

Court Observation Form

Court Observer: Izuka Loretta Date & Time of Monitoring Exercise: 28/03/2018
 Case Title: Federal Republic Nigeria Nuhu Mallam Arungbars Case No.: KDM/KAD/1/EFCC/17

Courtroom Information

State: Kaduna Judicial Division/District: Kaduna Courtroom No.: 6
 Name of Judge: Justice Mugu Name & Agency of Prosecutor: EFCC
 Defence Counsel: Onega Elonga for 2nd defendant and G. Odiam for 3rd defendant
 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? <u>Y</u> N	b. Case on cause list? <u>Y</u> N	c. Scheduled start time: <u>Y</u> N	d. Was it easy to identify the case? <u>Y</u> 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? <u>Y</u> N			
	Was bail granted? <u>X</u> <u>N</u> 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? <u>Y</u> <u>N</u>	b. Does the website feature a webpage for the courtroom/judge you are monitoring? <u>Y</u> <u>N</u>		
6.	Did you find a web-copy of the cause list with the case listed? <u>Y</u> <u>N</u>			
7.	a. Is the website current? <u>Current</u>	<u>Quite Current</u>	<u>Out of Date</u>	<u>Very Obsolete</u>
	b. Regularity of updates <u>Regular</u>	<u>Quite Regular</u>	<u>Irregular</u>	<u>Very Irregular</u>
	c. Accuracy of information <u>Accurate</u>	<u>A bit accurate</u>	<u>Inaccurate</u>	<u>Misleading</u>
	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 <u>Y</u> N	b. The case you are monitoring proceeded on schedule <u>Y</u> N		
	c. Complainant was in court <u>Y</u> N	d. Prosecution was in court <u>Y</u> N		
	e. The defendant was in court <u>Y</u> N	f. Defence Counsel in Court <u>Y</u> N		
	g. If hearing was delayed, at whose instance was the delay? <u>At the instance of the defence</u>			
	h. What reasons were given for the delay? <u>1st defendant had not gotten a lawyer</u>			
	f. What consequential orders followed? <u>Adjournment to enable defendant get representation</u>			
12.	a. Defendant was in custody <u>Y</u> N			
	b. Subsisting order to produce defendant complied with <u>Y</u> N			

c. What reasons were given for non-compliance?																																																																																																																							
13	a. Witnesses were in Court? Y <u>N</u> b. If not, what reasons were given? <u>Hearing was not reached that stage</u> 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, <u>hearing</u> , ruling, address, or judgment)? How many hours or days were allocated to the matter? <u>one day</u> How many interlocutory applications were taken? <u>1</u> For what? <u>Bail</u> If the case was adjourned, at whose instance and for what reasons? <u>Defence, 1st defendant has no counsel</u> What was the length of adjournment? <u>9</u> If it was a long adjournment, what reasons were given? Overall, how frequent are adjournments in the case? <u>Not too frequent</u> What indicated that the court was giving the case expedited hearing? <u>—</u>																																																																																																																						
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You may if necessary provide brief comments of the hearing: Bail was refused by the court. The 1st defendant had a lawyer before but they could not agree on a professional fee hence the withdrawal of his appearance. However, the matter was adjourned in order to give the defendant time to get a new lawyer.

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?

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.

conspiracy to obtain #3million naira for the purpose of selling a parcel of land.

Section 8 Advance Fee fraud & other fraud related offences act

- Obtained #3million with intent to defraud.
- Bad cheque - Dishonoured cheque offences act