

Main Highlights

Legal protection for internally displaced persons in Maiduguri – a project implemented by the Nigerian Bar Association (NBA) in Borno State with support from and in coordination with the United Nations High Commissioner for Refugees (UNHCR) commenced on 27th July with a launch event organized in Maiduguri. The main goal of the project is to strengthen access to justice for IDPs as well as to provide *pro bono* legal services to the most vulnerable IDPs in Borno state. Activities implemented under the project will include providing legal counselling and court representation for IDPs who have no financial means to afford a lawyer, particularly those in detention; awareness raising initiatives on legal rights provided to IDPs under national and state legislation and regional instruments; advocacy efforts to promote improved access to justice for the wider IDP population in Maiduguri.



The event gained significant interest from stakeholders in Maiduguri. As a result the 27th and 28th of July were declared non-sitting days at the local Courts by the Hon. Chief Judge, Justice Kashim Zannah to enable Judges of the High Court, Magistrates, Upper/Sharia Court Judges, Court Registrars and Lawyers to participate in the program. The Attorney General, the Director of Women's Affairs, the Chairman of SEMA, the Grand Khadi of Borno state, the Chairman of Borno NBA as well as representatives of UNHCR and UNOCHA were among speakers offering welcoming remarks to the audience of over 150 representatives of the legal profession in Maiduguri.

The project launch was followed by a round table discussion held on July 28th 2016. More than 110 justice sector professionals including Sharia Court and Magistrates Court Judges attended the event. In his opening remarks the Chairman of the NBA presented the detailed objectives, geographic coverage and implementation methodologies of the legal protection project. The audience was also briefed on the outcomes of the monitoring of police stations and prison facilities in Maiduguri which were carried out in early June by NBA members to identify IDP cases in need of legal aid. The Chairmen of the NBA highlighted the main challenges related to prosecution of IDP cases identified through this monitoring process.

UNHCR Protection Officer (SGBV) offered participants a presentation on special considerations of handling SGBV survivors as complainants and witnesses. UNHCR Senior Protection Assistant initiated discussion on the importance of Kampala Convention as an international instrument on protection of IDP protection. The need of domestication of the convention was emphasized and ongoing work on this direction in the National Assembly was acknowledged. UNHCR Legal Expert (Abuja) identified the need for a strategic framework to provide access to justice, highlighting the importance of national and state level collaboration and bilateral partnership to achieve maximum impact.

Group 1 – Magistrate and Sharia Court Judges

Execution of speedy trial on cases related to IDPs: challenges and recommendations

Group 2 – Court Registrars and Lawyers

The role of registrars in court cases related to IDPs: challenges and recommendations

Group 3 – Prosecutors and lawyers

Prosecution of IDP cases: challenges and recommendations.

The table below summarizes the main issues identified through the group activity and details the solutions proposed by participants, highlighting also the points for further action.

Problem statement	Proposed solution by participants	Action/advocacy points for UNHCR and other humanitarian agencies
<p>IDPs residing in camps have restricted freedom of movement. To exit the camp IDPs are required to obtain a pass which takes time to be processed. This affects prompt appearance of IDPs in court or for other law enforcement agencies (for instance, as complainants, witnesses etc.) Non-appearance of IDPs in courts may result in repeated court adjournments, delaying execution of speedy process.</p>	<ul style="list-style-type: none"> • Prompt issuance of exit permits to IDPs by camp officials; • Awareness sessions with camp officials on importance of allowing IDPs to attend Court on time. 	<ul style="list-style-type: none"> • Advocacy with NEMA/SEMA to facilitate speedy processing of passes for IDPs who are involved in legal proceedings.
<p>Many IDPs, particularly those residing in host communities are transient and lack a permanent fixed address. This creates challenges in serving witness summon to them.</p>		<ul style="list-style-type: none"> • Flag the issue while meeting relevant authorities at the national level.
<p>Financial hardship significantly affects access to justice for IDPs. Many of them are unable to afford fees for transportation as well as pay legal fees (including services of a lawyer, filing fees in civil cases etc.)</p>	<ul style="list-style-type: none"> • Special arrangements to be made by the government, INGOs, other stakeholders to cover litigation fees. Special fund to be created. • Inform IDPs on free legal aid services available • Duty of Court to assign a lawyer. • Create awareness on rights of IDPs • Suggest/advise the Government to make available the necessary resources to aid in expeditious prosecution of their cases. 	<ul style="list-style-type: none"> • Advocate for legislative changes to exempt IDPs from paying legal fees.
<p>Disruption of social networks after displacement has negative impact on accessing justice. Most IDPs settle in locations where they have no previous links. As a result, the following obstacles arise:</p> <ul style="list-style-type: none"> • Problem of calling witnesses to testify in support of IDP cases • Lack of sureties available • Inability of IDPs to meet with bail conditions 	<ul style="list-style-type: none"> • Granting liberal bail conditions in cases related to IDPs where appropriate. 	<ul style="list-style-type: none"> • Flag the issue while meeting relevant authorities at the national level.
<p>Facing a language barrier is one of the challenges IDPs face at all stages of legal proceedings. For those IDPs who do not speak English or Hausa languages require translation/interpretation.</p>		<ul style="list-style-type: none"> • Advocate for interpreters to be assigned to IDPs who require assistance.

Where there is a high volume of IDP cases in court, these need to be processed as expeditiously as possible.
IDPs are often restricted in their capacity to attend and/or travel freely to and from Court.

- Summary trial: caution and discharge depending on the offence;
- Using ADR – depending on the nature of the offence, for both civil and criminal cases (as some criminal offences are compoundable);
- Invocation of s.25 of the CPC for parties to execute a peace bond to be of good behavior for 3 months;
- Advise/order prosecution and defence counsel to attend Court with all their witnesses on the same date;
- Establishing special courts for IDPs. Due to trauma experienced by IDPs they need specially trained personnel handling their cases;
- Enactment/domestication of international laws on IDPs in the state;
- Judges of magistrate courts, sharia courts, area courts to be continuously trained on global best practices on IDPs;
- Donors/agencies to embark on awareness/sensitization of IDPs on their rights.

- Provide awareness raising sessions to IDPs on their right of access to justice;
- Promote ADR as an alternative method of settling disputes;
- Provide training to judges/ legal professionals on international standards of IDP protection.

