



AJ and the Nigerian Bar Association (NBA) develop joint project to tackle disobedience of Court Judgments and Orders.

Access to Justice in collaboration with the Nigerian Bar Association, on Tuesday, 17th March 2009, launched a project to check the incessant disobedience of court orders by the Nigerian government and its agencies. The project titled Judgment/Order Compliance Registry Programme (JOCRCP) aims at ensuring that all court judgments/orders/directives are complied with at all levels of government, local, state and federal, and by all agents and agencies of government. This will enable the Bar confront disobedience to court orders right from the time they manifest, so that the Nigeria Bar Association does not wait until such disobedience has accumulated over a long period before acting. The JOCRP project also targets empowering litigants and their lawyers with adequate information on the assets of public institutions so that judgment creditors can proceed against these assets (money or other property) to levy execution when governmental agencies fail to satisfy any judgment given by the courts against them.

At the Press launch of the project, Access to Justice and the NBA in a joint statement recounted that for the most part under President Olusegun Obasanjo's government, there was flagrant disobedience of court orders and judgments by political office holders and other public authorities which necessitated an initiative such as the JOCRP to help curtail this trend.

Nigerian Bar Association in Collaboration with Access to Justice Launches its RULE OF LAW INITIATIVE with the establishment of a Judgment Registry in All NBA branches.

As part of its efforts to enhance respect for the rule of law in Nigeria, maintain the authority of the courts, and ensure Federal and State governments adhere faithfully to the prevailing rule of law policy, the Nigerian Bar Association (NBA) in collaboration with Access to Justice (AJ), has launched a Judgment/Order Compliance Registry Programme (JOCRCP), under its Rule of Law Initiative. This programme is specially designed to enable the NBA confront impunity to court orders by ensuring that all court judgments, orders and directives are complied with at all levels, and among the different branches and departments of government

Launch of the Judgment/Order Compliance Registry Programme (JOCRCP)



L-R: Director/COO, NBA National Secretariat Mr. Osita Okoro; Chairman, NBA Rule of Law Initiative, Mr. Femi Falana; and Executive Director Access to Justice, Mr. Joseph Otteh during the press launch of the Judgment/ Order Compliance Registry Programme

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[Click here to see implementation procedure of JOCRP](#)

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[Click here for the full text of the Press Statement at the Press launch](#)

Through this project, the NBA will compile a list of all past judgments/orders that have, till this time, not been enforced, and then work towards enforcing them. This helps the NBA;

- 1) Get reliable statistical information about the state of compliance with judgments/orders in Nigeria, and oversee an improvement in the climate for the respect of the rule of law in Nigeria.
- 2) See that the judgments/orders are actually enforced and that the governments' Rule of Law policy is actualized.
- 3) Strengthen popular confidence in rule of law institutions, particularly the legal profession and the judiciary by seeing that citizens' rights are respected and enforced.
- 4) Provide government with information of which of its Ministries/ agencies/ parastatals is not complying with its Rule of Law policy, so that it can take steps to rein in any such recalcitrant body or bodies.

Full text of Press statement at the Press launch

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A Collaborative Project between Access to Justice and the Nigerian Bar Association (NBA)

On behalf of the Nigerian Bar Association and Access to Justice, I warmly welcome you all to this media conference organized to mark the inauguration of a new initiative called the Judgment/Order Compliance Registry Programme (JOCRCP), which is the brainchild of a consultative dialogue between the Nigerian Bar Association and Access to Justice.

Nigeria's transition to civilian democracy has opened up prospects for accountable governance, but the journey to democratic accountability is still torturous and remains a long road ahead. Under President Olusegun Obasanjo's government, political office holders and other public authorities, for the most part, disregarded the rule of law, flagrantly disobeyed court judgments and orders, and thereby undermined the authority of our courts. In March 2006, the Nigerian Bar Association, which is the umbrella body of Nigerian lawyers, went on a two-day nationwide boycott of courts to protest the widespread disobedience of court orders by government officials. Part of the legacy of the Obasanjo government was a legacy of impunity.

The government of President Umaru Musa Yar' Adua has pledged to depart from the legacy of impunity associated with the previous administration, and a number of actions the government has taken re-enlivens hope that it will sustain its respect for the rule of law and the authority of the judiciary. However, many governmental departments, including the police force, have not changed much, and many times we receive reports that these institutions are flagrantly flouting orders of courts. Also, many state governments are in violation of court orders even at this time. Many have backlogs of un-enforced decisions inherited from previous governments, which have little, if any, prospects of being complied with. It is now very important for us to find effective ways of putting the spotlight on these departments and governments in order to sustain our struggle for the rule of law in Nigeria.

A major institution we will focus our attention on is the Nigeria Police Force. There are, anecdotally, thousand of judgments against the Nigeria Police Force, mostly for gross abuses, such as extra-judicial killings (including custodial killings), torture, unlawful arrests and detentions, and myriad other violations. Many of these judgments provide compensatory damages to abuse victims. Unhappily, most of the victims are often unable to enforce these awards against the police. Winning lawsuits against the police, therefore, has systematically

turned into a hollow legal ritual as only few people, with privileged information and leverage can actually locate police monies for purposes of levying execution against the funds. This problem has been a recurring, insurmountable and frustrating challenge for victims and legal professionals who use legal advocacy to redress violations against law enforcement abuses.

Under this program, we will now help victims and lawyers locate assets of public institutions and make this information available to them so that they can move against these assets (money or other property) if the Police Force or other public institutions fail to satisfy any judgments given by courts against them. No longer will our people feel helpless when they get judgments anymore. They will have the information they need to enforce those judgments. This project is addressing this other form of impunity, and ensuring that we end it as well. The rights of access to courts (and justice) and fair hearing, lose currency where court judgments cannot be enforced.

This is what the Rule of Law Initiative of the Nigerian Bar Association (NBA) and Access to Justice (AJ) seeks to address. The project called the Judgment/Order Compliance Registry Programme (JOCRCP) is specially designed to ensure that all court judgments/orders/directives are complied with at all levels of government, local, state and federal, and by all agents and agencies of government. It will enable the Bar confront impunity to court orders right from the time when they manifest, so that the NBA does not wait until such disobedience has accumulated over a long period before acting. It gets the NBA engaged with each individual compliance default early on. The implementation procedure of this project is attached as an Addendum to this statement.

Through this project, the NBA will compile a list of all past judgments/orders that have, till this time, not been enforced, and then work towards enforcing them.

This helps the NBA;

- 1) Get reliable statistical information about the state of compliance with judgments/orders in Nigeria, and oversee an improvement in the climate for the respect of the rule of law in Nigeria.
- 2) See that the judgments/orders are actually enforced and that the governments' Rule of Law policy is faithfully implemented
- 3) Strengthen popular confidence in rule of law institutions, particularly the legal profession and the judiciary by seeing that citizens' rights are respected and enforced.
- 4) Provide government with information of which of its Ministries/ agencies/ parastatals is not complying with its Rule of Law policy, so that it can take

steps to rein in any such recalcitrant body or bodies.

We thank you for coming and will be counting on your support in upholding the ideals of democracy in our country as a whole.

Joseph Chu'ma Otteh	Femi Falana
Executive Director	Chairman, Rule of Law Initiative
Access to Justice	Nigerian Bar Association

Addendum

Implementation procedure of JOCRP

How Does the Judgment Registry Programme Work? It works in a very simple way.

1. Whenever there is a judgment/order by a court, and within the prescribed period of implementing that order, a public authority to which that order is directed fails/neglects to implement the Judgment/Directive of the court, the person at whose instance the Judgment/Order is obtained sends a copy of the Judgment, (together with copies of any representations made in pursuance of the Judgment/Order) to the National Secretariat and the local branch of the NBA. Therefore, each branch of the NBA shall maintain a Judgment Registry for this purpose.
2. The local bar branch shall, through its Judgment/Order verification Committee, verify the facts of the disobedience alleged. This is important for two reasons; first, that no party misleads the NBA, at both the local and National offices, and second, that a party has exhausted his/her legal options before making the complaint.
3. After verifying the facts as alleged, the local Bar Branches would first make written representations to the Federal or State Attorney General (as the case may be) to draw attention to the disobedience, before the National Secretariat, (President of the NBA) intervenes.
4. Where, after representations from the local bar, (or where the local Bar fails to act and the affected party requests the intervention of the National Secretariat), the President of the NBA will thereafter address a written communication to the Attorney General concerned, a copy of which will be sent to the Governor of the State/President as the case may be. A copy of the letter will also be sent to the local Branch of the Bar concerned for follow-up action.

What if the defaulting Agency/Government Fails to Act after all this?

Two options are available where there is a continuing refusal to comply with a Court directive/Judgment after these procedures have been exhausted.

1. From time to time, (ideally monthly if the circumstances necessitate this), the NBA and Access to Justice will publish, in the newspapers, a list of delinquent Governments (State and Federal and/or their agencies) who persist in flouting orders/Judgments of court. At the time the NBA President is making his written representations to State or Federal Attorneys General, the President would also be forewarning the public officials of the possibility that should they fail to comply with the judgments, the NBA will be sponsoring media adverts to alert the nation of the continuing situation.

2. The respective State Bars concerned will be at liberty, in the case of continuing disobedience, to take any other action it deems appropriate to draw attention to, and denounce the refusal of State authorities or agencies to comply with Court Judgments/Orders.

3. The NBA Secretariat will also run an accessible online database, which will host an index of decisions/Judgments/Orders showing at any particular time, the States which are defaulting in complying with Court decisions, including a reference to the decisions/Orders/Judgments concerned, and a brief history of efforts made to secure compliance with the Judgment/Order.

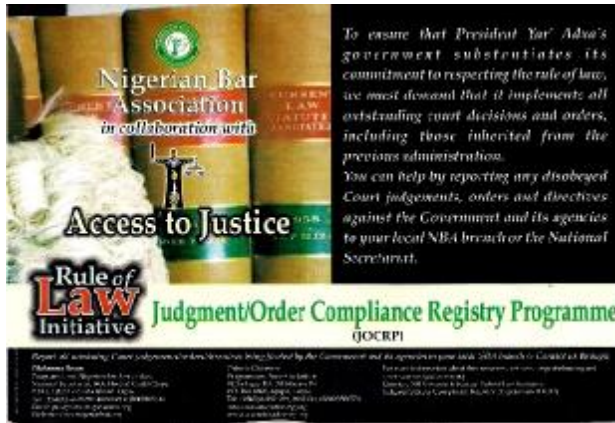
4. These are, of course, not exhaustive of the options open to the Bar. All of this will become standard procedure to tackle the menace of disobedience to court decisions. The NBA will ultimately, in its own discretion, take other action as it deems fit to tackle the problem.

Benefits of this New System

1. The new system will make the NBA more pro-active in ensuring adherence to the rule of law. With this method, the Bar keeps up the pressure on government until it complies with the judgment.

2. This system will also reinforce the role of the Bar in professional practice; when the Bar takes up and successfully fights the cases of its members, it will enhance the professional and popular perception of the role of the Bar in our Country.

3. An important aspect of this programme is also aimed at providing relevant but often missing information to public interest lawyers, civil society organizations, and legal services organizations about liquid and non-liquid assets of key law enforcement institutions so that those who represent clients with unmet awards can use that information strategically to enforce their adjudicated claim.



How the Judgment/Order Compliance Registry Programme (JOCRIP) affects you

In 2008, the Nigerian Bar Association in collaboration with Access to Justice launched the Judgment/Order Compliance Registry Programme under its Rule of Law initiative. The programme will ensure that all court orders, judgments and directives are complied with at all levels and among the different branches and departments of government. The programme is also expected to bring relief to persons at whose instance court directives and judgments are delivered and who suffer when there is any act of disobedience or non-compliance.

Access to Justice reinforces its call on members of the public to report cases of disobedience to court judgments/Orders by Government Institutions, agencies and departments, to any local branch of the NBA nearest to them or to the NBA National Secretariat under the special 'Judgment/Order Compliance Registry Programme'.