

THE ACCESS NIGERIA PROJECT



# Accessing Information Report

MAY TO JULY 2014

BY



**CLEEN**  
FOUNDATION  
Justice Sector Reform

# EXECUTIVE SUMMARY

In March 2014, the Access Nigeria (AccessNG) project trained and deployed 12 representatives of civil society organisations (CSOs) to collaboratively access information from the government agencies at the fore of the fight against corruption and trans-national organized crimes (TOC) in Nigeria. The four focal public agencies are the National Drug Law enforcement Agency (NDLEA); the Economic Financial Crime Commission (EFCC); the National Agency for the prohibition of Traffic in Persons and Other related Matters (NAPTIP) and the Independent Corrupt Practices Commission (ICPC).



**13 Number of CSO representatives trained in 'Collaboratively Accessing Information' strategy from Government agencies that are fighting corruption and trans-national organized crime [TOC] in Nigeria**

During the training workshop facilitated by Romania's Partners Foundation for Local Development (FPDL) and supported by the Partners for Democratic Change and the CLEEN Foundation, civil society monitors were exposed to different strategies to build mutually beneficial relationships and partnerships with these four agencies in order to engender trust. Monitors also delved into Nigeria's Freedom of

Information (FOI) law envisioning it as a pillar to gather necessary information. Once equipped with requisite skills, civil society representatives were organized in groups and assigned a specific agency with the twin objectives of building relationship and accessing information.

Between May and July, members of each observer group make weekly visits to their assigned agency with a goal to better understand the agency, its work, departments and personnel. This interface in theory paves the way for improved access to the agency and future collaborations with civil society groups while also allowing the agencies to cultivate new audiences and networks which can be useful in their future projects. Reports of this collaboration and the data sourced through it were submitted to the CLEEN Foundation on a monthly basis.

Thus far, the exercise shows mixed progress on building collaborations and information sharing between the civil society and public agencies in Nigeria. We note for example that whereas the NDLEA is reluctant to share data, the NAPTIP has gone ahead to share data from its work which have hitherto been unpublished. The ICPC also

## MIXED PROGRESS

The report shows mixed progress on building collaborations and information sharing between the civil society and public agencies in Nigeria

shared some data but key questions remain which cannot easily be answered from the available dataset. The EFCC routinely publishes some data but has not so far shared the data set requested by the monitors.

The information collected by the monitors

## REITERATED

Information sharing becomes easier and more participatory when the public agencies understand the project

suggest that the prosecution of corruption and organized crime cases in Nigeria is a slow and arduous process as the prosecuting agencies are saddled with many cases which could drag for over four years in court. However, a lot remains unknown, for example the number of prosecutors and the average case load of each prosecutor.

In the end, the work of the monitors in this project reiterates that information sharing becomes easier and more participatory when the public agencies understand the project and believe that the information requested would be used judiciously and without bias.

## The Findings

The analysis of the reports submitted by these monitors between May and July 2014 highlights the need for anti-graft agencies in Nigeria to collaborate with CSOs in fighting corruption. CSOs are well positioned to assist agencies in projecting their achievements and challenges in order to draw the attention of the relevant authorities who can address these challenges. The reports also revealed that although the FOI Act is a necessary component of fighting against corruption and improving transparency and accountability in this fight, there are other important tools. Relationship building, engendering trust, communicating strategically, and actively engaging on the work of the agencies are equally relevant.

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## THE FINDINGS

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4 - 5 years

The average number of years it takes NAPTIP to concluded prosecution of organized crime cases in Nigeria between 2006 and 2013.

Unknown

The number of NAPTIP prosecutors and the average case load of each prosecutor.

36 Number of NAPTIP cases concluded in 2013

44 Number of persons convicted in 36 cases brought by NAPTIP.

4

Number of government agencies the CSOs is 'Collaboratively Accessing Information' from. The agencies are NDLEA, EFCC, NAPTIP & ICPC



Federal High Courts with high conviction rate in NAPTIP cases

Kano - 9	Uyo - 6	Ibadan - 5
Benin City - 4	Lagos - 4	Sokoto - 3

7 years

The number of years it took to prosecute the longest case by NAPTIP - AGF v Grace Joshua Mark (Charge No: HU/21C/2006, Uyo). Filed on 17/07/2006, concluded on 30/05/2013

7 years

Number of years Grace Joshua Mark was sentenced to jail after a 7-year trial.

2 days

The number of days it took to prosecute the shortest case by NAPTIP AGF v Michael Ohinke (Charge No: FHC/KN/CR/2013, Kano). Filed on 04/12/2013, concluded on 06/12/2013

5 YEARS

Number of years Micheal Ohinke was sentenced to jail after a 2-day trial.

# RECORD OF CONVICTIONS FROM NAPTIP



The NAPTIP monitoring group obtained the report of NAPTIP's 2013 convictions from prosecution of trafficking in persons and related offences. From a list of 36 cases, a total of 44 persons were convicted. The court with the most convictions was the Federal High Court in Kano where nine different cases resulted in convictions; six cases in Uyo resulted in convictions; five in Ibadan; four each in Benin City and Lagos; and three in Sokoto.



Federal High Courts with high conviction rate

Kano - 9	Uyo - 6	Ibadan - 5
Benin City - 4	Lagos - 4	Sokoto - 3

The length of the prosecution varied; the oldest case was the Attorney General of the Federation (AGF) v Grace Joshua Mark (Charge No: HU/21C/2006 at the Federal High Court 4, Uyo). Joshua Mark faced a two-count charge for fraudulently taking a child out of lawful custody contrary to section 19910(d0 and 19 (1)E of the TIP law, TIPPLEA. The case was filed on July 14, 2006 and the accused was convicted on May 30, 2013. Mark was found guilty of the two counts and sentenced to seven years in prison without an option to pay fines on each count. One other case was filed in 2006 and concluded in 2013.

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Number of years Grace Joshua Mark was sentenced to jail after a 7-year trial.

The shortest case was AGF v Michael Ohinke (Charge No: FHC/KN/CR/2013, Federal High Court, Kano) which lasted two days; it was filed on December 4, 2013 and the accused convicted on December 6, 2013. Ohinke was charged, tried, and convicted of organizing foreign travel which promotes prostitution contrary to section 16 of the TIPPLEA. He was sentenced to five years imprisonment without the option of a fine. Between 2006 and 2013, the average length of prosecution at the NDLEA was 4.5 years.

## 2 days

The number of days it took to prosecute the shortest case by NAPTIP AGF v Michael Ohinke (Charge No: FHC/KN/CR/2013, Kano).  
Filed on 04/12/2013, concluded on 06/12/2013

## 5 YEARS

Number of years Micheal Ohinke was sentenced to jail after a 2-day trial.

## 4 - 5 years

The average number of years it takes NAPTIP to conclude prosecution of organized crime cases in Nigeria between 2006 and 2013.

The NAPTIP monitoring group made requests for specific information from the agency at the beginning of its assignment. However it later also requested that NAPTIP share any additional information the agency wanted to popularize and disseminate. Some of the requested information included:

- NAPTIP activities/programs for the first three quarters of 2014.
- Convictions from NAPTIP prosecution.
- Facilities and services available at NAPTIP detention centres.
- Awareness campaigns being conducted by the agency.
- Total number of cases received by NAPTIP since inception to December 2013.
- Total number of cases investigated since inception to December 2013.
- Total number of victims rescued since inception to December 2013.
- Total number of victims empowered since inception to December 2013.
- Total number of convictions secured since inception to December 2013

The agency expressed tremendous interest in the NAPTIP monitoring group's work under the Access Nigeria project. The

office of the Executive Secretary directed key officials to respond to all letters from the Access Nigeria project and to meet with the group members.

Nonetheless, there was an initial delay in receiving datasets and information from the agency as the group and the agency were getting to know each other. However, once the agency was convinced of the genuine intentions of the project, it began responding and has so far released crucial data and information on recent activities. The monitoring group has successfully communicated with key officials in the legal department, receiving both data and information on the work of the NAPTIP in prosecuting TOC in Nigeria.

**36** Number of NAPTIP cases concluded in 2013

**44** Number of persons convicted in 36 cases brought by NAPTIP.

# FROM OTHER MONITORING GROUPS

## ICPC Prosecutions

The ICPC monitoring group visited the ICPC's offices in Abuja and Imo State, initiating contacts with officials in six different departments. As a testament to the improved access and communication with the agency, the ICPC team received additional datasets on cases being prosecuted by the ICPC; updating data acquired under a different component of the Access Nigeria project.

## GAP

Observers are unable to know the specific court and trial judge assigned to each case nor can they know the nature of offences for which the suspects are standing trial.

There are gaps in the information from the ICPC that the monitoring group hopes to fill in the coming quarter. For example, observers are unable to know the specific court and trial judge assigned to each case; they also do not know the nature of offences for which the suspects are standing trial. Additionally, since the ICPC is focused on investigating and prosecuting corruption among public officials, it would be helpful if queries into the dataset could help distinguish between suspects who are civil servants as opposed to those who are current or former elected officials.

Some of the information requested from the ICPC included the following:

- Investigations on-going by the commission.
- Data on different corruption practices that are commonly perpetrated by Nigerian citizens.
- Sanctions and penalties on the

## IMPROVED

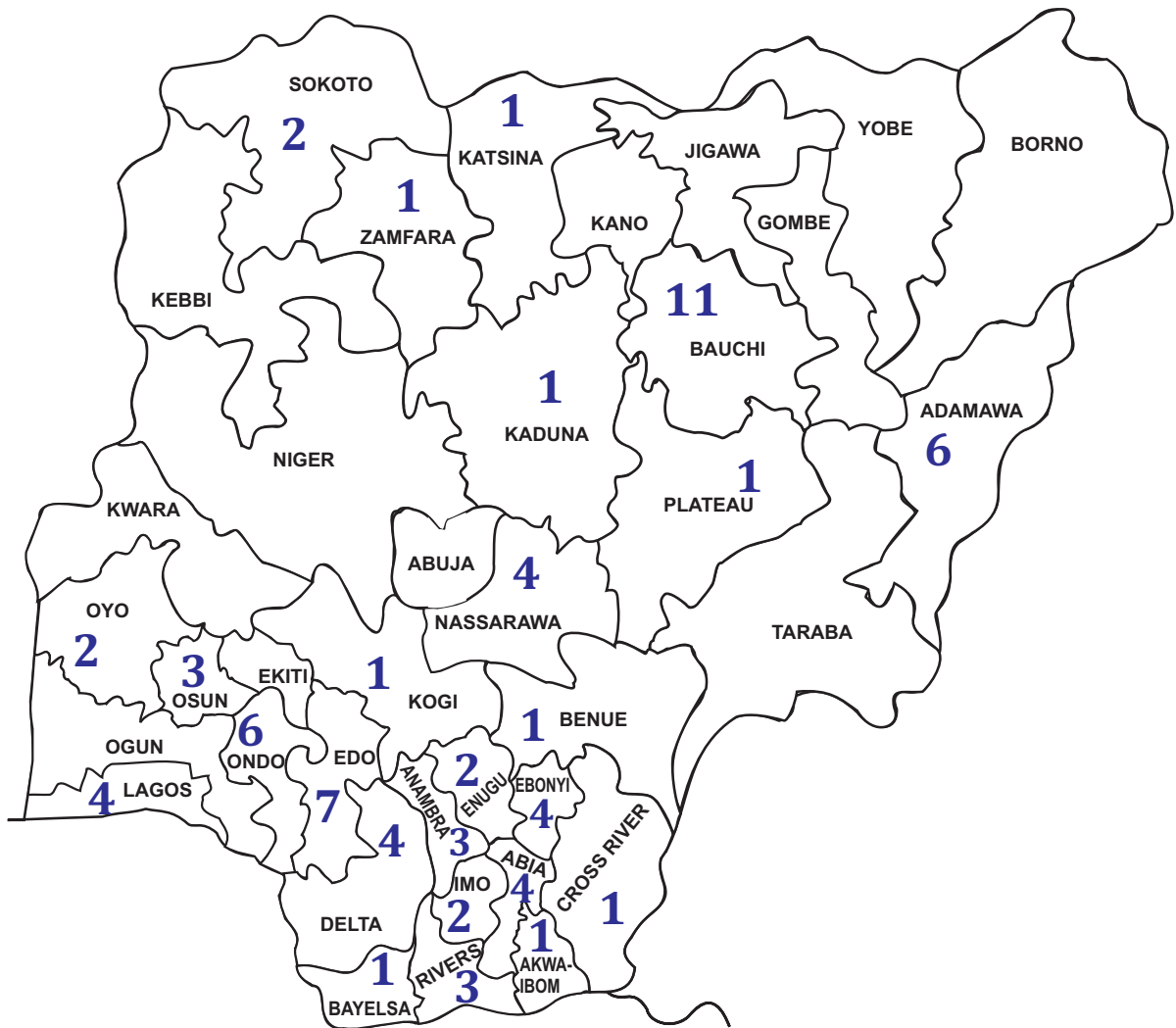
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different corrupt practices prevalent in the country and how these are enforced.

- The time frame of various corruption cases handled by the agency which has been successfully concluded.
- Update of all criminal cases involving officials of government agencies and parastatals in various courts being prosecuted by the ICPC.

## The EFCC's Prosecution and Convictions

The EFCC did not share any datasets with the group in the period between May and July. As a result, group members have prioritized consolidating their relationship with the agency and look forward to gathering more data in the coming months. The group members were able to interact with six different officers of the agency during their visits to the agency as well as during events attended by EFCC officials in Abuja. The EFCC routinely publishes information on its work, for example its published record of cases concluded in 2013 showed 117 convictions recorded. The EFCC also shared information on asset recovery from prosecution of cases as well as the record of complaints and petitions it has received and investigated in 2013.



## Map of ICPC prosecution in Nigeria



- List of all EFCC convictions from its establishment in 2003 to present 2014.
- Cases prosecuted and convictions between June 2011 and March 2014 to assess the agency's most recent successes.
- Number of on-going investigations by the agency.
- Specific details on the “fuel subsidy” corruption cases currently being prosecuted by the EFCC.

## The NDLEA's Investigations and Prosecution

The work of the NDLEA group has been slow due to a request for more information from the NDLEA headquarters in Lagos. Although this hampered the ability of monitors to receive data from the agency, it did not affect their ability to visit the offices in Imo, Abuja and Lagos to continue building relationships and to collect some data.

The NDLEA's Imo State Command reported that between 2011 and 2013, it arrested a total of 187 suspects for drug related offences, 17 persons were convicted and 117 drug dependent persons underwent counseling. This begs the question of what happened to the remaining 53 persons? Such questions will remain unanswered until further progress is made on the work of the monitors.

The NDLEA headquarters has maintained good and friendly communication with the CLEEN Foundation. Apart from letters sent, the agency has received the the monitoring team and the CLEEN Foundation on two occasions including a workshop with key departments—prosecution and legal services—where the team presented objectives of the project to the NDLEA and entertained questions. A memorandum of understanding is expected between the agency and the Access Nigeria project to formalize relations and guide the next stages of the project.

Some of the information requested by the group from NDLEA included the following:

- List of court cases involving NDLEA officers in Lagos, Imo and Abuja.
- NDLEA strategic plan
- Public awareness information materials.
- List of on-going court cases being prosecuted by the agency across Nigeria

In response, the NDLEA invited a member of the group to the National Drug Control Strategic Plan consultative meeting and had the opportunity to contribute in drafting the framework to guide the work of the agency and future plans for public awareness on drugs.

## Challenges

Accessing information about the fight against corruption and organized crime in Nigeria has been a challenging task. The monitoring teams have worked against a number of challenges: an institutionalized culture of secrecy in government affairs; and the perception that agencies are security organisations charged with the protection of national secrets rather than with sharing information with the public.

Another key recurring challenge has been on accessing information on prosecution by the government agencies. Searching through media reports often yielded scant information on the prosecution efforts. Instead, information from the media often covered who was arrested and when new prosecutions began.

## Challenge

An institutionalized culture of secrecy in government affairs; and the perception that agencies are security organisations charged with the protection of national secrets rather than with sharing information with the public.

However, the agencies were often unable to share more detailed information such as the nature of the charge, the specific court and trial judge as well as information on the next scheduled court appearance. In some instances, officials used their discretion to grant or refuse requests for information as there is no protocol for external information sharing within the agencies. Therefore, getting or not getting information depended on the official with whom observers interacted.

The hierarchical structure of these agencies also affected information sharing. Junior officers were often reluctant to share information—even when it was in their possession—because they did not have clearance from their supervisors.

In some other instances, supervisors granted approval for collaboration and information sharing, however junior staff failed to respect the order, perhaps out of fear of being scapegoated at a later date.

Another challenge is that of moving beyond one off releases of information to in response to the request of our monitors and also FOI-based requests and moving to regular and proactive publishing of information on the agencies websites as well as the release of public reports and data. The civil society would be more than willing to widely disseminate these findings among different stakeholders.

# NAPTIP: A SUCCESSFUL MODEL OF COLLABORATION

**B**y far, the most successful story of collaboration this quarter was NAPTIP. The project team began its work with a long list of 16 requests in the first month; in the second month they revised their list, only requesting the information the organization was willing to put in the public domain. From the coordination within the group and strong input from the CLEEN Foundation, the monitoring group engaged the agency through meetings and other correspondence. As of now, the team has broadened its contact with the agency beyond their initial contact person and they continue to engage the agency. On its part, the agency sees value in partnership and information sharing which will likely be expanded in the coming months.

## Conclusion

Various reports have documented that many of the requests made of government agencies using the FOI Act are not granted and that agencies do not often proactively disclose or update public information.

## Unfair

Although the agencies at the front line have been doing tremendous work, lack of awareness of their milestones and the challenges they face sometimes expose the agencies to unfair criticism from citizens.

In such an environment, collaborating with

the agencies to acquire and disseminate information is an important strategy that may better equip citizens with records that helps in the fight against corruption.

Although the agencies at the frontline have been doing tremendous work, lack of awareness of their milestones and the challenges they face sometimes expose the agencies to unfair criticism from citizens. Access Nigeria's Accessing Information exercise does not promise a magic wand to create transparency or fight corruption. However, it is demonstrating that relationship building is one strategy to prioritize in improving transparency and accountability of public agencies in Nigeria.

There is also a strong need to sensitize staff of these agencies on the FOI Act. The agencies need to view the Act both as a tool for civil society to demand information and a guide for agencies to proactively disclose information to the public. Additionally, there is need to create awareness on the achievements as well as challenges in fighting corruption in Nigeria. Having the skills to keep, process, and update agency information as well as analyse data from different agencies is an important area of innovation needed in these agencies.

As noted, a key challenge agency monitors had to deal with was the hierarchy and the command structure within the agencies. Either as a result of perception or reality, field officers were limited in their ability to share information even when they understood the usefulness. The Access Nigeria teams are overcoming this challenge with each successive meeting with agency

officials at different levels. They are ensuring that once superiors are briefed on the objectives of collaboration, the information trickles down to the monitors and other stakeholders.

Data on prosecution suggests that the judicial system in Nigeria needs strengthening, in part to reduce the average length of time for adjudicating cases. It was also clear that the number of arrests made by these agencies outweigh number of cases filed in courts. This raises the question of what happened to suspects who did not make it to court.

It is worth reiterating that Nigeria's fight against corruption cannot be successful without the active and sustained cooperation of the citizenry. Providing information that will sustain public interest in fighting corruption should not only be the goal of this project, but the goal of the agencies being observed.

## Strengthen the system

Data on prosecution suggests that the judicial system in Nigeria needs strengthening, in part to reduce the average length of time for adjudicating cases.

One goal of the Access Nigeria project is to increase the volume of citizen-held information which would assist in the fight against corruption and organized crime. The information collected in this exercise would play a crucial role in this and will be disseminated to a wide spectrum of stakeholders. The report will provide useful feedback to the agencies and show how data from their work could be analysed and communicated to the public. It also paints a picture of the kind of information regime that would be possible with more information. Other stakeholders such as civil society and the media will use

the information provided to imagine the possibilities of the work against corruption and organized crime in Nigeria. In addition to this report, the Access Nigeria project will publish further analyses of the material collected through articles and reports through mass media and on social media in October 2014.

## Background

The Access Nigeria project is part of the Accountable Governance for Justice and Security (AGJS) project being implemented in Nigeria and Sierra Leone. The goal of the project is to build more accountable institutions in both Nigeria and Sierra Leone by enhancing institutional transparency and preventing impunity for those who engage in corruption and transnational organized crime (TOC). The focus is on accountability and transparency of the justice and security sectors in each country, building on Partners' rich and unique experience working with diverse stakeholders around the world to build more open and effective justice and security sectors.

The comprehensive strategy of the AGJS program includes traditional approaches such as promoting the implementation of the Freedom of Information laws and training and support for investigative journalists, as well as innovative methods such as ICT-based data collection and dissemination solutions and a number of activities around the Open Government Partnership (OGP) principles. The AGJS project addresses transparency and accountability issues within the justice and security sectors from a variety of angles, with a view towards measurable impact and long-term sustainability.

In Nigeria, the project implementation is led by the CLEEN Foundation along with other partners in the consortium namely the Partners for Democratic Change (PDC), BudgIT and the Institute for War and Peace Reporting (IWPR).

The CLEEN Foundation under the Access Nigeria (AccessNG) project trained 12 representatives of civil society organisations (CSOs) to collaboratively access information from the government agencies at the fore of the fight against corruption and trans-national organized crimes (TOC) in Nigeria. The four focal public agencies are the National Drug Law enforcement Agency (NDLEA); the Economic Financial Crime Commission (EFCC); the National Agency for the prohibition of Traffic in Persons and Other related Matters (NAPTIP) and the Independent Corrupt Practices Commission (ICPC).

During the training workshop facilitated by Romania's Partners Foundation for Local Development (FPDL) and supported by the Partners for Democratic Change and the CLEEN Foundation, civil society monitors were exposed to different strategies build mutually beneficial relationships and partnerships with these four agencies in order to engender trust. Monitors also delved into Nigeria's Freedom of Information (FOI) law envisioning it as a pillar to gather necessary information. Once equipped with requisite skills, civil society representatives were organized in groups and each group was assigned a specific agency with the twin objectives of building

relationship and accessing information.

Members of each observer group make weekly visits to their assigned agency with a goal to better understand the agency, its work, departments and personnel. This interface in theory paves the way for improved access to the agency and future collaborations with civil society groups. The AccessNG project envisages that this culture of collaboration will enable participating CSOs to develop further activities that could be sustained beyond the life of the project while also allowing the government departments to cultivate new audiences and networks which can be useful in their future projects.

Prior to beginning their assignments, each group developed its strategy for accessing information, detailing the kinds of information that should be collected, how this could be done and the potential beneficiary of this information. Each group designated a team leader who oversees on the tasks to be carried each month and delegates accordingly. CLEEN Foundation's staff in Abuja, Owerri, and Lagos provided feedback and support through the observation period.

# THE ACCESSING INFORMATION MONITORING TEAMS



## National Agency for the Prohibition of Traffic in Persons and Other Related Matters

Project Alert on violence Against Women, Lagos

Market Traders Association, Abuja

Concerned Nigerian Women, Abuja



## National drug Law Enforcement Agency

Citizens Centre For Integrated Development and Social Rights Owerri

Innovative Strategy for Human Development (ISHD) Lagos

Civil Society Legislative Advocacy Centre (CISLAC), Abuja

Development Dynamics, Owerri



## Independent Corrupt Practices and Other related crimes Commission

Partners for Electoral Reform, (PER), Abuja

Habitat care life and Protection Initiative, Owerri

Habitatcare life and Protection Initiative, Owerri



## Economic and Financial Crimes Commission

Socio-Economic Rights and Accountability Project (SERAP), Lagos

African Centre for Leadership, Strategy and Development (Centre LSD), Abuja

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