

**CENTER FOR HUMAN RIGHTS JUSTICE AND PEACE (JUSTICE AND PEACE COMMITTEE), CATHOLIC DIOCESE OF KONTAGORA, NIGER STATE**

**REPORT OF PARALEGAL TRAINING CONDUCTED FOR PARISH ANIMATORS**

**DATE: 28<sup>TH</sup> TO 30<sup>TH</sup> OF MARCH, 2022**

**VENUE: PASTORAL CENTER KONTAGORA**

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**INTRODUCTION**

Center for Human Rights Justice and Peace (Justice and Peace Committee) Kontagora has been engaged in human rights interventions and legal aid for the past 22 years. It is structured in a way that there are parish units of the centre. These parish units are handled by the Parish Priests and the Parish Animators. The animators are the parish human rights defenders. Cases of human rights abuses, extortion of the poor, land grabbing, rape, force and early child marriage, etc. are reported to them for some interventions. This informs why this paralegal training is very important for them as some of the cases sometimes require a legal approach. They need to know what to do where there is no lawyer and the procedure they need to follow in handling such cases.

**OUR VISION AND MISSION**

- 1. Vision:** Have a society where people can live freely, peacefully and happily with respect for the earth and for Human Rights.
- 2. Mission:** To minimise human rights abuses, create more access to justice, and provide a platform for good governance.

**OBJECTIVES OF THE TRAINING**

- 1.** To build the capacity of the animators as human rights defenders and
- 2.** To equip the animators with knowledge of the best procedure in handling cases of human rights abuses and injustice
- 3.** To help them understand victims of human rights abuses and injustice so as to better relate with them and function effectively as parish animators.

**ACTIVITIES DURING THE TRAINING**

**DAY ONE: SEMINAR PRESENTATIONS**

**1. What to do when and where there is no lawyer. By Barr Hilary Palleg**

The presenter outlines that cases are classified into criminal and civil cases where criminal cases consist of crimes like murder, rape, culpable homicide punishable or not punishable with death, theft, assault, defamation of character etc. and civil cases consist of civil wrong

between two parties, like land matter, family issues, marriage, child custody, house rent, recovery of debt etc.

He went on to outline what an animator should do or guide the client to do where and when there is no lawyer in an attempt to defend a victim of human rights abuse of injustice as follow:

1. The police will first invite you to the station whenever a complaint is made against you
2. The police will tell you the reason of which they are inviting you
3. The police may come to arrest you in the event you fail to honour their invitation
4. Do not join issues with the police officer because whatever you say will be used against you in the court of law.
5. Do not panic, do not insult
6. Do not refuse the invitation
7. If you are not ready, tell the police to let you dress proper
8. You can tell him to go you will be with them at the station
9. Inform someone or your lawyer about your invitation to the police station so that they can come for your bail should the police detain you
10. At the police station insist you write your statement by yourself if you are literate
11. Do not write with fear
12. Do not write what you do not know
13. Do not write in order to implicate an innocent party no matter the pressure
14. No amount of intimidation or promise to release should make you to admit to an offence you did not commit
15. The law is that one should not be detain beyond 24 hours but in some cases where the court is far from the station the law permits 48 hours
16. Bail is free
17. If the police cannot grant you bail, they should take the matter to court
18. If you are taken to court, you have the right to apply for bail in open court provided you will provide a responsible surety, because police bail is no longer important at that point once the court take cognizance of the offence
19. Bail in court is also free, a bond of an amount of money will be filled by the surety but that is only a security not to be paid before bail is granted, but can be paid if the accused person refused to attend his trail
20. If you are ask to bring surety, it does not mean that you are ask to bring money

The presenter went further to explain the meaning of summons as a document that officially invites a person to appear before a law enforcement platform and answer an official call by the law. The animators were taught that there are two types of summons: a. criminal summons (an invitation issued to an individual that indicate that he or she is facing criminal charges); b. civil summons (a legal document informing someone that a lawsuit has been filed against him or her in the court of law and calls him to appear in court).

He outlined those things that authenticate a summons as follow:

- i. Summons must be served directly to you not your friend or parents
- ii. It must be in writing
- iii. It must be addressed to you
- iv. It must carry court stamp
- v. It must carry date and signature of the court registry or court official

He ended here by saying that animators should not allow their clients to respond to verbal summons.

To conclude his presentation, he drew the attention of the animators on how the courts are classified:

**a. Sharia Court**

- Sharia court is the lowest court in the ladder
- The language spoken is Hausa language
- They are guided by the Hadith of the Prophet and other Islamic scholars
- It is for Moslems except a Christian who submits to be heard there and that must be in writing

**b. Customary Court**

- Customary Court of law is not functional in Kontagora
- It handles cases of customary laws and customary marriages

**c. Magistrate**

- This court is for all and sundry; it is a court of summary jurisdiction, cases are disposed of expeditiously
- Try offences that are not capital in nature
- Try case within the range of N10,000, 000 (Ten million naira) and bellow

**d. High Court**

- Court of unlimited jurisdiction can entertain virtually all matters except on Islamic personal law
- Cases are mostly conducted by lawyers and it is strongly advised
- Cases are fought mostly on documents/papers filed

**2. What victims of Human Rights Abuse need to know from the animators? By Barr Charles Oguche**

He began his presentation by defining a client as a person who engages the professional services of another, while an animator is a life giver. Someone who gives live to another.

Animators need to know the following about their clients in order to be able to serve them better:

- a) Their social standing whether literate or illiterate
- b) Their type of business
- c) The nature of the cases (issues)

This he said they can do by asking questions and paraphrase for understanding as a lot depend on this

He went on to mentioned what the clients will want to know from the animators as they present their cases. They are as follow:

1. That the price (cost), the quality, choice/option and convenience of the intervention
2. That the Animator is the first point of call before they get to meet any of the Justice and Peace Lawyers if the need arises.
3. That the services rendered are generally at subsidized rate and far less than what obtains in private practice, but not free.
4. That the burden of prosecuting the case at the subsidized rate rest on the client
5. That those cases differ in nature and therefore the time of beginning and ending of a particular case depend on the nature of the case.
6. That cases are classified into the following
  - a) Police/Civil Defense case
  - b) Criminal cases in court
  - c) Civil cases in court
  - d) Alternative Dispute Resolution (ADR) in the JDPC office/ traditional ruler
7. That basically it takes a shorter period of time to settle police/civil defense and ADR cases than court litigation which takes years because of our adversarial system of adjudication where all the argument must be heard through witnesses cross- examinations and filing of motion in between
8. That filing of cases is as follow:
  - a. civil cases: N10,000 for the office and filing fees in land cases together with witness statement on oath is about N10,000 depending on the number of witnesses and the list of document to be relied upon; there will be need of service to the defendant and depends on the kilometers involves if the destination; a reply is also filed to the statement of defence and the client pays about N3,000 together with the lawyer's transport which also depend on the distance of the court from the lawyer's office. While the case is in progress there may be motions for amendment by either parties and usually such motions needed to responded to by a counter-affidavit or consequential amendments
  - b. Criminal Case: Generally, criminal cases are prosecuted by the police i.e. a complaint is made to the police who swings into investigation and arrest, and the suspect is arraigned before the court, if our client is the complainant he needs not

pay money to the police to prosecute his or her case but he or she may engage a lawyer to monitor/watch brief while the police is prosecuting and in such circumstance the client will register his/her case with the office for N10,000 and also pay the lawyer's transport and feeding depending on the distance.

9. That the law also permit private persons to file direct criminal complaint without recourse to the police in this regard the complainant files the case through his lawyer in court or reports to the registrar of the court where his complaint is taken, where he files through his lawyer the will be need to pay for the registration fee, lawyer's transport and feeding and where he files at the court he would pay for filing fees and service of criminal summons on the accused person

10. That where a client is being accused of a crime it is advisable to get a legal representation because of the legal intricacies that a lay man would not understand beginning from the point of court bail to cross-examination of prosecution witness and entering of defence.

11. That it good for the client to toe the path of honour by taking heed to counsel from the lawyer whose duty it is to advise him or her on the strength and the weakness of your case.

12. That the difference between criminal and civil cases is that there is no need for witness statement on oath which lawyers' frontload before the court with its attendant cost and civil cases takes longer time than criminal cases except cases of fundamental rights enforcement which may not take up to 3months.

13. When a person is abused, all he needs to do is to approach the animator, to know the right steps to take to seek redress. The presentation enumerated all these in the paper he presented.

14. That in respect of court fees there is the presently a schedule for fees in court cases in Niger State for example cases we filed for N1, 000:00 by the new rule is N5, 000:00 services of court processes was based on understanding between the lawyer and the court bailiff but now is N200: 00 for the 1<sup>st</sup> Kilometer and N100:00 for the remaining Kilometers. In civil actions in which debt, demand or damages where specified for example in a claim of N2, 000, 000:00 the fee is N20, 000:00 etc.

15. That also by Nigerian Bar Association Niger State has adopted the new scale of charges. These are few examples of the recent scale of charges though we don't apply these charges in this organization but to give us an idea of what obtain outside in other to appreciate the services rendered by the organization

**Fees for preparing and typing of court processes:**

Magistrate Court .....not below N 30, 000

Sharia Court..... not below N 30, 000

High Court .....not below N 50, 000

Appeal & Supreme Courts.....not below N 300, 000

**Professional fees for ligation:**

Magistrate Court /Sharia Court.....not below N 150, 000

High Court .....not below N 400, 000

Court of Appeal .....not below N1, 000, 000

Supreme Courts.....not below N2, 000, 000

But the office offers the same service at a highly subsidized rate

**3. Duties and functions of a parish animator by Barr Anthony Ndokole**

The presenter outlined the working of the Parish JDPC and the duties and responsibilities of a parish animator as follow:

**PARISH JUSTICE AND PEACE**

1. All parishes shall make provision in their Sunday Bulletin for some insert concerning Justice and Peace activities, how to access the office and how to report cases.
2. All parish centers shall have a workable or functional Justice and Peace Committee with members drawn from societies and organizations in the parish Center.
3. The Parish shall have a parish Justice and Peace (Area Group) with representative from all the outstations and or zones headed by two Animators (Male and Female) with other officials
4. The group shall meet once every month and members shall report back to their respective organization. The parish priest shall be in charge of this group with an ESCO. In addition the group shall do the following:
5. Plan and organize Annual Justice and peace WEEK as prescribes by the Diocesan Office.
6. Plan and organize international Day of peace on the 21 September, every year according to the diocesan guidelines.
7. Plan and organize outstations Human rights awareness sensitization outreach with parish priest and Deanery Lawyers
8. Report and follow up cases of Human Rights abuse and injustice within the coverage of the parish center and nearby communities in collaboration with the parish animators and Deanery Lawyers
9. Submit monthly report to parish priest and quarterly report to Deanery offices.

10. Work with St. Vincent De Paul society to visit the prisons for humanitarian and human rights support for prisoners

11. Other area can be considered by the parish pastoral council in line with the Diocesan principle of primary Evangelization.

### **PARISH ANIMATORS**

1. An animator is a live giver, someone who gives life to something or somebody. In our own case an animator is that person in the parish that guides clients on how to protect their rights and access justice when the need arises. In doing that, the animator must follow the following strategies:

2. Must first of all inform his parish Priest about the matter and decide on how to follow up the case.

3. The animator should invite the parties involved in the matter (if it can be done) to find out from each of the party what the matter is all about.

4. The animator should try his best to see that the matter is resolved through peaceful resolution without resorting to court or Police or involving the authorities.

5. If the matter cannot be resolved through peaceful resolution, then the animator should seek the advice of the Lawyer in the deanery.

6. If the matter concerns where a person is detained in the Police cell, the animator should advice the person detained, that he should not make any statement except in the presence of his lawyer or a person he is sure can be able to defend him.

7. The person detained should also be informed that bail is free in order not to be forced by the Police to pay an unreasonable amount for his release.

8. If someone is in Police detention before the matter gets to the animator, the animator should seek the advice of his Parish Priest before going to the Police station.

9. At the Police station, the animator should find out from the person involved directly, not through second hand information, about the truth of what actually transpired.

10. Before taking any further steps, the animator is duty-bound to still find out the cause of the matter either from the person's relatives, neighbours or the village head.

The day's business was closed after this presentation with questions, contributions and then closing prayer by one of the participants.

### **DAY TWO: WORKSHOP ONE: ADDRESSING THE GAP IN THE HUMAN RIGHTS AWARENESS AND LEGAL AID PROJECT**

In the course of the workshop, animators were shared into groups for discussions. The discussions were focussed on the gaps observed by Misereor in the implementation of the Legal Aid and Human Rights project:

1. Week communication between the head office and the animators at parish levels.
2. That the office (Diocese) should be concerned with handling of criminal cases for the poorest of the poor, and no civil matters for the project
3. What are the advocacy issues the project is addressing?
4. There is need to understand who are the poorest of the poor as the direct or primary beneficiaries of the project

### **RESULTS OF GROUP DISCUSSIONS**

The results of the discussions from all the groups were interwoven and are harmonised as below:

- (1). Bridging the gaps in Human Rights Awareness and legal Aid for the Poorest of the Poor

#### **Improving Communication between the Head Office and the Parish Aniators:**

1. There should be meetings every quarter, making it four times a year for reporting evaluation and knowledge sharing and exchange. All animators and project staff with the Coordinators and priest in-charge of deanery offices must be in attendance.
2. There should be quarterly visits by Administrative Secretary to area offices and once a year to the parishes.
3. The office should create a group WattsApp platform for all the parish animators and the project staff.

#### **Criminal Cases to be handled by the project**

1. Arbitrary arrest by law enforcement agents
2. Rape and abuse of children, vulnerable adult and or minors
3. False accusation of criminal offence like murder, theft, robbery, illegal possession of fire arms etc.
4. Criminal trace past to land.
5. Unlawful detention and torture/awaiting trial
6. Extortion and others

#### **The advocacy issues in the project area to be addressed by the project.**

1. Early child/ forced marriage

2. Rights of persons living with disabilities
3. Girl Child Education
4. Land Rights issues
5. Religious Rights
6. Water and Sanitation
7. Child and maternal Health and others

### **Identifying the primary beneficiaries of the project as the poorest of the poor**

**They are identified as those who cannot easily**

- (a) Foot 20% of the bill for his litigation in criminal case.
- (b) Afford to send even a child to school.
- (c) Feed their families with 3 square meals a day.
- (d) Find a comfortable shelter for themselves and their families.

Thus the poorest of the poor in the project area are those rural and urban persons who have no basic necessities of live and are mostly uneducated and very disadvantaged and vulnerable to human rights abuses.

### **WORKSHOP TWO: IMPROVING HUMAN RIGHTS INTERVENTION BY THE ANIMATORS**

The facilitators put down the following questions for group discussion

1. What are the common activities carried out by the animators in their various parishes?
2. What are the challenges they face in carrying those activities?
3. What are the things they or can be done to deal with the challenges?

The responses are harmonised as bellow:

#### **Activities**

- (a) Holding meetings at parish levels, though not all parishes organise meetings because of lack of commitment
- (b) Following up of cases that involve police, marriages (forced marriages or someone being asked to change religion forcefully), land seizures, mischief or clashes between farmers and herders etc.
- (c) Conducting human rights awareness step-down workshops at zone and church levels

## **Challenges**

1. Lack of commitment on the part of some parish priests.
2. Lack of commitment by some animators
2. Lack of understanding between Christians and Muslims especially when it comes to the issue of conversion.
3. Lack of mobility on the part of some animators to move from place to place following up matters either at courts, police or village heads' palaces.
4. Lack of incentive/motivation to enhance maximum performance of the duties that animators are supposed to do.
5. Misunderstanding between new animators and old animators. There are clash of interests sometimes.
6. Misunderstanding also sometimes arises between animators and catechists of their different parishes.
7. Lack of reporting matter to the animators in good time until matters are beyond remedy. At this point the animator can do little or nothing at all to salvage the situation.
8. Some animators do not report their activities to their parish priests

## **Recommendations**

1. Animators should be given stipends monthly or quarterly.
2. Motorcycles should be provided for all animators (though some parishes already have)
3. Provide animators with uniforms, T-shirts and I.D cards (some already have I.D cards).
4. Quarterly launching fund raising in various parishes in aid of JDPC work.

## **ACTION PLAN FOR THE YEAR 2022**

1. All animators should go and report to their parish priest of all the resolutions from the training
2. Animators should go and step down the training they received
3. The office will send a manual to the parish on the celebration of Justice and Peace week and International Day of Peace
4. The Diocesan Office will send the report of this paralegal training to the parishes to be used as training and working manual.