

# Court Observation Form

Court Observer: Izuka Lovetta Date & Time of Monitoring Exercise: 20/3/2018 10:40 am  
 Case Title: Federal Republic Nigeria v Dr. Dogara & 5 Ors Case No.: FHC/KO/3/2013

## Courtroom Information

State: Kaduna Judicial Division/District: Kaduna Courtroom No.: .....

Name of Judge: Justice Shuaibu Name & Agency of Prosecutor: EFCC

Defence Counsel O. Habub, G. Madaki, M. Jesse, A. Joshua

When did the court sit? 9am For how long did you witness court proceedings? from beginning to conclusion

Case Information (Tick correct answers: Y= Yes; N = No)	
1.	a. Cause list sighted? <input checked="" type="checkbox"/> Y N    Nb. Case on cause list? <input checked="" type="checkbox"/> Y N    c. Scheduled start time: <input checked="" type="checkbox"/> Y N c. Was it easy to identify the case? <input checked="" type="checkbox"/> Y N    d. Was it easy identify/locate the courtroom? <input checked="" type="checkbox"/> Y N
2.	What type of hearing was it? * Briefly mention the subject matter of the case and what stage of hearing it is at
3.	Were you allowed to get or peruse a copy of the court record? <input checked="" type="checkbox"/> Y N Was bail granted? <input checked="" type="checkbox"/> Y N    When (date), and what were the conditions of bail (use back of page if necessary)
4.	On the back of the page, please provide a very brief comment on the case history, including law under which the case is tried, previous adjournment and the next adjourned date (4-5 Lines)
Court Website and IT (tick or underline the correct response)	
5.	a. Does the court have a website? Y <input checked="" type="checkbox"/> N    b. Does the website feature a webpage for the courtroom/judge you are monitoring? Y <input checked="" type="checkbox"/> N
6.	Did you find a web-copy of the cause list with the case listed? Y <input checked="" type="checkbox"/> N
7.	a. Is the website current?    Current    Quite Current    Out of Date    Very Obsolete b. Regularity of updates    Regular    Quite Regular    Irregular    Very Irregular c. Accuracy of information    Accurate    A bit accurate    Inaccurate    Misleading d. Did you find information about your case on the court website?
8.	How useful did you find the website? Was the site easy to read and navigate? Does the site have a search function?
9.	If the court lacks a website, are there plans to have one? At what stage of development is it?
10.	Does the court have an e-filing and e-messaging system? How is it being deployed in this case/in anti-corruption cases generally? (Please keep your response to 3 lines on the back of the page).
The Hearing (Pls tick or provide the correct answer)	
11.	a. The court sat <input checked="" type="checkbox"/> Y N    b. The case you are monitoring proceeded on schedule <input checked="" type="checkbox"/> Y N c. Complainant was in court <input checked="" type="checkbox"/> Y N    d. Prosecution was in court <input checked="" type="checkbox"/> Y N e. The defendant was in court <input checked="" type="checkbox"/> Y N    f. Defence Counsel in Court <input checked="" type="checkbox"/> Y N g. If hearing was delayed, at whose instance was the delay? <u>Hearing was not delayed</u> h. What reasons were given for the delay? f. What consequential orders followed?
12.	a. Defendant was in custody    Y <input checked="" type="checkbox"/> N b. Subsisting order to produce defendant complied with <input checked="" type="checkbox"/> Y N

	c. What reasons were given for non-compliance?				
13	a. Witnesses were in Court? <input checked="" type="radio"/> Y <input type="radio"/> N    b. If not, what reasons were given? c. What consequential directive if any, did the court give? (you may make additional brief comments on back page)				
14.	Case Prioritization: Did the matter proceed as set (mention, motion, hearing, ruling, address, or judgment)? <u>Yes</u> How many hours or days were allocated to the matter? <u>2 day for hearing of all Prosecution witnesses</u> How many interlocutory applications were taken? <u>4</u> For what? <u>Bail</u> If the case was adjourned, at whose instance and for what reasons? <u>The case was adjourned for defence</u> What was the length of adjournment? <u>3 months</u> If it was a long adjournment, what reasons were given? Overall, how frequent are adjournments in the case? <u>Adjournments have been very frequent</u> What indicated that the court was giving the case expedited hearing? <u>No indication - still at Trial within Trial stage</u>				
15.	<i>General Courtroom Conduct and Efficiency</i>	Poor	Acceptable	Good	Excellent
	Courtroom was orderly	1	2	3	④
	The Judge was courteous and respectful	1	2	3	④
	The Judge was in control* of the proceedings	1	2	3	④
	Judge was ready/prepared** for court	1	2	3	④
	The Prosecution was ready/prepared*** for court	1	2	3	④
	The defence was ready/prepared**** for court	1	2	3	④
	Cases were handled in a timely manner	1	2	3	④
	The judge was impartial	1	2	3	④
	Individuals were treated equally by Court staff	1	2	3	④
	<i>Transparency and Accountability</i>	Poor	Acceptable	Good	Excellent
	Judge was demonstrably neutral	1	2	3	④
	Parties were given equal opportunities to present their cases	1	2	3	④
	Judge made effort to understand the concerns of the parties	1	2	3	④
	Prosecution held accountable***** for actions that delayed proceedings	①	2	3	4
	Defence held accountable for actions that delayed proceedings	①	2	3	4
	The interest of the public was a adequately represented	1	2	3	④
	<i>Communicating Courtroom Proceedings</i>	Poor	Acceptable	Good	Excellent
	Court announced every stage of proceedings	1	2	3	④
	Court explained every stage of proceedings	1	2	3	④
	Defendant understood procedures and rulings	1	2	3	④

You may if necessary provide brief comments of the hearing: I witnessed the examination in chief and cross examination of PW3. He was thoroughly questioned and ~~examined~~ <sup>clarified</sup> any ambiguity by defence counsel and in the end, all counsel involved were satisfied as there was no ambiguity.

**Documenting the Observer's experience**

I gained better understanding of the court's role in anti-corruption cases:

Very Much

Quite So

Not sure

Not at all

Court process was fair:

Very fair

Quite Fair

Not sure

Unfair

Courts reaction to observer's presence Receptive Cooperative Hostile indifferent

Did your confidence in the court ability to dispense justice increase because you witnessed proceedings? Very Much Quite So Not sure Not at all

What did you find most interesting about your experience? The cross examination of PW 3, all defence counsel took time to ask very intelligent questions.

Notes on certain terms

\* A judge is in control when he maintains general courtroom decorum, holds counsel to the highest levels of compliance with the rules, grants adjournments only for valid reasons and not more times than is permitted by the rules.

\*\*You can tell that a judge is unprepared if for instance s/he comes to court without having read the case file and relevant law, or easily grants adjournments for flimsy reasons.

\*\*\* A prosecutor betrays his or her unpreparedness when he/she betrays a firm grasp of the case/facts and applicable law, a charge or information sheet is found to be defective or the prosecution fails to ensure that processes have been properly filed, court directives have been complied with and that prosecution witnesses are in court if the case was set down for the prosecution's case.

\*\*\*\* Indications that the defence attorney is unprepared could include gimmicks that are intended to prevent the court from proceeding with the hearing as scheduled, unscheduled interlocutory applications, failure to produce defence witnesses, etc.

\*\*\*\*\* A judge holds legal counsels accountable when s/he does not accommodate flimsy excuses for adjournments, ensures that timelines are kept and a tight lead is kept on adjournments by upholding the provisions of ACJA and practice directions relating to court room delays and adjournments. His or her ability to enforce the rules show that s/he retains control of the proceedings and would were necessary, remonstrate parties and counsel for holding up proceedings. The judge may also issue consequential orders, order costs where justified, and ensure that his/her orders are complied with.

Section 1(1)(a) of Advanced Fee Fraud. Accused persons were charged with conspiracy and intent to defraud, obtained via fraudulent award of contract for renovation of government lodge Saminaka, the sum of 17,000,000, property of the Kaduna state government.

### Bail conditions

- Each of the accused person was granted bail in the sum of 1,500,000 and two sureties in like sum
- Sureties must be owners of landed ppty within Kaduna metropolis
  - Certificate of occupancy must be deposited with a senior registrar of courts.