Building the Capacity of Anti-Corruption Agencies

IMPROVING STRATEGIC AND OPERATIONAL SKILLS
(INVESTIGATION, PROSECUTION AND ASSET RECOVERY)

J4A JUSTICE FOR ALL NIGERIA
MONITORING IMPACT

ISSUE 3
SEPTEMBER 2013
Building the capacity of anti-corruption agencies

We aim to:
- Increase the numbers of successful investigations and prosecutions
- Reduce impunity for high level corruption
- Reduce low level corruption
- Increase the availability of public funds for poverty reducing services
- Contribute to economic growth through increased national and foreign direct investment
- Increase the understanding of gender issues within/outside anti-corruption organisations
- Increase public trust and confidence in the rule of law in anti-corruption efforts

We are working to:
- Strengthen the capacity in anti-corruption agencies in the areas of strategic planning, coordination, implementation, monitoring and evaluation
- Increase skills and capacity to manage and conduct investigations and prosecutions
- Improve data management and analysis of cases, reports, etc.
- Strengthen institutions so that they meet international standards of legislative and regulatory development (drafting, implementation and monitoring)

Why:
- 63% of Nigerians reported paying a bribe within the last year for some public service (Global Corruption Barometer 2010)
- The majority of Nigerians consider high level corruption as being destructive for the country (Nigerian Poverty Assessment 2007, Global Corruption Barometer 2010)

How:
- Strategic and organisational development plans for ACAs
- Training: Change management and leadership, investigation, prosecution, data gathering and management and analytical skills
- Law review and implementation
- Coordination mechanisms across ACAs
- Lesson learning and replication

How we are achieving impact

Who we work with

Anti-Corruption Agencies

ACA supervisory and regulatory bodies
Federal Ministry of Justice (FMOJ)

How we engaged them

- Training:
  - Investigation techniques for financial crime and anti-corruption cases for senior level officials, including team leaders, department heads and management
  - Case management for major cases of financial crime and anti-corruption investigations
  - Prosecution case theories and trial advocacy
  - Guidelines for prosecutions (from developing the charge, to case analysis and court proceedings) and mentoring of prosecutors
  - Law review

- Developed the capacity of staff of the FMOJ department of legal draft and mentored 60 lawyers
- Supported the drafting of various Bills:
  - Whistle Blowers
  - Witness Protection
  - Mutual Legal Assistance
  - Anti-Money Laundering
  - Proceeds of Crime Act
  - Administration of Criminal Justice
  - Public Complaints
- Supported the advocacy of various bills (Whistle Blowers, Mutual Legal Assistance and Administration of Criminal Justice), including stakeholder consultations with the media civil society and other groups
- Supported the validation of the Administration of Criminal Justice Bill supported the FMOJ’s drafting of prosecutorial guidelines and code of conduct for prosecutors
- Training for prosecutors on case analysis, case management and alternative dispute resolution

Our anti-corruption agency partners: EFCC (Economic Financial Crimes Commission), ICPC (Independent Corrupt Practices Commission), CCB & T (Code of Conduct Bureau and Tribunal), NFIU (Nigerian Financial Intelligence Unit), SCUML (Special Control Unit on Money Laundering)
### Getting Results

#### Facts and Figures

**Number of strategic plans formulated, adopted and implemented (cumulative figures)**

<table>
<thead>
<tr>
<th></th>
<th>Formulated</th>
<th>Adopted</th>
<th>Implemented</th>
</tr>
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<tbody>
<tr>
<td>Sept - Nov 2012</td>
<td>4</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Dec 2012 - Feb 2013</td>
<td>4</td>
<td>4</td>
<td>3</td>
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#### Value of assets recovered by ICPC (in naira)

<table>
<thead>
<tr>
<th>Year</th>
<th>Value</th>
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<tbody>
<tr>
<td>2011</td>
<td>269 million</td>
</tr>
<tr>
<td>2012</td>
<td>₦1.182 billion</td>
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### Highlights to date

- Strategic plans implemented: ICPC, CCB, EFCC, NFIU
- Draft bills finalised for submission to the National Assembly
- 175 prosecutors and investigators from EFCC, ICPC, CCB, FMOJ and the Nigeria Police Force trained (April-June 2013)
- 140 investigators and prosecutors trained from all the ACAs and law enforcement agencies (2013)
- 140 federal lawyers trained on legal drafting
- Enabling laws setting up ACAs reviewed by the FMOJ at the request of the Heads of ACAs
- Case management tools for prosecutors developed to guide case analysis

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### What they did as a result

- Strategic plans implemented: ICPC, CCB, EFCC, NFIU
- Monitoring progress against implementation plans through monitoring and evaluation techniques, and organisational reporting templates
- Case analysis templates now guiding prosecutors
- Joint working between investigators and prosecutors in anti-corruption agencies
- Five EFCC staff trained as trainers to deliver investigation techniques courses

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### What they said

- "These trainings are a must-attend for all prosecutors and investigators in Nigeria." - Jya Isaac Ndagona, ICPC
- "J4A does not impose ideas, rather it encourages the sharing of ideas and the best approach is chosen...where the "local solution" is considered rather than a "foreign" or "developed" solution imposed." - Okoro Ulu, ICPC
- "I sincerely did not think of case management in this way before. This is really illuminating." - Geraldine Okafor, FMOJ prosecutor

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### What they did

- How to:
  - Research and analyse cases ready for trial
  - Investigate financial crimes
  - Use case management tools
  - Develop and implement a strategic plan
  - International best practice in the investigation and prosecution of anti-corruption cases
  - Benefits of collaboration and cooperation between investigators and prosecutors

- Better understanding of international best practice in the prosecution of anti-corruption crimes
- Case management tools
- Legal drafting skills
- Benefits of stakeholder consultation

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### What they experienced/learned

- Hosted stakeholder consultations on the Administration of Criminal Justice Bill (Now at the National Assembly)
- Finalising bills to be submitted to the National Assembly
- Validated prosecutorial guidelines and code of conduct for prosecutors; now being implemented
- More legal drafters working on justice sector bills, including anti-corruption related bills

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### Headlines

- "The ministry benefited from capacity building from J4A...These trainings impacted positively on our law officers...leading to more effective prosecution of criminal cases and defence of civil matters." - Honourable Attorney General and Minister for Justice, Mohammed Bello Adoke (June 2013)
- "Anti-Graft War: DFID Upgrades Capacity of Prosecution Teams" - EFCC website (July 2013)
- "The fight against official corruption is not for the CCB or other anti-corruption agencies alone, it is a national crusade" - Sam Saba, CCB Chairman, Vanguard Newspaper (June 2011)
- "ICPC Notice of Asset Recovery: Seizure of movable and immovable properties pursuant to section 45 (4) (a) of the corrupt practices and other related offences act 2000" - Daily Trust Newspaper (May 2012)

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### More effective and strengthened anti-corruption agencies

- The ministry has made significant improvements in the prosecution of crimes, in building the capacity of its staff to prosecute complex matters including economic crimes, in drafting legislation in critical areas, in the adoption of measures to improve on the administration of criminal justice..." - Honourable Minister for Justice, Mohammed Bello Adoke
- "We welcome civil society organisations to support us with any information that will enrich the job we are doing in the fight against corruption." - Ibrahim Lamorde, EFCC Executive Chairman
Justice for All: Making a difference
Working to build the capacity of anti-corruption agencies

Name: Chile Okoroma
Profile: Director of Legal/Prosecutions, Economic Financial Crimes Commission (EFCC).
Justice for All is supporting Nigeria’s anti-corruption agencies to build the skills of prosecutors and investigators to effectively prosecute cases of corruption, economic and financial crimes. We are working with the EFCC, ICPC and CCB, the Federal Ministry of Justice and the Nigeria Police Force.
The story so far:
According to Chile, “The training and mentoring of our prosecutors has had a positive impact. The assistance in cross examination….and the moot court exercises bring the message home.”
Chile singled out one the “Alternative Dispute Resolution/Pea Acceptance training. He stated, “...the training increased the understand and of awareness of the prosecutors and the agency.”
He furthered, “J4A’s intervention has engendered cooperation with other agencies such as the ICPC. There is now a coordinated way of doing things, not like before…the intra agency and interagency relationships…they helped increasing teamwork between investigation and prosecution teams.”
What happens next?
Justice for All will continue to work with prosecutors at the EFCC and other anti-corruption agencies to build on what was learned during the training, including a case analysis framework. The programme will continue to support prosecutors through a mentoring scheme to implement the framework in their daily activities, including hand-on guidance during court sessions.

Name: Olayinka Abiodun Aiyegbayo
Profile: Chief Superintendent of Investigation, ICPC Headquarters, Abuja. Olayinka attended a training for financial crimes and investigation techniques for senior officials at anti-corruption agencies.
The story so far:
The ICPC is responsible for the investigation and prosecution of corruption and fraud in the public sector and is mandated to undertake asset recovery. To support this mandate, Justice for All has developed a series of training courses for prosecutors and investigators.
According to Olayinka, “The trainings have popularised the case management model for major corruption cases in Nigeria. I see it as the way forward in increasing the successful prosecution of high profile corruption cases in Nigeria.”
What happens next?
In September 2013, J4A will build on the first training and lead an advanced course on anti-corruption proactive operation and investigation techniques, for anti-corruption and law enforcement agencies.

Name: Sam Yahaya
Profile: Acting Head of Legal, Code of Conduct Bureau (CCB). Since March 2013, Justice for All has been supporting the Department of Legal Service to develop a strategic plan and mentor its prosecutors.
The story so far:
The CCB is charged with developing a code of conduct for public officers and receiving and maintaining the details of public officials’ asset declarations. The Bureau not only enforces standards of accountability but also provides intelligence to law enforcement agencies seeking to trace stolen assets. CCB prosecutors appear before the Code of Conduct tribunal to prosecute cases.
As part of the mentoring support given to the CCB prosecutors a case analysis template has been developed to guide prosecutions. The template covers the analysis of petitions, facts uncovered by the investigators, evidence, drafting/filing of charges and appearing before the tribunal to prosecute cases.
According to Sam, “The template is a valuable tool that has developed tremendously the prosecution skills of our prosecutors.”
What happens next?
Justice for All will continue to work with the CCB to finalize its strategic plan and providing one-on-one mentoring to prosecutors through their cases.