

Court Observation Form

Court Observer: Izabela Loretti Date & Time of Monitoring Exercise: 28/03/2018
 Case Title: Federal Republic Nig v Tutur Dauda Case No: FDH/KAD/2/EFCC/15

Courtroom Information

State: Kaduna Judicial Division/District: Kaduna Courtroom No.: 6
 Name of Judge: Justice Aiyu Name & Agency of Prosecutor: EFCC

Defence Counsel:

When did the court sit? 9am For how long did you witness court proceedings? Beginning + end

Case Information (Tick correct answers: Y= Yes; N= No)	
1.	a. Cause list sighted? <u>Y</u> Nb. Case on cause list? <u>Y</u> N c. Scheduled start time: <u>Y</u> N c. Was it easy to identify the case? <u>Y</u> N d. Was it easy identify/locate the courtroom? <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>Y</u> 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? <u>Y</u> N b. Does the website feature a webpage for the courtroom/judge you are monitoring? <u>Y</u> N
6.	Did you find a web-copy of the cause list with the case listed? <u>Y</u> 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 Current Quite Current Out of Date Very Obsolete b. Regularity of updates Regular Quite Regular Irregular Very Irregular c. Accuracy of information Accurate A bit accurate Inaccurate Misleading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 (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>Instance of the defence</u> h. What reasons were given for the delay? <u>Defence counsel is indisposed</u> f. What consequential orders followed? <u>Adjournment</u>
12.	a. Defendant was in custody <u>Y</u> <u>N</u> 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 N. b. If not, what reasons were given? Prosecution has closed case
c. What consequential directive if any, did the court give? (you may make additional brief comments on back page) Defence to open case

14. Case Prioritization: Did the matter proceed as set (mention, motion, hearing, ruling, address, or judgment)? No
How many hours or days were allocated to the matter? 1 day
How many interlocutory applications were taken? 1. For what? Bail
If the case was adjourned, at whose instance and for what reasons? For defence, Counsel was indisposed
What was the length of adjournment? 1 day If it was a long adjournment, what reasons were given?
Overall, how frequent are adjournments in the case? Not very frequent
What indicated that the court was giving the case expedited hearing? Short dates of adjournment

15. **General Courtroom Conduct and Efficiency**

	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

Transparency and Accountability

	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

Communicating Courtroom Proceedings

	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: Defendant was in court
However, his counsel was not in court. However
she sent a letter explaining the reason for her
absence.

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?

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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.

Bail conditions

One million naira (~~£~~1,000,000) and one surety in like sum. Public/civil servant of not less than grade level 12.

- Holds a statutory right of occupancy, verified by Department of Land.

+ ~~Obtained~~ Obtained ~~Bank~~ Bank ~~matter~~ matter;

Advanced fee fraud & other fraud related offences Act.

Accused person was charged with obtaining ₦500,000 with intent to defraud.

- Obtained ₦300,000 with intent to defraud
- obtained ₦600,000 with intent to defraud.
- obtained ₦1,400,000 with intent to defraud.