of a Code of Conduct is an approach that has been taken up by many countries. However, while the development of the Code of Conduct is quickly achieved, its enforcement in most countries has been much more difficult.[80] Not everywhere a credible monitoring and complaints mechanism could be established. In some countries even constitutional problems occurred because of the membership of non-judges. In other countries even though independent the Commission was formed exclusively by judges causing the above mentioned credibility problems. In any case the independence of the compliance monitoring body is crucial for its credibility in the eyes of the public.[81] An important element is that the public can directly file their complaint with the commission.[82] Besides investigating complaints, statistical analysis and breakdown can be used in order to monitor the behavioral patterns of the judiciary at large. Another tool to ensure the monitoring the judicial behavior consists in providing access to information to the public, including judicial decisions, the judiciaries' expenditures, its budget, the personal background of judge and other statistical information. Full public disclosure of to avoid conflicts of interest or even the appearance of such conflicts.[83] Additionally, the judiciary needs a mechanism to interpret the code and to keep a record of those interpretations that will be available for those seeking guidance. Judges should not be left solely responsible to determine how the general words of a code apply in particular situations.

At the same time the enforcement mechanism must protect the judges themselves from unfair treatment. Although codes are supposed to have a positive impact on judicial independence, there are some potential abuses. Codes have been used time again to punish judges that have not fully understood the details of the code and what behaviors are prohibited. Second, they have been used to punish judges that have been considered

79 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 117
80 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 31
81 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 52
82 USAID, Guidance for Promoting Judicial Independence and Impartiality (Georgia), p. 62
83 USAID, Guidance for Promoting Judicial Independence and Impartiality (USA), pp. 118, 119

as to independent. Therefore codes should not be used as a basis for disciplinary action until they are widely known and understood.[84]

c. Creation of Public Communication Channels

It was argued that the judiciary being a service institution, must relate effectively with the people which it is supposed to serve. Hence it was agreed that the judicial arm must move away from the old adage that judicial officers should only be seen and not heard. It was decided that in line with the modern thinking, judicial officers should participate in public education programmes to enlighten the people as to their rights and how to go about enforcing such rights. The Meeting however, cautioned that in performing such functions, judges should endeavour to restrict themselves to fairly straight forward issues and avoid controversial subjects that may call into question their independence and impartiality as judges. Further, the Meeting noted the tendency of the print media to misrepresent facts and opined that judges may consider the use of electronic media to handle such public enlightenment programmes, unless they are sure of the credibility of the print media concerned.

Public enlightenment efforts and media strategy have been important components of several judicial reform programmes. The regular interaction between judges and civil society does not only have an educating aspect,[85] but also contributes to a more favorable public perception.[86] Also, communication is a fundamental element of the change process. The leadership for change must communicate its mission and vision both inside and outside the organization to create the necessary support and pressure points that eventually will keep the reform initiative alive.[87] A media strategy is essential in this context. This is even more true since the media is not an natural ally to the judiciary. In some countries it actually paints a very negative image of the judges – "absurd misconceptions become conventional wisdom".[88] Journalist, just like the public, may not understand the role of the judiciary and therefore contribute to the negative image of judges. A media strategy should therefore, seek to interest sufficiently at least one media outlet in the process so that it identifies the reforms as a key issue, provides publicity, and calls for transparency. Public relation capacities need to be developed to keep the public informed about the steps taken. This does not only build public support for the judicial system, it also helps to communicate and reinforce through increase public scrutiny the notion that citizens have a legitimate interest in the integrity and capacity of the courts.[89]

---

84 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 31

85 Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Russia), p. 21; Argentina, Legal and Judicial Sector Assessment, p. 77;

86 Said/ Varela, Colombia, Modernization of the Itagüí Court System. A Management and Leadership Case Study, p. 23

87 Fuentes-Hernández, Pending challenges for judicial reform: the role of civil society cooperation, pp. 6-9; Dakolias, Court Performance Indicators around the World, p. 32. In the Dominican Republic the judiciary succeeded in establishing such a relationship with the media, USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 129

88 Said/ Varela, Colombia, Modernization of the Itagüí Court System. A Management and Leadership Case Study, p. 36; World Bank, Argentina, Legal and Judicial Sector Assessment, p. 20; USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 129

89 USAID, Guidance for Promoting Judicial Independence and Impartiality, p. 39

In one country journalists were trained in legal literacy as part of a judicial reform project in order to improve understanding and accuracy of reporting.[90]

d. Training on Judicial Ethics:

The Meeting considered training on judicial ethics as a necessary element that will enhance the integrity of the judiciary. Participants therefore stressed the role of the National Judicial Institute in undertaking this endeavour. The Meeting further observed that such training should not be restricted to judges alone but other court staff that work with them. This the Meeting reasoned would ensure the integrity of the whole system.

A number of expert emphasized the training should be – and rarely is – designed to change the attitude of judges. In large part this means educating judges about the importance of their role in the society. Training in judicial ethics can have an important impact on a judge 's abilities to maintain impartiality. It seems that the most effective training is to work through exercises based on practical problems judges often confront. Also seminars on ethic involving visiting foreign judges have been well received in many countries, especially where the visiting judges make clear that they struggle with the same issue. Discussing common ethical concerns with foreign colleagues may be perfectly acceptable.[91]

[90] Dietrich, Legal and Judicial Reform in Central Europe and the Former Soviet Union (Russia), p. 15

[91] USAID, Guidance for promoting judicial independence and impartiality, pp.28-31

Bibliography

- Buscaglia, Edgardo / Langseth, Petter, Empowering the Victims of Corruption through Social Control Mechanism, CICP Publication Series No. 17, 2001
- Buscaglia/ Dakolias, Comparative International Study of Court Performance Indicators, p. 15; World Bank, Project Appraisal Report, Model Court Development Project - Argentina, Annex 2
- Council for Court Excellence, A Roadmap to a Better Criminal Justice System, District of Colombia Criminal Justice Resource Project, 2001
- Dakolias, Maria; Court Performance around the world. World Bank Technical Paper No. 430, 1999
- Dakolias, Maria/ Said, Javier; Judicial Reform - A process of Change Through Pilot Courts, World Bank, Legal Department, 1999
- Dietrich, Mark; Legal and Judicial Reform in Central Europe and the Former Soviet Union, Voices from Five Countries, World Bank, Legal Department, 2000
- Ernst & Young, Reducing Delay in Criminal Justice System: Evaluation of the Pilot Schemes for the U.K. Home Office, 1999
- Finnegan, David Louis; Observations on Tanzania's Commercial Court – A Case Study, paper presented at WB Conference on "Empowerment, Security and Opportunity Through Law and Justice", St. Petersburg, Russia, 8-12 July 2001
- Fuentes-Hernández, Alfredo; Pending Challenges of Judicial Reform: The Role of Civil Society Cooperation, World Bank 2000
- Goddard, Paula; Institution Building and Strengthening of Corruption Control Capacity in Romania, Evaluation of UN-Centre for International Crime Prevention Project, 2001
- Hammergren, Linn; Institutional Strengthening and Justice Reform, Center for Democracy and Governance, USAID, PN-ACD-020, 1998
- Hammergren, Linn; Enhancing Cooperation in Judicial Reform: Lessons From Latin America, paper presented at WB Conference on "Empowerment, Security and Opportunity Through Law and Justice", St. Petersburg, Russia, 8-12 July 2001
- Harahan, Samuel F./ Malik, Waleed H.; Partnerships for Reform – Civil Society and The Administration of Justice – Learning By Doing, World Bank 2000
- Langseth, Petter, (Ed) 2003, United Nations Anti Corruption Toolkit, Vienna
- Langseth, Petter/ Stolpe, Oliver, Strengthening the Judiciary against Corruption, in Strengthening Judicial Independence – Eliminating Judical Corruption, CIJL Yearbook 2000
- Langseth, Petter/ Stolpe, Oliver; The United Nations Approach to Helping Countries Help Themselves by Strengthening Judicial Integrity – A Case Study from Nigeria, in Corruption, Integrity and Law Enforcement, Kluwer Law International, 2002
- Malik, Waleed H.; Judicial Reform in Latin America and the Caribbean, Venezuela's Search for a New Architecture of Justice, paper presented at the 3rd Conference on Courthouse Design, Toronto, Canada, 9-12 September 1998
- McEldowney John; Developing the Judicial Budget: An Analysis, paper presented at WB Conference on "Empowerment, Security and Opportunity Through Law and Justice", St. Petersburg, Russia, 8-12 July 2001
- Messick, Richard; Reducing Court Delays: Five lessons learned from the United States, World Bank, PREM notes, Number 34, December 1999
- Said, Javier/ Varela, David F.; Columbia, Modernization of the Itagüí Court System. A Management and Leadership Case Study, World Bank 2002
- USAID, Office of Democracy and Governance, Guidance for Promoting Judicial Independence and Impartiality, Revised Edition, Technical Publication Series, 2002
- World Bank, Dominican Republic – Statistical Review of the Justice Sector, Poverty Reduction and Economic Management Unit, Report No. 23103-DR, 2001
- World Bank, Argentina, Legal and Judicial Sector Assessment, 2001

- World Bank, Project Appraisal Document on a Proposed Loan to the Republic of Argentina for A Model Court Development Project, Poverty Reduction and Economic Management Unit, Report No. 17459-AR, 1998
- World Bank, Staff Appraisal Report, Peru, Judicial Reform Project, Poverty Reduction and Economic Management Unit, Report No. 17137-PE, 1997
- Yong Pung How, Chief Justice of Singapore, Speech by the Honorable Chief justice Yong Pung How at the Launch of "Disputemanager.com" on Wednesday, 31 July 2002
-

E. Agenda for the State Integrity Meeting in Katsina State

First day:	
09.00	Welcoming Remarks by the Chief Judge
09.20	Key Note Address by the Chief Justice/ or his representative
09.40	Key Note Address by the Chairman of the Anti-Corruption Commission
10.00	Presentation by the Programme Manager of UN ODC's Global Programme against Corrpiton
10.15	Supporting the Nigerian Judiciary in strengthening judicial integrity and capacity – short account of the CICP project
10.30	*Coffee Break*
11.00	- Presentation of the main finding of the integrity and capacity assessment conducted by NIALS in the respective States focusing on: - Account of the indicators used (An account of which indicators were used to establish the levels of effectiveness, efficiency and integrity with a specific focus on the four above mentioned broad areas of reform (CICP), 10 Min. - Summary of the main findings of the survey focusing on the common ground between the various groups interviewed. (NIALS) 30 Min. - Summary of the findings of the analysis of the court cases in terms of potential abuse of substantial and procedural discretion (NIALS) 30 Min..
13.00	*Lunch*
14.15	Forming small multi-disciplinary discussion groups to identify the main problems areas as they are resulting from the
15.30	*Coffee break*
15.50	Introduction to the methodology and aims of action planning
16.10	Forming of small homogenous working groups (10-15 participants), each with the task of coming up with a filled out action implementation matrix. Each group will be assigned to a moderator, a rapporteur and a facilitator. The thematic discussions within each group should be focusing on proposing concrete short-, mid- and long-term actions in one of the already established four areas of reform further elaborating and expanding on the 17 measures, that were identified by the First Federal Integrity Meeting.
18.00	Closing of the day
Second Day	
09.00	Small working groups resume their work
11.00	*Coffee Break*
11.30	Each working group to present their action planning matrix
12.30	Discussion
13.00	*Lunch*
14.15	Each working group to present their action planning matrix
15.30	Discussion
16.00	*Break*
16.30	Each working group to select one representative to become part of the working committee, which will have the mandate to review and agree upon the one comprehensive action planning matrix. The first draft of this matrix will be prepared by CICP and send to the working committee 3 weeks after the conclusion of the respective meeting. The Chief Judge of the respective state will be the chairman of the working committee
17.00	Closing of the meeting

F. Working Group Composition

Focus Group 1
For
Judges and Chief Magistrates

1.	Hon Chief	Judge Sadik Mahuta
2.	Hon Judge	Judge Musa Abubakar
3.	Chief Magistrate	Muazu ibrahim Batagarwa
4	Sharia Court Judge	Hamisu Malunfashi
5	Chief Magistrate	Nurudeen Mashi
6	Chief Magistrate	Aminu Tukur Kibai
7	Chief Magistrate	Moh'd Ashiru Sani
8.	Sharia Court Judge	Mansur A. Darma
9.	Magistrate	Ibrahim Jibia
10.	Deputy Chief Registrar	Hajara Hajjo Lawal
	Facilitator:	Hannatu Raji, ICPC
	Facilitator:	Dr Petter Langseth, UN ODC
	Presenter:	Abashe Bwale Abdullahi

Focus Group 2
for
Magistrates & Sharia Court Judges

The Focus Group was composed of the

1.	Magistrates	Nuraddeen
2.	Magistrate	A. El-Ladan,
3.	Magistrate	Kabir Shuaibu,
4.	Magistrate	Ibrahim Isyaku Mashi,
5.	Magistrate	MagisNuruddeen Abdulahi
6.	Magistrate	Mohammed Abba Usman
7.	Sharia Judge	Hallim Sade,
8.	Sharia Judge	Abdu Dodo Alhaji,
9.	Sharia Judge	Ibrahim Sanda Katsina,
10.	Sharia Judge	Ibrahim Mohammed,
11.	Sharia Judge	Ibrahim Karau,
12.	Sharia Judge	Musa F. Maigidaje,
13.	Sharia Judge	Bature Danjuma,
14.	Sharia Judge	Omar Mohammed Lawal
15.	Sharia Judge	Bala Salisu Daura.

Faciliator
Facilitator
Presenter

Focus Group 3
Court Staff

1 Court Staff (Chair)	Alhaji Iro Sabe (Chair)
2. Court Staff	Alin Bazariye
3. Court Staff (Secretary)	Abdurrahman Bature Dajnuma
4. Court Staff	Kabir Sabe
5 Court Staff (Rapporteur)	Tonio Akpala
6. Court Staff	Lawal A. Danakanga
Facilitator	Juliet Ume-Ezeoke

Focus Group 4
Police Prosecutors and Prison Staff

Focus Group 5
Court Users

S/N	Name Na Name	**Organisation**
1	Aisha Ahmed	Murna Foundation
2	Aisha Aliyu	Nawoj
3	Talatu Yusuf	Ncws
4	Fatima Kilishi Yari	Ncws
5	Mohammed Garba Umar Esq	Nba Kastina
6	Ernest O Obunadike	Nba Katsina
7	C. O. Enock Lucky	Nba Funtua
8	Salisu Ahmed	Nut Kabina
9	Shehu Abubakar	Nuj Kabina
10	Mohammed Labaram Imam	Council Of Ulama
11	Segun Komolafe Esq	Legal Aid Council Kastina
12	Onyezubelu Chuma	Iacjp Abuja
13	Adeoba Oyekunle	Alf Ota
14	Rabiu Abubakar	Kastina Chamber Of Comm.
15	Odili Francesca O.	Unodc Abuja
16	A.A. Machinka Esq	Nigeria Bar Association
17	Nduka Uzuakpundu	Vanguard Newspaper, Lagos
18	N.A. Ahmed Esq	Nig. Bar Kastina
19	Aminu M. Halilu Esq	Nba Kastina
20	Hanrietta Agun	Ncws Edo State

Facilitators:
Mrs. Hanrietta Agun
Francesca Odili
Peter Akper- Nials.

G. List of Participants

S/N	NAME	ORGANISATION	TEL.	E-MAIL
1	ALH IRO SABE	KILISHIN SARKIN	065-431470	
2	ALIN BAZARIYE A	MINISTRY OF JUSTICE		
3	ABDURRAHMAN B. DANJUMA	HIGH COURT OF JUSTICE	065-431297	
4	KABIR SHUAIBU	SENIOR MAGISTRATE COURT		
5	NURUDEEN ABDULLAHI	MAGISTRTATE COURT FUNTUA		
6	IBRAHIM ISYAKU MASHI	SENIOR MAGISTRATE COURT		
7	AISHA ALIYU	KTRTV (NAWOJ)	065-433316	
8	AISHA AHMED	KATSINA CHAMBER OF COURT	065-430166	
9	NURUDDEN A. MASH	CHIEF MAGISTRATE COURT		
10	IBRAHIM GIDE	DAURA OLD NIG. PRISONS SERVICE PRISON	065-557180	
11	MUHAMMED YUSUFU	FUNTUA NIG. PRISONS FUNTUA. NIG. PRISONS, SERVICE.	08034549843 08042156190	
12	ALIYU ISAH KANGIWA	KATSINA CENTRAL PRISON	065-430507	
13	KABIR UMAR FUNTUA	MEDIUM SECURITY PRISON, DAURA	065-557180	
14	AMINU TUKUR K/BAI	HIGH COURT OF JUSTICE	065-432490	
15	MUHAMMED ASHIRI SANI	,,	,,	
16	IBRAHIM M. S. JIBIA	KATSINA STATE SHARIA COMMISION	065-432490	
17	HAJARATO HAJJ LAWAL	HIGH COURT OF JUSTICE, KATSINA	065-432270	
18	KABIR SABE	HIGH COURT OF JUSTICE	065-431296	
19	SAKA AZIMAZI	NHRC, ABUJA	09-5239393 08034511870	azimazi@yaho.com
20	ABDU DODO	HIGH COURT KABIU, KABIU STATE	065-430875	
21	IBRAHIM MOHAMMED	HIGH COURT OF JSUTICE KATSINA		
22	BOLA SALISU	HIGH COURT OF JUSTICE (S.C.J)		
23	OMAR, MOHAMMED LAWAL	SHARIA COURT 11, FUNTUA	065-30036	omar@yahoo.com
24	IBRAHIM KORAU	SHARIA COURT 1 RANKIA	065- 70020	mmaigidaje@yahoo.com
25	MUSA F. MAIGIDAJE	SHARIA COURT JIBIA	-	-
26	HARISON L. M/FASHI	SHARIA COURT KETARE	065-431297	
27	MUHAMMED ABBA USMAN	SENIOR MAGISTRATE COURT 11	,,	
28	ABASHE BAWALE ABDULAHI	CHIEF MAGISTRATE COURT FUNTUA		gahia@yahoo.com
29	RABIU ABUBAKAR	KATSINA CHAMBER OF COMMERCE	065-430440	
30	A. A. MACHIKA ESQ	NBA FUNTUA	069-770702	
31	F. K. YARI	N.C.W.S	09-3143740	
32	ONYEZUBELU, CHUMA	IACJP ABUJA	08046109696 08033156427	
33	NDUKA UZUAKPUNDU	VANGUARD MEDIA		Chidi17june1972 @justice.com

S/N	NAME	ORGANISATION	TEL.	E-MAIL
34	C.O. ENOCK –LUCKY	CHAIRMAN NBA FUNTUA	NONE	NONE
35	H. AGUN	N.C.W.S.	09-3143740 08023359509	
36	PETER AKPER	NIALS	09-2346504	
37	MAGAJI LIMAN ESQ	M.O.J. KATSINA		
38	HRH EZE H.C. OKONKWO	EZE IGBO 1 OF KATSINA STATE	065-430692	
39	AHMED ABDU	MINISTRY OF JUSTICE	065-430377	
40	CHINO OBIAGWU	LEDAP	01-49356804	10daphyperia.com
41	RAY ONYEGU	SOCIO ECONOMIC RIGHTS 6, ADISA BASHUA STR, S/L, LAGOS	01-4801246	sri@hyperia.com
42	J.O. OBULE	LEGAL AID COUNCIL ABUJA ZONAL OFFICE AREA 3 ABUJA	09-23444228 08033153438	Ode-bac@yahoo.com
43	AMINA IBRAHIM	MINISTRY OF JUSTICE	065-430785	
44	U.A. MBUKO ESQ	VICE CHAIRMAN N.B.A. FUNTUA	069-770520	umbuleo@hotmail.com
45	UMAR NUHU	PROS POLICE HQ		
46	BARLARABE DUTSE	PROS POLICE HQ		
47	CHIEF AKAKPAO	BASMAN		
48	CHIEF PATRICK OFFOR	NIGERIA TELEVISION AUTHORITY, KATSINA	065-432719	
49	TIJANI HASSAN	D. DEPT C.I.D		
50	AMINU SALISU	HIGH COURT OF JUSTICE		
51	ALTNE RAGIJE	"D" DEPT C.I.D. SMCH PROSECUTION		
56	EZE GABRIEL	FEDERAL COLLEGE OF EDUCATION KASTINA		
57	ANTHONY GABRIEL A	,,		
58	MUSA MAGAJI S.D.	,,		
59	PETER ONYEKESON	,,		
60	MUSA LIMAN	,,		
61	YUSUF GAMAND	,,		
62	KOLAWOLE JANET	,,		
63	FATIMA ADAMU	,,		
64	HASHIMA MUSA	C.I.D. KR. NIG. POLICE PROSECUTOR		
65	IBRAHIM SANDA	SHARIA COURT NO. 1 KATSINA		
66	HALLIRU SADA	UPPER SHARIA COURT 11 KATSINA		
67	MANSUR A. DARMA	UPPER SHARIA COURT M/FASHI	065-431297	bshehumashi@yahoo.com
68	B.S M/FASHI ESIE	MIN OF JUSTICE, KATSINA		
69	SIMEON UKWUBILI	PROSECUTOR		
70	TONI'O AKPALA	NAT. ASSO OF REGISTRA ABUJA	0803-361-7494	tonyakpala@yahoo.com
71	SADDIK ABDULLAHI MAHUTA	C.J. KATSINA STATE JUDICIARY	065-431296	
72	JUSTICE M. D. ABUBAKAR	JUDGE, HIGH COURT OF JUSTICE, KATSINA	065-431299	

S/N	NAME	ORGANISATION	TEL.	E-MAIL
73	ADAMA SULE BAKERI	FOMWAN C/O AGENCY FOR MASS EDU	065-433963 R 065-431350 O	-
74	HASSAN MUSTAPHA	MURNA FOUNDATION KATSINA	065-430166	
75	TANIMU I ALIYU	MURNA FOUNDATION KATSINS	,,	
76	SALISU D AHMED	NUJ KATSINA	065-431316	
77	I. B. GAFAI	M.O.J KATSINA	065-430377	
78	N. D. MOHAMMED	,,	,,	
79	I. M. JIBIA	,,	,,	
80	A. I. ADAMS	,,	,,	
81	N.A. EL-LADAN	MAGISTRTATE KTS J.	-	
82	NURUIHUDA M. DARMA	M. O. J KATSINA	065-430377	
83	TALATU YUSUF	N.C.W.S	065-433537	
84	E.O. OBUNADIKE	ALHERI LAW CHAMBERS IBB WAY KATSINA	065-431594 065-433060	
85	SANI BALA KABOMO	RADIO KATSINA	065-432260	
86	MUSTAPHA IMAN	RADIO KATSINA	065-432260	
87	LAWAL MURAY	TELEVISION HOUSE KATSINA	065-43136-7	
	FACILITATORS			
	Mrs. Hanrietta Agun			
	Francesca Odili			
	Peter Akper- Nials.			
	Mrs. Hanrietta Agun			
	Juliet Ume-Ezeoke			
	Oliver Stolpe			
	Hannatu Raji, ICPC			
	Petter Langseth			

H Decision Making Matrix

Decision making Matrix

(Low scores indicate high importance and high scores indicates low importance)

Measures	Expected impact of measure	Level of control	Cost	Time line	Complexity (implementation)	Importance to the Judiciary staff	Risks/ Assumptions	Score
	1= high impact 3= medium 5=low impact	1= Own control 2= Pilot in control 3= State in control 4= Federal control 5= Others	3= low cost 4= medium cost 6= high cost	2= short term 3= medium 4= Long term	1= easy to implement 2= hard to implement 3= very hard to implement	3= very important 4= important 6= less important	2=high risk 3=medium risk 4=low risk	
Access to Justice								
Public Trust in the Courts								
Efficiency dealing with public complaints								
Quality and timeliness of court proceedings								
Coordination across criminal justice system								
Implementation mechanism								

I Public Awareness Raising Posters

Justice Means Fairness,
Rule of Law
and Access.

Justice is not for Sale.

An Efficient Court is a Just Court Do Not Waste the time of the Court.

Stop Frivolous Applications
and Adjournments.

Do not corrupt the Judge,
Don't give or offer bribes.

Justice means Fairness
Rule of Law and Access.

Has a Right to Act As Surety including Women.

Do not corrupt the Judge,
Don't give or offer bribes.

Do not corrupt the Judge,
Don't give or offer bribes.

Witnesses are protected
By the Law.

Report all Criminal Activities to The Chief Judge or the Commissioner of Police

Do not corrupt the Judge,
Don't give or offer bribes.

Are you a Victim of Corruption in the Court?
then know that you have
the right to complain and send your complaint. through the Public Complaint Boxes located in front of every Court Room to the office of the Chief Justice of Nigeria.

- **The Chief Judge**
- **The Local Branch of the NBA**
- **National Judicial Council.**

Cases of Bribery and Extortion, in the Court Premises is Punishable by the *Independent Corrupt Practices Commission (ICPC*).

Do you have a complaint?
You can do the following: -

WRITE TO THE

- **Chief Justice of Nigeria**
- **Chief Judge of the State**
- **Administrative Judge**
- **Judicial Service Commission**
- **National Judicial Council**
- **Local Chapter of the Bar Association**

Things you can do to improve the Court:-

- **Report any officer who demands a bribe**
- **Report any Lawyer who collects a bribe on behalf of a Judge.**
- **Report any refusal to act by an officer of the Court.**
- **Be Punctual**
- **Be Truthful**
- **Be Conscious of your Rights**

Are you a Victims of Corruption
In the Court?

Then know that you have the
Right to complain and send your complain

Through the Public Complaint
Boxes located in front of every
Court Room.

To the office of

- **The Chief Justice of Nigeria**
- **The Chief Judge**
- **The local Branch of the NBA**
- **National Judicial Council..**

Silence is not Golden,
Report Acts of Corruption and
Abuse of Abuse of office to:

- **The Chief Judge**
- **The Judge Service**
- **The Chief Justice of Nigeria**
- **The local Branch of the NBA**
- **National Judicial Council**

Report all cases of bribery and Extortion to the Chief Judge or to the Independent Corrupt Practices Commission (ICPC).

J Address by Eze Igbo I

This is an important workshop in which the public and the officers of the legal justice system exchange ideas. It is also a welcome development that both Government and citizens of Nigeria are opening up to address the problem of corruption. It is serious that corruption is everywhere even in the courts, which should give justice.

Ignorance and poverty contribute to the fear people have especially of the legal system. We hear people say ' I do not want police palaver, I do not want lawyer palaver' etc.

I am happy to be present to hear that there is a new development to challenge the issue of corruption in Nigeria especially in the criminal justice system. Also I can see that there is support from the international community to assist Nigeria to fight corruption.

I am happy with the contribution of the groups, which handled different issues, and I hope that the authorities will work with the recommendations. I look forward to this type of workshop in the future and I thank the state Chief Judge and the organisers for a good job of information and enlightenment.

Thank you.

Eze H.C Okonkwo
Eze Igbo I Katsina State
18/06/03

K. Federal Integrity Meeting for Chief Judges; Participants Survey

To facilitate priority setting for the comprehensive assessment of the quality and timeliness of the delivery of justice within the three pilot States Process Guidance
Selecting a measure to be implemented in your jurisdiction it is important to ask yourself the following questions;to what extent: (I) Are you in control of implementation of the measure; (2) Do you have the necessary funds to implement the measure; (3) Will this measure have impact on the key problems; (4) Will you show results within the next 18 months and (5) is it a high impact issue

Please indicate your status in the State Integrity Meeting:

Judge
Magistrate
Prosecutor
Court Staff
Police
Prison service
Bar association
Civil Society
Others

Question 1;
Please state the three most successful measures that has been implemented in your state to increase the quality and timeliness of the delivery of justice.
1._____
2._____
3._____

The Independent Corrupt Practices and other related Offences Commission (ICPC)

Question 2; Have you read the "*Corrupt Practices and Other Related Corrupt Practices and Other Related Offences Act, 2000*"?
Yes
No

Question 3; How familiar are you with the provisions of the "*Corrupt Practices and Other Related Offences Act, 2000"?*

Very familiar	**Familiar**	**Somewhat Familiar**	**Not Familiar**
☐	☐	☐	☐

***Question 4*;** Is failure to report corruption an offence?
Yes
No
Question 5; If witnessing corruption are you willing to:
a) report corruption?
☐ Yes
☐ No

b) report corruption to ICPC anonymously?
☐ Yes
☐ No
c) report corrupt corruption and give your name to the ICPC?
☐ Yes
☐ No

Question 6; How are you assessing the integrity of the following institutions?
Circle your option (4= very high 3=high, 2= low ,=very low, 5= not applicable or don't know)

Presidency	1	2	3	4	5
National or State Assembly	1	2	3	4	5
Prosecutors	1	2	3	4	5
Federal Judiciary	1	2	3	4	5
Customs	1	2	3	4	5
Media	1	2	3	4	5
Non Governmental Institutions (NGOs)	1	2	3	4	5
Prisons authority	1	2	3	4	5
Health	1	2	3	4	5
Education	1	2	3	4	5
Agriculture	1	2	3	4	5
Electricity Provider	1	2	3	4	5
Transport and Telecom	1	2	3	4	5
Politicians	1	2	3	4	5
Central Bank	1	2	3	4	5
Ministry of Works	1	2	3	4	5
Police (excluding traffic police)	1	2	3	4	5
Tax authority	1	2	3	4	5
State Judiciary	1	2	3	4	5
Traffic Police	1	2	3	4	5
Anti Corruption Commission (ICPC)	1	2	3	4	5
International Institutions					
World Bank	1	2	3	4	5
United Nations (UN)	1	2	3	4	5
International Monetary Fund (IMF)	1	2	3	4	5
European Union (EU)	1	2	3	4	5

Question 7;

Grade the current anti corruption effort in Nigeria in the following areas:

	Very effective	EffectiveI	Ineffective	Very Ineffective
a. Public Awareness Raising:	☐	☐	☐	☐
b. Institution Building:	☐	☐	☐	☐
c. Prevention:	☐	☐	☐	☐
d. Enforcement:	☐	☐	☐	☐

Question: 8;

Grade performance of the anti-corruption commission on the following scale:

Very effective	Effective	ineffective	very ineffective
☐	☐	☐	☐

Question: 9;

How would you rate the e performance of the anti-corruption commission on the following scale:

Very effective	Effective	ineffective	very ineffective
☐	☐	☐	☐

Question 10;
Out of the Key Problem Areas identified by the Chief Justice Leadership Group, which would rate as a priority for your State: *Circle your option (5= very high 4=high, 3= low ,2=very low, 1= not applicable or don't know)*

	High Priority			**Low Priority**	
	5	4	3	2	1
Enhancing the public's understanding of Basic rights and obligations	☐	☐	☐	☐	☐
Affordability of court fees	☐	☐	☐	☐	☐
Improved court infrastructures	☐	☐	☐	☐	☐
Prompt treatment of bail applications	☐	☐	☐	☐	☐
Increase coordination between various criminal justice institutions	☐	☐	☐	☐	☐
Reducing Delays/ Increasing timeliness	☐	☐	☐	☐	☐
Reducing prison population awaiting trial	☐	☐	☐	☐	☐
Increase consistency in sentencing	☐	☐	☐	☐	☐
Establishing and monitoring performance Indicators for courts and judges	☐	☐	☐	☐	☐
Abuse of civil process – ex parte orders	☐	☐	☐	☐	☐
Increase public's confidence in the courts	☐	☐	☐	☐	☐
Introducing court user committees	☐	☐	☐	☐	☐
Increasing fairness and impartiality	☐	☐	☐	☐	☐
Increasing political neutrality	☐	☐	☐	☐	☐
Inadequate funding of the judiciary	☐	☐	☐	☐	☐
Irregular appointments	☐	☐	☐	☐	☐
External monitoring of the courts (e.g. ICPC)	☐	☐	☐	☐	☐
Establishing a credible and effective Complaints mechanism	☐	☐	☐	☐	☐
Enforcement of the Code of Conduct	☐	☐	☐	☐	☐
Training in judicial ethics	☐	☐	☐	☐	☐
Creating public communication channels	☐	☐	☐	☐	☐

Question 11;

Rank the levels of, in your opinion, corrupt practices within the criminal justice system outside of your court among:

Judges
Very High ☐
High ☐
Low ☐
Very Low ☐

Court Personnel
Very High ☐
High ☐
Low ☐
Very Low ☐

Prosecutors
Very High ☐
High ☐
Low ☐
Very Low ☐

Police
Very High ☐
High ☐
Low ☐
Very Low ☐

Prison Personnel
Very High ☐
High ☐
Low ☐
Very Low ☐

Lawyers
Very High ☐
High ☐
Low ☐
Very Low ☐

Question 12;

Please state the three most important constraints you face in your state in the delivery of justice.
1._____
2._____
3._____

Questions 13;

State what in your opinion are the three most important improvements needed in the criminal justice system outside your judicial domain
1._____
2._____
3._____

Question 14;

State what in your opinion are the three most important improvements needed in the socio-economic and/or political environment.
1._____
2._____
3._____