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# Corruption Case Monitoring Template

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# Introduction

This form is designed for use in **the tracking and evaluation of corruption cases**. The default position of all stakeholders should be to comply with the law to progress cases at every hearing towards a speedy conclusion. The **aim of tracking and monitoring** is to - evaluate role(s) of stakeholders including the court and the state in corruption cases; identify challenges and causes of delays in trials and recommend ways and means to reduce delays that characterize corruption cases, improve efficiency and achieve speedy conclusion of trials without compromising fairness.

## Form Completion Instruction(s)

1. This form is divided into 5 parts – A to E. It covers conduct of trial from commencement to conclusion.
2. Some sections of the form are to be completed by the monitor and other sections by the desk reviewer. The relevant sections are clearly marked.
3. Monitors should complete and submit court sessions report to the desk reviewer.
4. The reviewer is expected to complete a monthly report for consideration and reportage to National Judicial Council (NJC).
5. One form should be used to cover a case from beginning of the case to completion.
6. A summary progress report must be submitted to the reviewer every quarter.
7. Any case that is being monitored and the case progression code is red must be reported immediately.

### PARTS

1. Parts A and B – to be completed at commencement of trial only.
2. Part C – to be completed at every court session (use additional sheets if required and mark clearly).
3. Parts D and E – (judgment, conviction/sentence) to be completed only at the of end trial.

### Case Progression Colour Code (*reviewer to complete*)



Case deliberately slow (ACJA/L & PD timelines not strictly followed)



ACJA/L & PD followed but slow nonetheless



Case is progressing at normal pace (ACJA/L & PD timelines strictly followed)

# PART A

1. **CASE INFORMATION** (*monitor to complete at commencement of or during monitoring*)

S/N		
1.	Name of court/no/location ( <i>Example: FCT High Court., No. 50, Maitama, Abuja</i> ):	
2.	Charge number	
3.	Parties	
4.	Presiding Judge	

**SUMMARY BACKGROUND FACTS** (*give brief summary of case*)

2. **CHARGES** (*monitor to complete*)

S/N	Details	Enabling Provision	Notes
1.	Number and nature of charges		
2.	Monetary gain (if any)		

3. **DEFENDANT(S)** (*monitor to complete*)

Details		Notes	
i.) Number of defendants (disaggregate)	No	Socio economic background	
		Male(s)	
		Female(s)	
ii.) Are defendant(s) separately represented		Yes/No	
iii.) Name(s) of counsel representing defendant(s) if more than one ( <i>e.g. defendant 1, defendant 2. etc.</i> )  <i>(use additional sheets if required and mark clearly)</i>			

4. **PROSECUTION** (*monitor to complete*)

S/N	Details	Enabling Provision	Notes
1.	Name of prosecuting agency:		
2.	Prosecutor(s) in conduct of case:		
	i). Name(s):		

5. DEFENCE (*monitor to complete*)

S/N	Details	Enabling Provision	Notes
1.	Defense team/number of lawyers appearing:		
2.	Lead Defense Counsel  i). Name:	Section 14 (4) Rules of Professional Conduct for Legal Practitioner - Lawyer must be personally present or properly represented throughout proceedings in court.	

## PART B

1. ARRAIGNMENT/CASE MANAGEMENT (*monitor to complete*)

S/N	Details	Enabling Provision	Notes
1.	Date of arraignment:	S. 110 (3) ACJA- The trial of a charge must commence not later than 30 days from the date of filing the charge.	
2.	Plea at arraignment:  Defendant No. 1: Defendant No. 2: Defendant No. 3: Defendant No. 4: etc.	S. 271 (1) ACJA – Before a defendant takes his plea, the court shall inform him of his rights.	Guilty/Not guilty
3.	Date of case management	Order 3 (1) FCT High Court Practice Direction – Case management hearing must hold immediately after arraignment.	
4.	Witnesses agreed at case management hearing?		
5.	No. of witnesses (disaggregate; prosecution and defense):		
6.	Were there witness problems? Yes/No:		

7.	If yes, was witness summons applied for?	S. 241 ACJA - The court may issue a summon or writ subpoena on a witness to attend court to give evidence and produce specified documents in respect of the case.	
8.	What other evidence was agreed?	Order 3(1) FCT High Court Practice Direction – non-contentious evidence(s) are to be agreed and admitted.	
9.	Did prosecution comply with disclosure at case management hearing?	S. 37 (6) Rules of Professional Conduct for Legal Practitioners 2007 - A lawyer shall not suppress facts or secrete witnesses that can help the case of the accused. See also Order 5 FCT High Court Practice Direction.	
10.	Defense opening statement:	S. 304 ACJA - After the case for the prosecution is conducted, the defendant or the legal practitioner representing him, is entitled to address the court.	
11.	Did defence counsel assist the court or cooperate at case management hearing?		
12.	Did defense counsel identify issues in dispute – Yes/No:		
13.	If No (what reasons were given for refusal):		
14.	What trial time estimate was agreed at case management?	Order 3(1) (e) – Mandates the court to have time estimate and schedule of witnesses for the trial.	
15.	Did the court successfully keep to trial time estimate?		<i>(If No, give reasons)</i>
16.	Was a ‘No Case Submission’ made?	Section 303 (1), ACJA – Provides for a no case submission.	

17.	Was the 'No Case to Answer Submission' successful?		<i>(tick as appropriate)</i>
			Unsuccessful
			Partially successful
			Fully successful
18.	How many counts were upheld?		
19.	Are there any interlocutory applications/appeal(s) pending?	Section 306, ACJA – Stay of proceedings should not be entertained.	<i>Yes/No</i>
			<i>(Appeal no if known)</i>

2. **TRANSFERRED CASES** (*monitor to complete*)

S/N	Details	Enabling Provision	Notes
1.	Date of Transfer		
2.	Reasons for transfer if known		
3.	Date of fresh arraignment and plea		

## PART C

1. **COURT SESSIONS** (*monitor to complete – use additional sheets if required and mark clearly*)

Date	Start time	Finish time	Next adjourn date	Remarks (reasons for adjournment)

1A. COURT SESSIONS (*monitor to complete at every hearing*)

S/N	Details	Enabling Provision	Notes
i)	Did the trial take place on a day to day? ( <i>reviewer to complete</i> )	Section 396 (3) ACJA - Upon arraignment, the trial of the defendant shall proceed from day to day until the conclusion of the trial.	
ii)	Have charges been amended?		Yes/No
	How many times?		
iii)	Reasons for amendments if known:		
iv)	Case Update		
v)	What is the current status of the case?		<i>(tick as appropriate)</i>
			On trial
			Decided
			Withdrawn
			Suspended
vi)	What is the current stage of trial?		<i>(tick as appropriate)</i>
			Prosecution stage
			Defence stage
			Convicted
			Discharged
			Discharged and acquitted
On appeal			



2. **ADJOURNMENTS** (*monitor to complete*)

S/N	Details	Enabling Provision	Notes
1.	Was adjournment application by a letter or oral?	S. 253 ACJA – The court may permit on application of a party for an adjournment of proceedings	
2.	I. Was application for adjournment filed?		Yes/No
	II. Date filed if known:		
3.	How many adjournments?	Section 396 (4) ACJA – No party is entitled to more than 5 adjournments from arraignment to final judgment.	
4.	Number of days granted	396 (4) – Interval between each adjournment should not exceed 14 working days. Where it is impracticable to conclude case, and the parties have exhausted their 5 adjournments, interval between one adjournment to another should not exceed 7 days inclusive of weekends.	
5.	Adjournment is at whose instance?		<i>(tick as appropriate)</i>
			Prosecution
			Defense
			Court

3. **COSTS** (*monitor to complete*)

S/N	Details	Enabling Provision	Notes
i).	Was cost applied for?	S. 396 (6) ACJA – Court may award reasonable costs in order to discourage frivolous adjournments.	
ii).	Who applied?	S. 351, 352, 353 ACJA – Sections deals with the Non-appearance of complainant, defendant and both parties.	
iii).	Was application for cost granted?	S. 253 ACJA – Adjournment may be granted subject to witnesses' costs.	

iv).	Was wasted cost awarded? a. Yes/No b. Against who? c. Reasons for cost?		
v).	Did the court indicate willingness to report award of wasted costs to the appropriate authority?	Order 14, FCT Practice Direction – Judges are encouraged to report unprofessional conduct of counsel to the Nigeria Bar Association.  S.6, Code of Conduct and Prosecutorial Guidelines for Federal Prosecutors – A Prosecutor who breaches the code may be proceeded against for misconduct, by the office of the Attorney General.  S. 55 (1), Rules of Professional Conduct for Legal Practitioners 2007 – If a lawyer acts in contravention of any of the rules or fails to perform any of the duties, shall be guilty of professional misconduct and liable to punishment as provided in Legal Practitioners Act, 1975.	

**4. TRIAL IN ABSENCE** (*monitor to complete – trial in absence would be triggered after defendant fails to attend court two consecutive times*)

S/N	Details	Enabling Provision	Notes
i).	Did the defendant fail to attend for two consecutive times? Yes/No:		
ii).	If yes, did prosecution apply to continue case in absence? Yes/No:	Section 352 (4) ACJA – Where defendant without reasonable explanation fails to attend court, the court shall continue with the trial in his absence and convict him unless the court sees reasons otherwise. See also Order 9 Practice Direction	
iii).	Was application granted?		

## PART D

### 1. JUDGMENT *(monitor to complete)*

S/N	Details	Enabling Provision	Notes
i).	How many days between arraignment and judgment?		
ii).	Was judgment given within three months of conclusion of trial?	Section 294 (1) 1999 CFRN – Written decision of court must be delivered not later than 90 days after the conclusion of evidence and final addresses.	
iii).	If not – did court give any reasons? Yes/No  State the reasons.		

### 2. CONVICTION/SENTENCING/DISCHARGE *(reviewer to complete)*

S/N	Details	Enabling Provision	Notes
i).	Is defendant convicted?		Yes/No
	Date of conviction:		
ii).	Date of sentence:		
iii).	Was the sentence according to law or punishment prescribed?	Section 416 (1), ACJA- On conviction, a court may sentence the convict to a term of imprisonment as prescribed by the law	
iv).	What type of sentence was imposed?		
v)	Is the defendant discharged? Yes/No  If yes, state reasons given by the court:		