NIALS Supporting the Effective Implementation of and Compliance with the Law on Criminal Justice Administration in Nigeria (MacArthur) 2.0 Project.

Project Team's Inception Meeting Report



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EXECUTIVE SUMMARY

A successful Project Team's Inception Meeting was held comprising all the project team members and NIALS' key partners towards achieving its goals under MacArthur 2.0. Insightful deliberations on strategies, methodology and timelines to achieve Year 1 goals were held with important recommendations from the partners.

Individual components mapped out their tasks and timelines which culminated in a November 2021 deadline for most activities. A total of 7 activities were highlighted to be operationalised in Year1. It was also resolved that any member of the project team could be drafted into any of the components where his or her expertise is required or workload demands his or her participation.

The keen interest by and cooperation from stakeholders were assured with the key partners pledging their support. The approval and/or necessary buy-in by the relevant Heads of the Appellate courts was emphasised upon and duly noted. Furthermore, key requirements in the methodology, pre-notice timeframes and scheduled time for the engagement of the appellate justices were agreed upon.

The planning and monitoring team under the headship of the Director-General intimated the meeting on how they intend to discharge their mandate to ensure the overall success of the project.

1.0 Introduction

The Nigerian Institute of Advanced Legal Studies' Research Project on *Supporting the Effective Implementation of and Compliance with the Law on Criminal Justice Administration in Nigeria* is a 3-year project funded under the John D and Catherine T. MacArthur Foundation. The project aims to advance accountability and anti-corruption efforts in Nigeria through activities that will deepen understanding of the Administration of Criminal Justice Act (ACJA), 2015 as well as the Administration of Criminal Justice Laws (ACJL) of various states, improve case management/flow of criminal proceedings, and enlighten prospective stakeholders in the criminal justice system.

An inception meeting was scheduled on 31st May 2021, for the project team members to meet with key partners for the purpose of adopting a collaborative strategy for actualizing the goals of the project. The meeting started at 10.40 am with the 2nd stanza of the National Anthem as the opening prayer. There was a brief introduction by all attendees. The Director-General of the Institute, Prof M.T. Ladan, made the opening remarks. He reiterated the need for the team and partners to review the project documents and ascertain their key activities and objectives in the research project.

2.0 Charting the Course for Year 1

The Director-General led discussions on charting the course for year 1 by providing clarifications and justifications for the reorganisation of the project component teams, different from project 1.0. He stated that since MacArthur wanted new and innovative perspectives, there was a need to inject new energy and ideas. He stated, for instance, that instead of training workshops that were adopted in the engagement with judges and prosecutors under project 1.0, under Project 2.0, colloquia would be adopted by component A in the engagement with appellate court justices. He conveyed the commitment and support of both the Chief Justice of Nigeria and the President of the Court of Appeal.

The meeting also considered the following issues and accordingly resolved them as follows:

- On whether there can be joint participation by the Justices of the Supreme Court and Court of Appeal at the colloquia, the Ag. Director of Research of the NJI informed the meeting that was possible depending on the subject matter, the focus of the colloquia and the calibre of resource persons/faculty that would be constituted to lead discussions. He advised that Justices of the Supreme Court can be used as Session Chairs, while justices of the Court of Appeal justices can serve as facilitators/ presenters.
- It was also suggested and resolved that the number of Justices for each colloquium should not be more than 20-25 so as not to distract them from their adjudicative functions.

- The timing of the colloquia is also important as one fixed in August, during the court vacation may have more attendance than that fixed during court sessions.
- A two-month notice must be given before any scheduled event for the justices.
- A presentation was made on how project 1.0 which ended in 2020, is different from project 2.0. It was emphasised that project 2.0 will focus on laws and not limited to the ACJA, under the Big Bet Nigeria. Under it, the criminal justice cohort has 7 institutions funded and NIALS is one of the beneficiaries.
- NIALS has 7-key activities under project 2.0 for the 3 years with 4 components. Its target group includes: People (Appellate Court Justices, law teachers, law students); Institutions (NJC, NJI, NASS) and System (court and academia).
- ICT will be incorporated into the project to ensure the creation and management of a general database.

3.0 Monitoring & Evaluation for Year 1

This is a new component which activities involve plan-act-monitor-evaluate. It is focused on the M & E for year 1, to track progress. The component will evaluate each activity to form part of M & E.

It was observed that there was a need to brainstorm on the methodology to be adopted for the administration of questionnaires on the appellate justices, in view of their eminent status in the judiciary.

4.0 What is new for 2.0?

The Director-General made a presentation on what was new under Nigeria 2.0. he made the following clarifications:

- Under 2.0, on the independence of the judiciary, the following documents would be reviewed: National Judicial Policy 2013 developed by the NJI (which focuses on training), National Judicial Policy 2016, developed by the NJC (which focuses on the independence of the judiciary) and the National Policy on Justice, 2017 which was adopted by the Federal Executive Council (FEC) in 2019 (most relevant is the theme on the independence of the judiciary). These documents have different contents and focus. Thus, there is a need to review them and engage the issuing bodies for possible reforms. This would enable informed recommendations to be made by the Institute that will contribute to changing the narratives in the public space.
- It was suggested that the Code of Conduct for Judicial Officers 2016, should also be reviewed.

- For the Case Digest, 1.0 focused on decisions from State High Courts. But under 2.0, the project will concentrate on the collection, collation, and review of cases from the Supreme Court, Court of Appeal, and Federal High Court to the exclusion of State High Courts.
- For analysis in the Compendium, a comparative analysis of the state laws of the remaining states will form Volume 3.
- Two training manuals were produced in 1.0, but handbooks or guidebooks will be developed for law teachers or law students, depending on the feedback from relevant Stakeholders.
- The Deans of law faculties would be contacted to identify criminal procedure law teachers, and where the subject is not taught in a faculty, criminal law teachers or law of evidence teachers to participate in the training workshops to be organised to facilitate the use of Guidebooks/Handbooks. It was resolved that the faculty handbooks should serve as a guide and form part of the project's documentation/indicators.
- In 1.0, six Rules of Court were drafted, adopted and signed by State Chief Judges. Under 2.0, there will be a continuation of the development of the Rules of Court for the remaining states that have adopted ACJLs.
- On Policy Bulletins, it was resolved that the relevant component should decide on the subject matters that they consider relevant to focus upon.
- The collection of cases will not focus only on corruption cases, but also extend to cases on human trafficking, maritime crimes where ACJA is involved.
- On guidelines on COVID 19, the NIALS report on the Impact of COVID-19 on the Justice Sector would be used as a background document. The NJC's Practice Direction on COVID 19 will also be reviewed and these would be benchmarked against international best practices. Electronic proceedings of the virtual meeting of the Attorneys General will be shared by NJI.
- The meeting agreed on the need to ensure that the colloquia did not take the appearance of an academic session or workshop so as to retain the interest and participation of the Justices. In this regard, issues should be clearly identified and the colloquia participants invited to share their perspectives. For example, discussions on UDEOGU v THE STATE and the recent Court of Appeal case on a confessional statement.

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5.0 Strategies by each component

There were breakout sessions for each component to deliberate on their activities and timelines. After the breakout session, the various components presented their reports as follows:

5.1 Component A

Activity 1: Coordination of Appellate Justices Colloquium

The team identified the following tasks and agreed on timelines to actualize the identified tasks:

Timeline: June to November

- 1st-4th June: Dispatch a Letter to the CJN conveying the proposed dates for the Colloquium to him and seeking his approval.
- 8th June by 10:am: Technical Meeting of the component team and partners to discuss the structure of the colloquium, template, adopt and amend concept note, decide on topics and nominate resource persons.
- 14th – 17th June Liaising with NJI on the mode of invitation of participants.
- The team also agreed to stick to the proposed dates of the colloquium (21st – 22nd July, 8th – 9th November 2021) pending the CJN's response.
- The team also noted the practice of notifying the justices at least 2 months ahead of time.

Activity 2: Development of guidebook for the training of law students and TOT for criminal procedure, Criminal Law or Law Evidence teachers.

Timelines: On this activity, the team laid their timelines for the next one year.

- The President of NALT promised to furnish the team with the contact details of all Deans of law faculties and to also assist in informing them about the project through the Deans of Law faculties WhatsApp platform.
- 21st – 22nd June 2021: The team will hold its first consultation meeting with deans of the 66 law faculties and criminal procedure law lecturers and DG and DDGs of Nigerian Law School. The meeting will be held via zoom app in two streams, 21st June for participants from geopolitical zones depending on the participation at the meeting.
- July – September 2021: Drafting of Guidebook for the training of students of criminal law and criminal procedure law.
- September: Validation meeting for the approval of the guidebook
- September – November: TOT workshop for Law teachers.

5.2 Component B

Timeline: June to November
Activity 1: Drafting of COVID-19 Compliant Guidelines for criminal justice actors, in line with fulfilling the purpose of the ACJA/ACJL.

- **June – July**
  - **June 9:** The first meeting of the team to discuss modalities.

- June: Data Gathering for Analysis on COVID 19 compliance
- June-July: Research Analysis on COVID-19 compliance measures that fit into criminal justice mandate

- **August - September**
  - August: Drafting and Reviewing the COVID 19 Criminal Justice Guidelines
  - September: Validation workshop with Justice Sector Stakeholders, including Nigeria Police Force, Correctional Facility Officers, Judicial Officers, Ministry of Justice, Private Practitioners

Activity 2: Drafting Rules of Court on the Administration of Criminal Justice Law

- **June – November**
  - June: Consultation and sensitisation meetings with remaining states MOJ and CJ's [DG/ Component Chairman to agree pending states (target of 5 states for 2021)]
  - July: Technical Meeting with the nominated stakeholders from Judiciary, NBA and other relevant stakeholders
  - August- Nov: Drafting of 5 Rules of Court and Stakeholder validation workshop for drafted Rules of Court.

5.3 Component C (Publication of Digests and Policy Bulletins)

The mandate of the Committee on Case Digests and Bulletins ('Component C') is to publish and disseminate case digests and bulletins on judgments and rulings on the ACJA/ACJL by superior courts of record in the 29 States of the Federation, including the Federal Capital Territory, Abuja that has passed the ACJL into law.

Component C is mandated to facilitate and implement four key activities:

Activity 1: Production, Publication and Dissemination of Case Digests 2021

Timeline: June - September 2021

The Component C team agreed on the following timelines for Activity 1:

- Data to be obtained (rulings and judgments based on the ACJA from Federal High Court, Court of Appeal and Supreme Court) **(Already identified)**
- Process of obtaining data:

- Preparation and dispatch of letters to the identified courts with the DG's vetting and approval (adoption of precedents established) – **1st week of June (draft letters to be ready) – 2nd week of June, dispatch of letters; follow-up on letters by 3rd week of June 2021**
- Training of Field Officers, using previous toolkits (which will be reviewed and updated)
- Assignation of Field Officers to Courts – **Last week of June and 2nd week of July 2021**
- Case Sorting and Analysis: Assignation of Researchers - **2nd week of July**
- Collation and Review of Cases Analysed – **4th week of July and 1st week of August 2021**
- Implementation of Review by Case Analysis Team
- Final Review by Component Team
- Submission of Draft to DG – **Last week of August 2021**

Activity 2: Preparation, Publication and Dissemination of Policy Bulletins

Timeline: June - September 2021

The Component C team agreed on the following timelines for Activity 2:

- Brainstorm on issues that can generate content and draft topics (**1st to 2nd week of June 2021)**
- Identification of emerging topical issues based on the ACJA/State ACJLs (**1st to 2nd week of June 2021)**
- Obtain approval of the DG (2nd week in June) for topics and assigned researchers (**2nd – 3rd week of June 2021)**
- Review of Draft Policy Bulletins (**last week July of 2021**)
- Submission of Final Draft to DG for further review by Expert Reviewers (**last week of August 2021**)

Activity 3: Compendium on State Administration of Criminal Justice Laws Analyses (Volume III)

Timeline: July - October 2021

The Component C team agreed on the following timelines for Activity 3:

- Identify the pending States whose ACJLs have been recently adopted or were not examined in Volumes 1 and 2 of the Compendium – **last week of June 2021**

- Prepare a budget and proposed staff to work on identified States – **the second week of July 2021**
- Assign compendium task to Research Fellows – **last week of July 2021**
- Submission of Draft Compendium volume III to DG for Publication – **last week September 2021**

Activity 4: Amendments of the controversial sections of the ACJA/ACJLs and review Constitutional provisions to ensure compatibility with the 1999 Constitution

Timeline: August - November 2021

The Component C team agreed on the following timeline for Activity 3:

- Meeting with criminal justice cohorts **(interact with other cohorts for a date)**
- Identification of controversial sections of the ACJA/State ACJLs that are incompatible with the provisions of the 1999 Constitution – **30 June 2021**
- Assign the identified provisions of the ACJA/State ACJLs and the 1999 Constitution to Research Fellows for jurisprudential analysis – **15 July 2021**
- Assign the identified provisions of ACJA/State ACJLs and the 1999 Constitution to experts in legislative drafting for the drafting of NIALS' proposed amendments of the ACJA/State ACJLs and the 1999 Constitution – **31 August 2021**
- Submission of draft of NIALS proposed amendments of the ACJA/State ACJLs and the 1999 Constitution to the DG for presentation to the National Assembly – **31 October 2021**

5.4 Component D

The activities and timelines for this component will be determined after collating that of the three components. Tasks were given by the Director-General on comprehensive documentation from 1.0.

6 Conclusion

The representative of the NJI pledged its partnership and commitment and volunteered to be part of any activity NIALS may require their partnership, e.g. as resource persons or rapporteurs.

NALT gave assurance of its partnership and promised to start sensitization of its members of the partnership with NIALS.

The DG emphasized that MacArthur 2.0 is one project and that a member of any of the components may be engaged to participate in the activities of the other components.

The meeting officially closed at 3.35 pm.

ATTENDANCE:

1. **Director-General of NIALS,** Prof M T Ladan.

2. **Partners at the meeting**
    a. Mr Gilbert Tor: NJI
    b. Prof Usman Shuaibu: Dean, Faculty of Law BUK/ President of NALT

3. **Team Members:**

Component A

Prof. Peter Akper SAN, OFR. (Chairman)
Prof. Adebambo Adewopo. SAN
Mrs Lilian Uche (Secretary)

Component B

Dr Ibe Ifeakandu – (Chairperson)
Dr Nkiruka Maduekwe (Secretary
Dr Fatima Bello

Component C

Prof. Emmanuel Okon (Chairman)
Dr Irekpitan Okukpon (Secretary)
Dr Habila Ardzard

Component D

Dr Osatohanmwen Eruaga
Ms Jane Ezirigwe
Engr Jauda Istifanus

Accounts

Mr Sadiq Musa

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