

# Court Observation Form

Court Observer: Izabela Loretti Date & Time of Monitoring Exercise: 27/3/2018 10:30am

Case Title: Federal Republic Nig. v Abdullahi Cusamna \$605 Case No: FHC/KD/82C/2007

## Courtroom Information

State: Kaduna Judicial Division/District: Kaduna Courtroom No.: 1

Name of Judge: Justice Shuabu Name & Agency of Prosecutor: SFCC

Defence Counsel: Samuel Atun & O. MUSA

When did the court sit? 9am For how long did you witness court proceedings? From start to finish

Case Information (Tick correct answers: Y= Yes; N=No)	
1.	a. Cause list sighted? <input checked="" type="radio"/> Y N b. Case on cause list? <input checked="" type="radio"/> Y N c. Scheduled start time: <input checked="" type="radio"/> Y N c. Was it easy to identify the case? <input checked="" type="radio"/> Y N d. Was it easy identify/locate the courtroom? <input checked="" type="radio"/> 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="radio"/> Y N Was bail granted? <input checked="" type="radio"/> 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 N b. Does the website feature a webpage for the courtroom/judge you are monitoring? Y N
6.	Did you find a web-copy of the cause list with the case listed? Y 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 Current Quite Current Out of Date Very Obsolete b. Regularity of updates Regular Quite Regular Irregular Very Irregular c. Accuracy of information Accurate A bit accurate Inaccurate Misleading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 Y N b. The case you are monitoring proceeded on schedule Y N c. Complainant was in court Y N d. Prosecution was in court Y N e. The defendant was in court Y N f. Defence Counsel in Court Y N g. If hearing was delayed, at whose instance was the delay? h. What reasons were given for the delay? i. What consequential orders followed?
12.	a. Defendant was in custody Y <input checked="" type="radio"/> N b. Subsisting order to produce defendant complied with Y N

	c. What reasons were given for non-compliance?				
13	a. Witnesses were in Court? Y <input checked="" type="radio"/> N <input type="radio"/> 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)? How many hours or days were allocated to the matter? How many interlocutory applications were taken? ... For what? ... <i>Paul</i> If the case was adjourned, at whose instance and for what reasons? <i>Instance of the defence</i> What was the length of adjournment? <i>short</i> If it was a long adjournment, what reasons were given? Overall, how frequent are adjournments in the case? <i>Adjournments have not been very frequent</i> What indicated that the court was giving the case expedited hearing?				
15.	<i>General Courtroom Conduct and Efficiency</i>				
	Poor	Acceptable	Good	Excellent	
	1	2	3	4	
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	
	1	2	3	4	
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 adequately represented	1	2	3	4	
<i>Communicating Courtroom Proceedings</i>					
	Poor	Acceptable	Good	Excellent	
	1	2	3	4	
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: *The two defence Counsel handling the case personally did not were not around and so the case was could not go home. However they set for lawyers to hold brief.*

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? .....

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#### 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.

3) They were admitted into bail was the 21/2/2008  
Conditions of Bail cannot be traced, as this case has been going  
on for 11 years and about records have been misplaced in transfer  
of files from one Judge to another. Since 2007, three judges  
have handled the matter causing unnecessary delay. When a  
new Judge is assigned, the case has to start De novo.  
Therefore, the case has started De novo three times. It has  
~~starting~~ started De novo again with the present Judge  
of 10/2/2016.

### Brief History

Fraudulent procurement of cheque, punishable under section 1(2)  
(a) of the Miscellaneous offences Act, Cap 17, ~~Law~~ L.F.N. 2004,  
and conspiracy.