

Volume 3

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# Reform Kuje NEWSLETTER

“Thank you, I know how to defend my rights as a citizen” -

*Florence Godwin*



PARTICIPANTS AT THE AWARENESS PROGRAM

These were the words of appreciation from a participant at the community awareness on the Administration of Criminal Justice Act (ACJA) and reducing pretrial detention in the Kuje Correctional Service Center, organised by PWAN at the Esu Palace Bwari, FCT on the 12th of November 2019.

Upon learnings from previous awareness activities, PWAN collaborated with local partners in Bwari Area Council and Lugbe AMAC Area Council, and undertook advocacy visits prior to the awareness to traditional rulers, market traders, youth leaders, police divisions and Nigerian Bar Association (NBA) in order to identify matters peculiar to their environment.

Based on these issues identified during the advocacy visits, an awareness on the ACJA, Violence Against Persons Prohibitions Act (VAPP) and Sexual and Gender-based Violence (SGBV) was organised.

The awareness activity sought to inform community members on how to counter narratives on Sexual and Gender-Based Violence (SGBV)

## Background

The Reforming Pretrial Detention in Kuje Correctional Service Center Project (Reform Kuje) is funded by the US Embassy Bureau of International Narcotics and Law Enforcement Affairs (INL).

The project is being implemented by Partners West Africa Nigeria, PartnersGlobal, the Network of University Legal Aid Institutions Nigeria, and New-Rule L.L.C.

The project commenced in July 2018 and is set to run through March 2020. The project aims to achieve significant reduction in the size of pre-trial detention population in Kuje correctional centers and ensure effective implementation of the pre-trial provisions of the Administration of Criminal Justice Act (ACJA).

The sections of the ACJA selected for awareness activities emphasized on Bail, Search and Arrest protocols because they are often the areas citizens get in conflict with Law enforcement agencies.

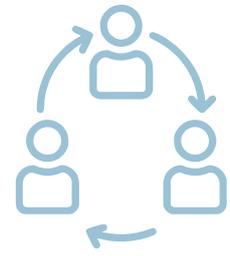
One of the participants had this to say at the community awareness in Lugbe:

“ I did not know that i could interfere in my neighbours' business  
*(Lugbe Participant)* ”

“The lady expressed that she initially assumed she was unable to report external cases of domestic and sexual violence to the authorities.

PWAN's program officers informed the community on the punishments for these violent acts under the Violence Against Persons Prohibition Act (VAPP).

(pictures insert on page 9)



PWAN collaborated with traditional rulers and other relevant stakeholder of selected communities prior to the awareness, to identify matters peculiar to their environment such as rape, violence and drug abuse.

## PWAN Trains Law Students on the Use Of The Court Observer App

The PWAN court observer mobile application is a primary court monitoring tool in which lawyers and court observers (members of the public), systematically observe and report on court conducts and proceedings, and track compliance on the ACJA pre-trial provisions.

The objectives of the app include:

- Improving the administration of justice in the Nigerian Legal system
- Increasing public awareness and participation in the justice system
- Identifying the strengths and weaknesses of the Nigerian legal framework

- Accountability of the justice system, by promoting public presence in the courts
- In order to monitor implementation of the ACJA,

PWAN trained law clinic students from the University of Abuja Gwagwalada and Nile University in the FCT to monitor the court's compliance and implementation of the ACJA and day-to-day court process using the court observer app.



ACJA and day-to-day court process using the court observer app.

The students of the University of Abuja, Law faculty Gwagwalada were trained by PWAN Program officer, Henry Anoleifo on how to input data during their court visits into the court observer app using their Android or IOS mobile phones.

The students were taken through a step-by-step process on the usage of the app which helps them to track daily court proceedings and record the particular time of court sittings, recess, adjournments and they were informed on how the data inputted from this app helps to sustain the Case Management System (CMS) and promote accountability in the judicial sector.



STUDENTS LEARNING HOW TO USE THE APP

# Review of Court Observation Data

## Court Observer App Data Analysis of Federal Capital Territory



Distribution of Location for Observers



Figure 1: Data Analysis of Courts in the FCT

With the support and contributions made by lawyers, law students, court observers and citizens to the court observer app, PWAN gathered and analysed data across courts in the FCT.

There were a total of 158 court sittings recorded in this data. It consisted of 77 high court sittings, 80 magistrate court sittings, and 1 area court sitting. The data analysed for this newsletter ranges from September 2019 to December 2019.

The court app provides information on the following indicators such as commencement of hearing, duration of the hearing, cause list, reasons court did not sit, reasons cases were not attended to, non-custodial sentences, plea bargain cases, adjournments, detention, place of the court sitting

With reference to the “Indicators and Monitoring framework for Pre-trial Provisions of the Administration of Criminal Justice Act”, by the Network of University Legal Aid Institutions (NULAI), there are some indicators used to measure the implementation of the ACJA that will be highlighted from the court observation data:

1. Number of plea bargains
2. Number of trials with 14 days or less between adjournments
3. Number of non-custodial sentences

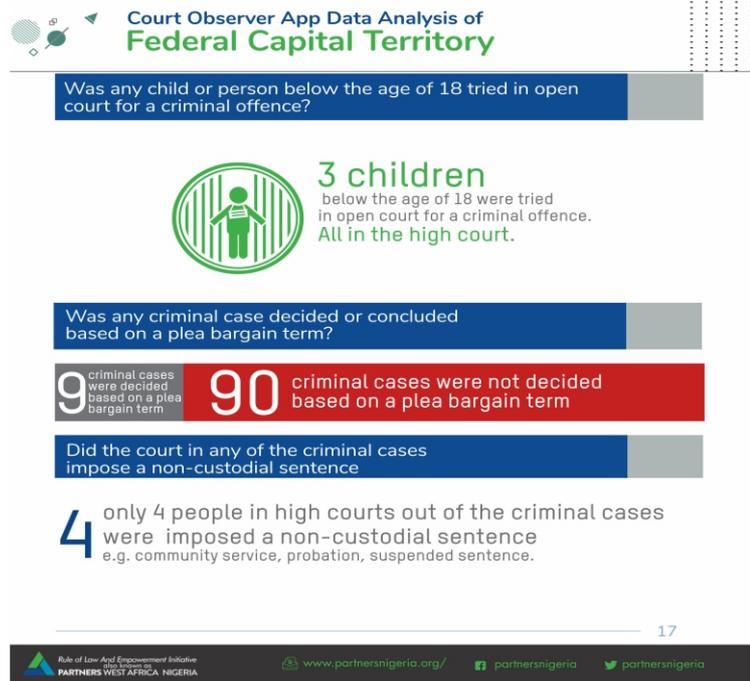


FIGURE 2: DATA ANALYSIS USING THE ACJA INDICATORS

# Trial of Children in Open Court

Section 452 subsection (1) of the ACJA states that

'where a child is alleged to have committed an offence, the provisions of the Child Right Act shall apply (Section 213).

Section 213 of the Child's Rights Act provides that:

- (1) A child who has been accused of committing an act, can be tried in the Court.
- (2) The terms "conviction" and "sentence" shall not be related with a child that is being dealt with in the Court, and if they must be portrayed as such or any other act as a person convicted, then a

conviction or a sentence shall be taken to be that the child is guilty of an offence.

Analysis of the data observed in figure 2 shows that 3 children below the age of 18 were tried for criminal cases in open court.

However, PWAN is currently investigating the specifics of this information, to determine whether the minors were being tried alongside adult accomplices, whether they were witnesses in a case or if they accompanied parties to a case.



Analysis of the data observed in figure 2 shows that 3 children below the age of 18 were tried for criminal cases in open court



## Plea Bargain

Plea bargain is an agreement in a criminal case between a prosecutor and a defendant whereby the defendant agrees to plead guilty to a charge in return for a more lenient sentence.

Section 270 subsection (3) of the ACJA states that "where the acceptance of the plea bargain is in the interest of justice, public interest, public policy and the need to prevent abuse of legal process, he/she may accept the plea bargain.

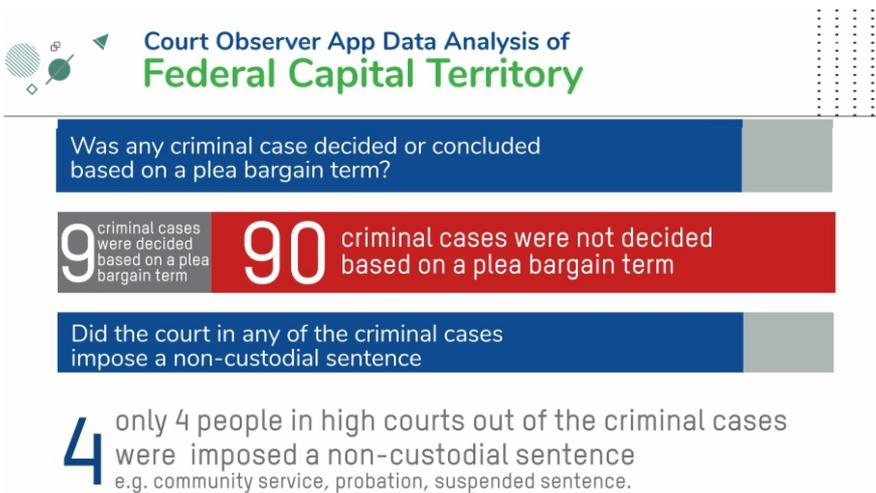


FIGURE 3: DATA ANALYSIS USING THE ACJA INDICATORS



It is commendable that plea bargains are being considered.

Did the court adjourn criminal cases before it from day to day?

The data in figure 3 indicates that 9% of the criminal cases observed in courts in the FCT were decided based on plea bargain terms.

## Day to Day Adjournment

According to section 396 subsection (3) of the ACJA, it says that “Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial.

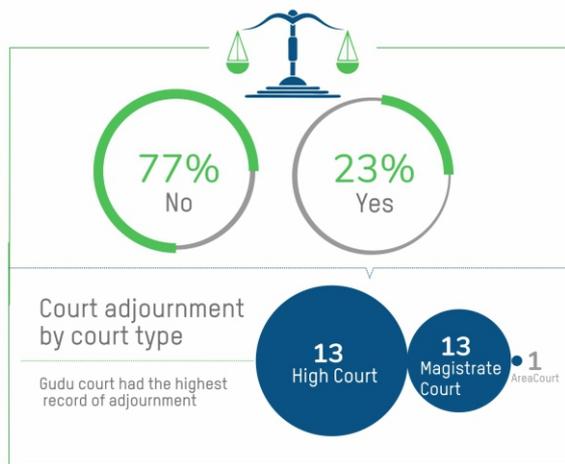
Subsection (4) says that “where the day-to-day trial is impracticable after arraignment, no party shall be entitled to more than five adjournments from arraignment to final judgment provided that the interval between each adjournment shall not exceed 14 working days.

Data analysis of the app in figure 4 shows that 77% of the courts did not observe the day-to-day adjournment while 23% observed. The high court had 13 adjournments while the magistrate court also had 13 adjournments.

However, 45% of the courts improvised and adjourn within 14 to 28 days, 40% observed more than 28 days and 15% observed below 14 days.

However, the data presented by the CMM in figure 5 and 5.1 analyzes day-day adjournments from July—August 2019 and shows a decrease in day-day adjournments from 1-14 days to above 31 days in September.

This also could be as a result of the decrease in court attendances in August 2019.



### Interval of days between adjournments

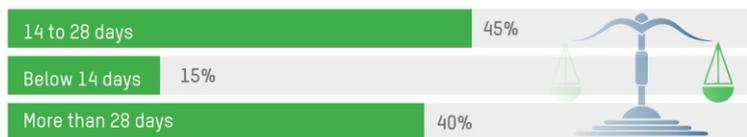


FIGURE 4: DATA ANALYSIS USING THE ACJA INDICATORS

“ 77% of the courts did not observe the day-to-day adjournment while 23% observed. The high court had 13 adjournments while the magistrate court also had 13 adjournments.”

# Review of Court Observation Data

Are the times between adjournments becoming more or less timely

No of Days between adjournments  
July -September, 2019

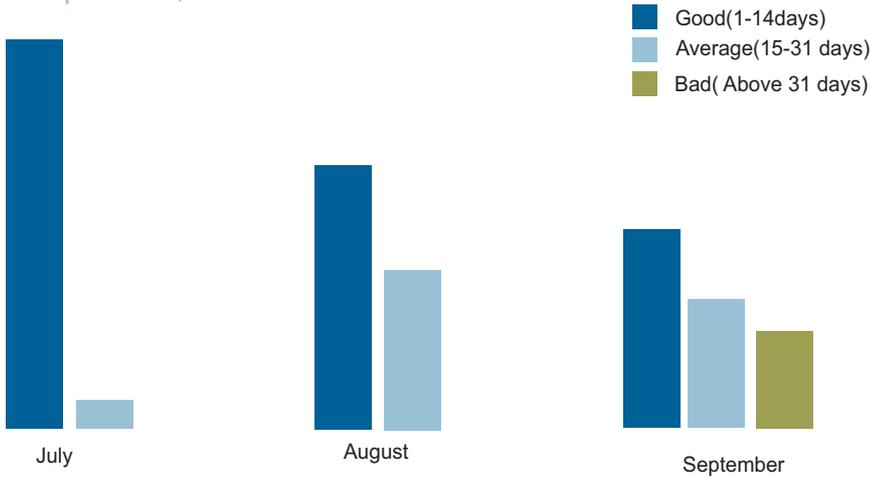


FIGURE 5: DAYS BETWEEN ADJOURNMENT

## What are the main reasons for adjournment

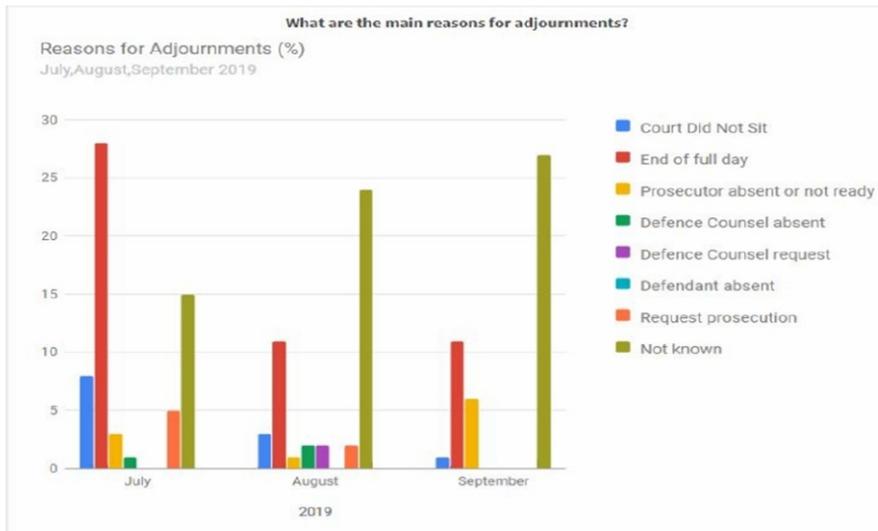


FIGURE 5 .1: REASONS WHY CASES WERE ADJOURNED

# Non-custodial Sentencing

Did the court in any of the criminal cases impose a non-custodial sentence

**4** only 4 people in high courts out of the criminal cases were imposed a non-custodial sentence e.g. community service, probation, suspended sentence.

FIGURE 6: DATA ANALYSIS USING THE ACJA INDICATOTRS

Non-custodial sentences is a form of punishment that doesn't involve jail term. This is usually made with the aim to decongest the correctional centers or correct behaviours of offenders.

Examples include: probation, community service (environmental sanitation, mining, construction), juvenile rehabilitation for minors depending on the offender's behaviour during the punishment period.

Sections 453-476 of the ACJA 2015 provides for Non-custodial sentencing and it was observed that only Four (4) people in the high courts received a non-custodial sentence.

## Reasons Why Cases Were Not Attended To



FIGURE 7: REASONS BEHIND UNATTENDED CASES

“ At the high courts, the major reason behind cases being unattended to was because witnesses are unavailable ”

As shown in figure 7, most cases were not attended to at the high court due to the unavailability of witnesses, while in the magistrate courts; it was due to one or all lawyers/parties not being available.

Some of the other reasons reported include; the court not sitting on time, the cases were not called or called out of turn;

Case files were not available when the cases were called, suspects were not brought from the prison and lastly, cases were struck out.

(pictures insert on page 9)

# WE LEAVE NO ONE BEHIND



FIGURE 8: DATA REPRESENTATION OF MONTHLY AUDITS

Armed Robbery has the highest number of re-arrest warrants followed by Criminal Breach of Trust, then Culpable Homicide

These monthly audits also provides information on the number of inmates in custody for various offences.

Armed Robbery has the highest number of re-arrest warrants followed by Criminal Breach of Trust, then Culpable Homicide.

Currently, NULAI Nigeria and the law clinics have contacted 123 families, released 10 detainees on bail, represented 3 inmates who got convicted and 12 cases were struck out.

## Monthly Correctional Center Audits

To ensure the implementation of relevant provisions in the ACJA and monitor current situations in the Kuje correctional center, Network of University Legal Aid Institutions (NULAI) together with the Law Clinic Partnership for Kuje (LCPK) Clinics and the Legal Aid Council of Nigeria conduct monthly prison audits.

In applying the lengths of the ACJA, NULAI observed that admittance and release of inmates in the Kuje correctional centers was higher in July with 71 new admittances and 77 releases. Since the beginning of these audits in February 2019, September had the lowest number of releases as a result of the reduced number of court attendance in August.

The data representation of inmate's records processed through the Corrections Information Management System (CIMS) are displayed in figure 9:

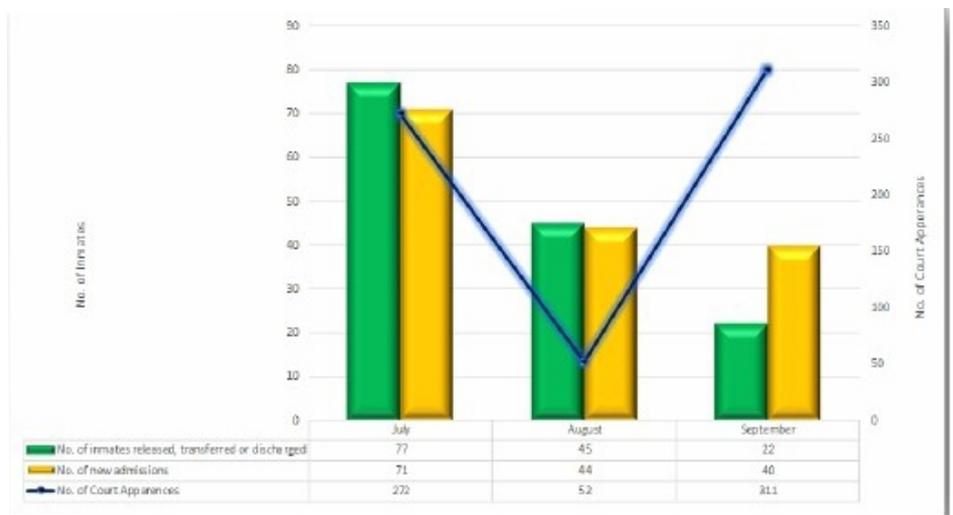


FIGURE 9: DATA OF INMATE'S RECORDS PROCESSED THROUGH THE CMS

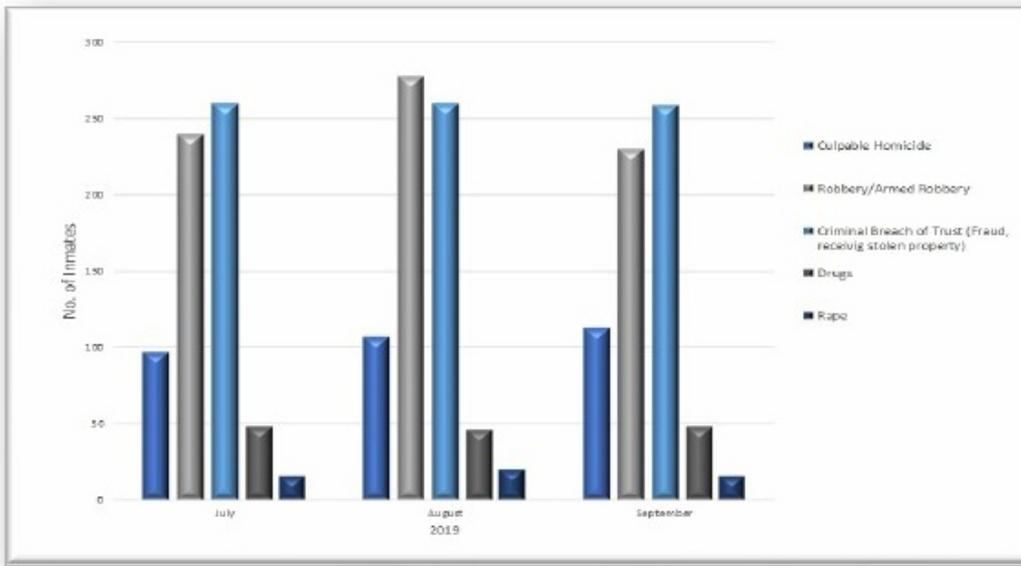


FIGURE 10: DATA REPRESENTATION OF INMATES ON REMAND FOR OFFENCES

## Pictures

(pictures insert from page 2)



TRADITIONAL ELDER SHOWING HIS APPRECIATION



ADVOCACY VISIT TO TRADERS PRIOR TO THE AWARENESS ACTIVITY

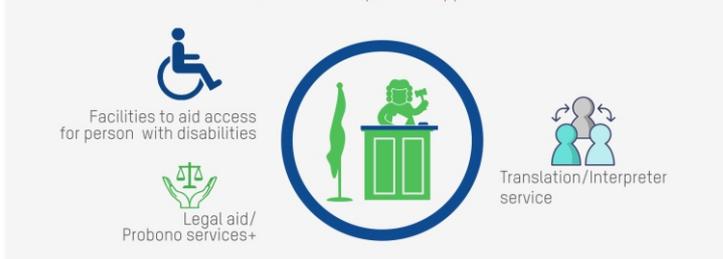
What support is available to the judge ?



(pictures insert from page 7)

The court observers also reported that most of the sittings happened in the courtrooms and the judges had strong support systems in the execution of their duties, some of which include; legal aid/pro bono services, facilities to aid access for persons with disabilities, electronic recordings, register, microphone/ public address system, air conditioners, security details within the courtrooms, translation/interpretation services, and staff.

Nature of users and parties support available



## FOOD FOR THOUGHT

# ACJL

Law wey dey protect  
**YOUR RIGHTS**

The rights of every man are diminished  
when the rights of one man is threatened  
- John F. Kennedy

### ABOUT PWAN

Rule of Law and Empowerment Initiative known as Partners West Africa Nigeria (PWAN) is a non-governmental organization working towards enhancing citizens' participation and improving security governance in Nigeria and West Africa broadly

We are located in Abuja, Nigeria's capital and have field offices in the North-East-Borno and North-West-Kano and others with national and regional reach.

**MISSION:** Our organization is dedicated to enhancing citizens participation and improving governance and security in Nigeria and West Africa.

**VISION:** Robust good governance and accountable institutions in Nigeria and West Africa.

**VALUES:** Integrity Inclusiveness, Impact and Professionalism.

### CONTACT US:

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