

Justice for All: Making a difference

Speeding up resolution of criminal cases for awaiting trial prisoners

Name:
Comfort Justin

Profile:
Petty trader and victim of injustice

The story so far:

Comfort, an orphan and a 22 year old single mother with a four year old son, sells cooked corn. She had a misunderstanding with her neighbour, Madam Halima, a rich woman in their neighbourhood. Madam Halima encouraged her sister to beat Comfort for insulting her. In the process of beating Comfort, Madam Halima's sister hit her

ankle and sustained an injury. Madam Halima called the police and Comfort was arrested and taken to the police station. The police arraigned Comfort before Karu Upper Area Court and the Prosecutor applied for Comfort to be remanded in prison custody until the investigation complete. The court followed these instructions and Comfort was sent to prison. Comfort had dropped off her son in school the morning before the incident and spent two weeks in prison without seeing her four year old son and not knowing his whereabouts after school. Comfort was released from prison after almost a month, through

a successful bail application moved on her behalf by a lawyer from the Clearing House.

What happened next?

Efforts by the clearing house to sue Madam Halima for malicious prosecution did not work because Comfort did not wish to pursue it.

Madam Halima called the police and Comfort was taken to the police station.

Name:
Barrister Shuaibu Opotu

Profile:
Director, Legal and Prosecution Department, National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

The story so far:

Barrister Shuaibu said, 'One of the key challenges in criminal justice administration is the long delays of criminal investigation and prosecution leading to slow criminal justice delivery. This situation is largely attributed to the lack of capacity, requisite investigative and prosecutorial skills and the unhealthy rivalry between the prosecutorial agencies.'

He further said, 'J4A/PRAWA has been able to bridge this gap through the capacity development and interrelations organised for investigators, prosecutors and their managers. These interventions resulted in improved evidence gathering, case building and preparation of case files by investigators; and improved prosecutorial analysis of cases and reviews.'

What happens next?

NAPTIP has instituted an investigator/prosecutor forum to review reported cases at inception and agree on the nature and kind of evidence to look out for and gather during investigations.

'J4A/PRAWA has been able to bridge this gap through the capacity development and inter-relationships...'

Barrister Shuaibu Opotu

Our impact reports capture the positive changes brought about by our activities. We publish a series of impact reports every six months.

For more information visit: www.j4a-nigeria.org

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Justice For All

Impact Report: Speeding up criminal justice

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Speeding up resolution of criminal cases for awaiting trial prisoners

The Justice for All programme aims to reduce the time that accused persons spend in prison awaiting trial. Awaiting trial prisoners (ATPs) form the bulk of the prison population, comprising more than 70 per cent of the total. If the proportion of ATPs can be reduced then the quality of justice delivery will be improved and simultaneously the cost of running the criminal justice system will be reduced.

If accused persons are spending in excess of five years in prison awaiting trial this is a prime example of the dysfunctional nature of the criminal justice system.

As a consequence we seek to identify the factors that cause these problems and to encourage cross-sector co-ordination to address the underlying issues.



Speeding up resolution of criminal cases for awaiting trial prisoners

The Nigeria Prisons Service using the Case Management System (CMS)

The Nigerian Prisons Service (NPS) developed its automated Case Management System (CMS) in 2013 and is beginning to reap the rewards. The CMS records information on all inmates, both awaiting trial and convicted, using a simple MS Excel program.

As a result of the CMS, the NPS has accurate, up-to-date and comprehensive data on prisoner numbers and types and

details of duration of time in custody. Gone are the days when prisoners would rot in prison awaiting trial without anyone being aware.

The NPS are producing reports that set out who and where the longest serving ATPs are and they share these reports with ministries of justice and courts to ensure that stalled cases are re-started and slow-moving cases are speeded up.

The CMS has played a critical role in both Enugu and FCT in achieving an average ten per cent reduction in time spent in custody awaiting trial. The CMS is also proving a valuable tool for the NPS in producing their own monthly reports, which are then used by senior managers to make important strategic and operational decisions.

Awaiting trial prisoners benefiting from speedier criminal justice

Thousands of awaiting trial prisoners are benefiting in a very real way from the work in Enugu and FCT on speeding up criminal justice. More than **60,000 fewer days** have been spent on remand by prisoners in the two pilot locations since June 2011. The emotional and social benefit to

the prisoners and their families is incalculable and there is a clear financial benefit to the Nigerian Prisons Service from having fewer prisoners to feed and take to court for hearings. These people are back in society and even if only 50 per cent of them are able to be economically

active, this represents potential earnings for them and their families of up to NGN760 million. The true value of speedy justice goes well beyond simply decongesting the prisons.

FCT CMS report informs decision making in the state

As part of the initiatives aimed at speeding up criminal trials for awaiting trial prisoners, J4A has supported the FCT judiciary to reactivate the quarterly meetings of the Criminal Justice Administration Committee (CJAC). The committee, which brings together the various agencies involved in criminal justice administration, had been moribund for many years.

At a CJAC meeting in the first quarter of 2014, the Comptroller of Prisons made a presentation that highlighted the increase in the number of inmates being admitted into the prisons while long-term awaiting trial persons were languishing in jail because of the protracted trials. He stressed that drastic action needed to be taken to address the situation.

As a result of the presentation, the Chief Judge of the Federal Capital Territory resolved to deal expeditiously with cases of prison inmates who had spent over five years awaiting trial. He ordered that a two-week period be set

aside exclusively to hear only criminal cases in which the accused have spent more than five years in custody awaiting trial. The Chief Judge also requested that the Nigerian Bar Association and Legal Aid Council – two key partners of the J4A Clearing House – provide lawyers to the ATPs free of charge during the two week period.

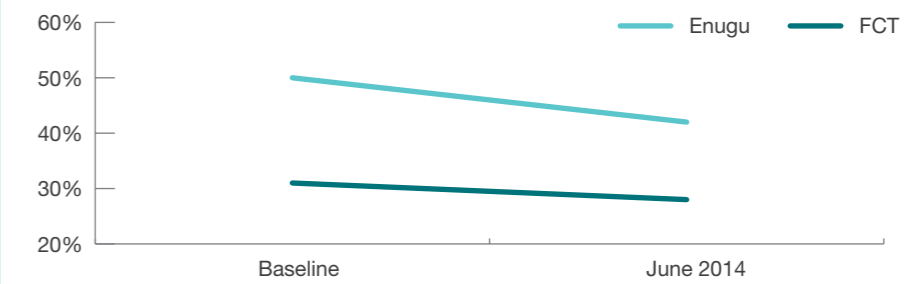
While the detailed results of the exercise are not yet available, the exercise demonstrates how a joined-up approach across the sector is essential if the problem of slow justice is to be addressed.

‘It is worrisome that some of them have spent between five and 15 years in jail. Consequently, we have agreed that the court would set aside a period of two weeks to attend to cases in which the accused have been undergoing trial for five years and above.’

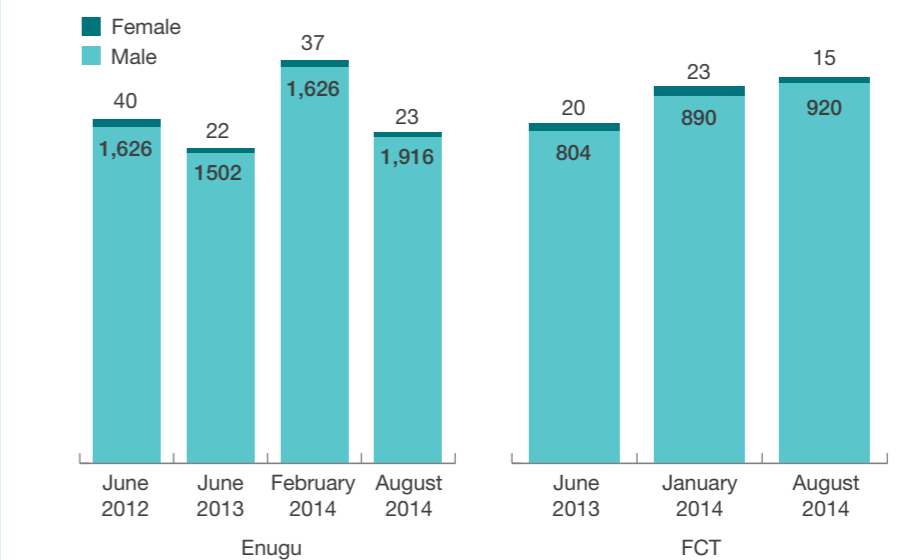
Justice IM Bukar, Chief Judge, FCT, Abuja

Getting results

Proportion of awaiting trial prisoners that have spent more than one year in custody awaiting trial



Number of awaiting trial prisoners – gender breakdown



Did you know?

Following the successes of the J4A supported pro bono legal services scheme, the clearing house model is being rolled out in all states of the federation by the Legal Aid Council (LACON) with technical assistance from PRAWA.

Highlights

- Number of cases taken up by the Clearing House in the FCT – 551.
- Number of cases taken up by the Clearing House in Enugu – 105.

Speeding up criminal justice

Legal Aid Council of Nigeria to roll out the Clearing House Scheme across the country

Following the successes of the Clearing House Scheme piloted in the Federal Capital Territory and Enugu State, the Legal Aid Council of Nigeria (LACON) with the support of J4A has concluded arrangements to replicate the Clearing House Scheme in the remaining 35 States of Nigeria. In the course of strategy meetings held on the planned national roll out of the scheme, the need for LACON to entrench itself as the co-ordinating agency for legal aid services in Nigeria was identified following the 2011 amendment to its enabling statute. Instruments to collect

data on legal aid providers and a database template for collating and analysing data once collected were thus conceived and developed. A total of eight data gathering instruments were reviewed and developed.

Some of the forms adapted the good practices already operational at LACON, while others introduced new systems the consortium considered necessary for LACON to deliver on its mandate effectively. The Director General of LACON consequently issued a policy statement adopting the new processes

and procedures and instructing all LACON staff to commence the usage of the instruments immediately after having been trained on their use.

‘...we are the Clearing House and we thank J4A/PRAWA especially for improving our database with their technical assistance...’

Joy Bob-Manuel, Director General, LACON