

Chapter 2 Part V
Report of the Committee for the Implementation of Sharia
in Kebbi State

Submitted to His Excellency the Executive Governor
Government House
Birnin Kebbi

18 January, 2001

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COMMITTEE FOR THE IMPLEMENTATION OF SHARIA

C/O Office of the Secretary to the State Government

Kebbi State

Birnin Kebbi

REF:.....

18TH January, 2001

Your Excellency the Executive Governor of Kebbi State, Alhaji Muhammad Adamu Aliero,

Your Excellency the Deputy Governor of Kebbi State, Alhaji Abdullahi Abubakar Argungu,

Honourable Speaker of the State House of Assembly,

Honourable Chief Judge and Grand Kadi,

Honourable Commissioners and Special Advisers here present,

Permanent Secretaries and Heads of Extra-Ministerial Departments here present,
Invited Guests, Members of the Press, Ladies and Gentlemen.

Assalamu Alaikum!

All praise is due to Allah the most high, the Creator of man, the Law Giver, He who guides to the straight path, the path which leads to salvation for those who follow it and to hell fire for those who deny it. Peace and blessing of Allah be upon His Noble Prophet whom we are commanded to follow his footsteps.

Your Excellency may recall appointing this Committee of nine members under the Chairmanship of Professor A.A. Gwandu on the 18th of August, 2000 and charged it with the onerous responsibility of preparing ground, among other things, for the successful implementation of Sharia in the State.

All praise be to Allah we have been able to do something with the help of Almighty Allah. The report we are submitting today is one of the milestones in discharging that responsibility. We shall continue to present reports and recommendations to strengthen Sharia implementation in the State as and when due *insha* Allah.

Your Excellency, we have submitted earlier an Interim Report and some Interim Recommendation which facilitated launching of Sharia in the State on the 1st of December, 2000. The Report before us is the first comprehensive submission on the issue of Sharia implementation in the State. It is divided into six chapters made up of introduction, strategy, situation report on the existing courts, public enlightenment campaign, selection of the new Sharia Court judges and general recommendations.

The Committee had so far recommended the establishment of only forty-five (45) Sharia Courts all over the State as a first step. Similarly, twenty-six (26) out of eighty six (86) judges in active service have been retained while among the sixty eight (68) applicants interviewed nineteen (19) candidates have been found suitable. Uncleared cases related to the selection exercise will be considered in due course.

Your Excellency, we are pleased to state that we have been able to discharge our duty without fear or favour, sincerely and fairly and without any interference directly or indirectly from the Government or its organs. This singular act of giving free hand to the

REPORT OF THE COMMITTEE FOR THE IMPLEMENTATION OF SHARIA IN KEBBI STATE

Committee has in no small measure, signified the sincere commitment on the side of Government to Sharia implementation in the State.

Your Excellency, on behalf of the Committee chairman and other members I wish to thank you for the opportunity given to us to contribute in this noble objective. We are grateful for all assistance rendered to us in connection with this exercise.

Finally, I wish to thank all the Committee members for their steadiness, tireless efforts and perseverance on the face of misguided accusations and outright lies labelled against them in the course of their work. I also wish to thank all those who contributed to the success of the Committee's work. May Allah reward all with *aljanna*. Amin.

ACKNOWLEDGEMENTS

All praise is due to Allah the Lord of the Universe, who, in His infinite mercy did whatever He did to all of us. Besides, in carrying out an assignment such as the one before us, it is necessary to have the support and request for assistance from various groups and persons as well as ministries and/or departments. We are indebted to so many more than it is comfortable to cite. However, the following deserve special mention:

- The Executive Governor of Kebbi State, Alhaji Muhammad Adamu Aliero, for giving the Committee members the rare opportunity to serve in the State Sharia implementation programme.
- The Deputy Governor, Alhaji Abdullahi Abubakar Argungu who helped in the purchase of the standard texts during the interview.
- The Speaker, Kebbi State House of Assembly Alhaji Muhammad Dantani and members of the House who patiently received the Committee during its seminar tour.
- The Secretary to the State Government for processing our request for fund, providing office accommodation, as well as other logistics.
- The Head of the Civil Service for his moral support, permission to use their computer and its operator who is most helpful.
- The Programme Manager, KARDA, Alhaji Usman Sa'idu Gulma for releasing their vehicle for the services of the Committee.
- The General Manager, KBTv and his staff for their continuous support and guidance in public enlightenment.
- The Chief Judge and Grand Kadi for support and advice from their various angles.
- All categories of participants who honoured our initiations for the enlightenment seminar.
- Council of Ulama, Kebbi State Branch, *Dan Masanin* Jega, Alh. Abdullahi Musa, the Secretary, Kebbi State Preaching Board and Alh. Usman Abubakar Damana for their unalloyed support and encouragement.
- Members of the public who responded to the Committee's efforts in screening the judges.
- The secretariat team of the Committee with particular reference to Malam Kakale, Malam Muhammad Bello Gwandu, Malam Umar Abubakar Kalgo, Malam Isa

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Abubakar, Malam Shehu A.A. for their untiring efforts towards the success of the Committee's assignment.

Once again thanks be to Allah through whose mercies and counties we are able to reach this stage of the assignment.

- | | |
|---|---------------------|
| a) Professor A.A. Gwandu | _____ ⁵⁹ |
| | Chairman |
| b) Alhaji Yusuf Jibrin Zuru | _____ |
| | Member |
| c) Malam Umar Ika (<i>Sarkin Malaman</i> Gwandu) | (sgd) _____ |
| | Member |
| d) Hon. Justice Sama'ila Bashar | (sgd) _____ |
| | Member |
| e) Kadi Tukur Sani Argungu | (sgd) _____ |
| | Member |
| f) Malam Abbas Jega | (sgd) _____ |
| | Member |
| g) Malam Abubakar Yauri | (sgd) _____ |
| | Member |
| h) Malam Abdur-Rahman Isah Jega | (sgd) _____ |
| | Member |
| i) Malam Umar Isah B/Kebbi | (sgd) _____ |
| | Member/Secretary |

⁵⁹ In the copy of this report made available to us, only the signatures of Professor Gwandu and Alh. Zuru are missing.

CHAPTER ONE: INTRODUCTION

1.1 Appointment of Kebbi State Sharia Implementation Committee. As part of the Government's resolve in responding to the yearnings and aspirations of Muslims in Kebbi State to implement Sharia for the public good and in conformity with their pattern of life, the Executive Governor of Kebbi State, Alhaji Muhammad Adamu Aliero approved vide Letter Reference No. SSG/728/VOLI of 18th August 2000, the appointment of the Committee for the Implementation of Sharia in the State (See Appendix A) with the following membership:

a) Professor A.A. Gwandu	Chairman
b) Alhaji Yusuf Jibrin Zuru	Member
c) Malam Umar Ika (<i>Sarkin Malaman</i> Gwandu)	Member
d) Hon. Justice Sama'ila Bashar	Member
e) Kadi Tukur Sani Argungu	Member
f) Malam Abbas Jega	Member
g) Malam Abubakar Yauri	Member
h) Malam Abdur-Rahman Isah Jega	Member
j) Malam Umar Isah B/Kebbi	Member/Secretary

The Government in this regard has taken yet another milestone towards realising these aspirations of the majority citizens of Kebbi State. This giant stride which is sequel to others before it, is designed to put Sharia implementation in Kebbi State on a very sound footing.

1.2 Terms of Reference. The Committee was given the following terms of reference:

- a) To prepare appropriate ground for the immediate take-off of the Sharia legal system in the State;
- b) To identify and provide court buildings and other necessary facilities for the Sharia Court in each of the Local Government Headquarters and District Headquarters in the State;
- c) To select suitably qualified candidates for appointment as judges of the Sharia Courts and make recommendations to the Judicial Service Commission for their appointment;
- d) To organise, in collaboration with the Islamic Preaching Board and the *ulama*, public enlightenment campaigns on the Sharia and its purport;
- e) To recommend any other thing necessary or incidental towards the successful implementation of the Sharia legal system in the State.

1.3 Inaugural Meeting. After members were variously served with their letters of appointment, the chairman and secretary arranged for an inaugural meeting on the 28th of August 2000. Six members were able to attend and the importance and implications of the assignment were discussed. At this meeting the need to fear Allah and to guard against any external influence were unanimously adopted as the Committee's watchword. Another meeting was scheduled a week later to enable all members attend and appreciate the task ahead and uphold the necessity to fear Allah in discharging their duties. In

addition to these preliminaries the meeting was to allow members to draw up the work plan.

CHAPTER TWO: STRATEGY

2.1 Setting up of Secretariat. A request was made through the Secretary to the State Government for an office accommodation whereby the conference room, Cabinet Office was arranged for the Committee's secretariat purposes. A four-wheel drive, was also provided to ease the Committee's movements and other transport needs. At the tail end of the Committee's work, a computer set from the Office of the Secretary to the State Government was made available for typing the Committee's final report.

2.2 Work Plan. To achieve the objective set out by the terms of reference, the Committee thought it wise to map out its strategies from the onset. Thus, a programme of action was drawn for getting reasonably qualified and fairly pious candidates to man the new Upper Sharia and Sharia Courts in the State. This programme is as shown in 4.0(b) of Appendix B attached.

2.3 Collection of Relevant Data. In an attempt to identify, study and comprehend the record of judges of both Upper Area and Area Courts as well as the general situation of the court buildings, the Grand Kadi and Director Area Court Division were requested to provide the Committee with the following information:

- a) Number and locations of all Upper Area and Area Courts in the State;
- b) List of names of Upper Area and Area Court judges in the State and their personal files;
- c) Record of reference books and furniture in the various Upper Area and Area Courts in the State;
- d) Any other relevant information and/or materials not included in (a) – (c) above.

2.4 Public Announcements/Advertisement. Selection of the right calibre of judges from the pre-existing ones is not an easy task. To achieve this goal, all possible avenues, within the limit of time and resources were exploited in this respect. Contact was made with Kebbi Television, Kebbi Radio in Birnin Kebbi and Zuru, various mosques and some NGOs to help get the public to send their assessment of serving judges of Upper Area and Area Courts in the State. The exercise aimed at providing an opportunity to the public to give their assessment of the serving judges. This will in no small measure help in exonerating the Government, the Committee members from the sentimental public judgment of wrong-doing against some judges who may be otherwise found suitable to be retained in the new system. The public is now involved in selecting the right persons to administer justice to them. It will also encourage individuals and groups to guard their tongues against frivolous allegations once there are no facts to support them. A person is innocent unless proven guilty and the onus of proof is on the complainant. This way, the innocent judges will be saved from the blanket impropriety stigma attached to all of them. Despite the effort of the Committee in getting the public to respond to this important issue, public response to the Committee's announcements however, was not encouraging. The complaints received were far below expectation given the public bashing of all serving judges. The few ones received were from B/Kebbi, Argungu, Yauri, Jega, Shanga and Koko/Besse Local Governments.

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As difficult as the case is, the Committee considered this approach inevitable. To limit the choice of the new Sharia judges to the serving judges was further considered inappropriate as the timing for the take-off of the Sharia legal system is fast approaching and the Committee is not sure of getting the required number from them. To that effect, an advertisement of vacancies for the post of Upper Sharia and Sharia Court judges in Kebbi State was slotted in the New Nigerian of Wednesday 4th October, 2000. This approach aimed at getting the required qualified candidates academically from which to choose from.

2.5 Court Inspection Visits/Courtesy Calls. There are five judicial zones in Kebbi State, namely Birnin Kebbi, Argungu, Bagudo, Yauri and Zuru. Each of these has a number of Upper Area and Area Courts within it as shown below:

a) Birnin Kebbi Judicial Zone. This zone is made up of 7 no. Upper Area Courts and 19 Area Courts as follows:

- | | |
|---------------------------------------|---------------------------|
| i) Upper Area Court I
B/Kebbi | x) Area Court Ambursa |
| ii) Upper Area Court II
B/Kebbi | xi) Area Court Makera |
| iii) Upper Area Court III
B/Kebbi | xii) Area Court Gulumbe |
| iv) Upper Area Court Kalgo | xiii) Area Court Kardi |
| v) Upper Area Court Jega | xiv) Area Court Dalijan |
| vi) Upper Area Court
Maiyama | xv) Area Court Gulmare |
| vii) Upper Area Court
Gwandu | xvi) Area Court Kambaza |
| viii) Area Court Nassarawa
B/Kebbi | xvii) Area Court Gwandu |
| ix) City Area Court
B/Kebbi | xviii) Area Court Masama |
| | xix) Area Court Aliero |
| | xx) Area Court Sabiyal |
| | xxi) Area Court Jega |
| | xxii) Area Court Jandutsi |
| | xxiii) Area Court Sambawa |
| | xxiv) Area Court Andarai |
| | xxv) Area Court Karaye |

b) Argungu Judicial Zone. There are 4 no. Upper Area Courts and 13 no. Area Courts as follows:

- | | |
|--------------------------------|----------------------------|
| i) Upper Area Court
Argungu | ix) Area Court Kwaido |
| ii) Upper Area Court Augie | x) Area Court Yeldu |
| iii) Upper Area Court
Kamba | xi) Area Court Alwasa |
| iv) Upper Area Court Illo | xii) Area Court Fana |
| v) Area Court Argungu | xiii) Area Court Dolekaina |
| vi) Area Court Bayawa | xiv) Area Court Lolo |
| vii) Area Court Lailaba | xv) Area Court Bani |
| viii) Area Court Gulma | xvi) Area Court Tsamiya |
| | xvii) Area Court Kangiwa |

b) Bagudo Judicial Zone. This comprises 4 no. Upper Area Courts and 19 no. Area Courts as follows:

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- | | |
|----------------------------------|---------------------------------|
| i) Upper Area Court Bagudo | xii) Area Court Giro |
| ii) Upper Area Court Koko | xiii) Area Court Mungadi |
| iii) Upper Area Court Dakin Gari | xiv) Area Court Diggi |
| iv) Upper Area Court Bunza | xv) Area Court Bakuwai |
| v) Area Court Suru | xvi) Area Court Tunga |
| vi) Area Court Gwade | xvii) Area Court Zaria Kalakala |
| vii) Area Court Aljannare | xviii) Area Court Ka'oje |
| viii) Area Court Raha | xix) Area Court Besse |
| ix) Area Court Zogirma | xx) Area Court Koko |
| x) Area Court Tilli | xxi) Area Court Kende |
| xi) Area Court Kuka | xxii) Area Court Zagga |
| | xxiii) Area Court Jadadi |
- c) Yauri Judicial Zone. There are 2 no. Upper Area Courts and 8 no. Area Courts as follows:
- | | |
|------------------------------|------------------------|
| i) Upper Area Court Yauri | vi) Area Court Kwanji |
| ii) Upper Area Court Wara | vii) Area Court Ngaski |
| iii) Area Court Birnin Yauri | viii) Area Court Wara |
| iv) Area Court Shanga | ix) Area Court Zamare |
| v) Area Court Dugu | x) Area Court Atuwu |
- d) Zuru Judicial Zone. There are 3 no. Upper Area Courts and 13 no. Area Courts in this zone, which are as follows:
- | | |
|-----------------------------|-------------------------|
| i) Upper Area Court Zuru | ix) Area Court Bangu |
| ii) Upper Area Court Wasagu | x) Area Court Kanya |
| iii) Upper Area Court Ribah | xi) Area Court Bena |
| iv) Area Court Zuru | xii) Area Court Unashi |
| v) Area Court Mahuta | xiii) Area Court Ayu |
| vi) Area Court Marafa | xiv) Area Court D/Daji |
| vii) Area Court Danko | xv) Area Court Makuku |
| viii) Area Court Sanchi | xvi) Area Court D/Umaru |

There are thus 20 no. Upper Area Courts and 72 no. Area Courts in Kebbi State. Nineteen (19) out of twenty (20) Upper Area Courts and 44 out of 72 Area Courts were physically inspected by the Committee. An inspection form was designed as shown in Appendix C in order to ease the collection of the relevant data from the various courts. The Committee discovered to its dismay that most of these buildings are not habitable and sometimes are even dangerous to sit in. The fairer ones lack maintenance and the necessary facilities for proper court functions. Besides, more than 80% of those visited are hired buildings or provided by the District Heads. To say the least the situation is pathetic.

2.6 Interviews. Applicants were categorised into two groups for easy reference and handling. Eighty-three (83) out of eighty-six (86) judges in active service have appeared for the interview, while sixty-eight (68) out of ninety three (93) fresh candidates who applied have been interviewed.

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It is to be noted that the Committee has accepted High Islamic Studies Certificate or its equivalent as the basic qualification for judges in active service while National Diploma in Sharia or its equivalent was considered the basic necessary requirement for fresh applicants to the post of judge in the new Sharia Court system. The rationale behind this disparity is simple. New high standard of performance is expected from the new judges while the others have gained presumably vast experience which can put them at par with diploma holders or equivalent.

2.7 Interim Report. The Committee deliberated on all the issues under its terms of reference. However, at the end of its initial mandate only part of the issues were exhausted. An interim report was prepared and submitted to His Excellency requesting more time for the completion of the remaining work. In his response, he reiterated that the Committee has to continue its assignment as long as his administration lasts. A letter reference number SSG/728/T.2 written to the Committee indicated that members are “authorised to continue with their assignment beyond the date of the official launching of Sharia legal system in the State”.

In view of the above, some interim recommendations were submitted to the Government on Tuesday November 21st 2000 to allow the Government prepare for the official launching (see Appendix D attached).

CHAPTER THREE: DETAILED REPORT ON COURT INSPECTION AND COURTESY CALLS

The details of the Area Courts judicial administrative arrangement was obtained from the office of the Grand Kadi and Area Court Inspectorate Division before the commencement of the inspection tour on the 20th of September 2000. The wisdom behind carrying out this exercise was predicated by the need to have a physical touch of the situation so as to enable the Committee to assert its point of view.

3.1 Judicial Zones

3.1.1 Birnin Kebbi Judicial Zone. The exercise started with a courtesy call on His Royal Highness, the Emir of Gwandu, Alh. Almustapha Haruna Jokolo. At his palace, His Royal Highness offered useful suggestions and encouragement. The Committee’s resolve to be fair was enhanced by its understanding that their Royal Highnesses have appreciated the fact that undue external interference is one of the major issues that rendered the judicial system unjust and ineffective. Even the best judge can only be able to discharge his duties fairly and surely if he is not unnecessarily constrained externally. Twenty (20) out of the twenty-six (26) courts in this zone were physically visited.

The number of courts and cases recorded in this zone are as tabled below:

Table 3.1.1 BIRNIN KEBBI JUDICIAL ZONE
Court Location and No. of Cases from January to October 2000

S/N	Court Location	Court Type	No. of Civil Cases	No. of Crim. Cases	No. of Civil Appeals	No. of Crim. Appeals	Motion	Estate
1.	Nasarawa	U.A.C	201	61	30	7	41	-
2.	B.Kebbi (Nwala)	A/C	95	26	-	-	-	-

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3.	B/Kebbi	U.A.C.	122	36	10	2	6	16
4.	B/Kebbi	U.A.C.	126	42	12	1	-	-
5.	B/Kebbi	A/C	134	31	-	-	-	-
6.	Kalgo	U.A.C.	35	26	4	-	2	-
7.	Ambursa	A/C	113	15	-	-	-	-
8.	Dalijan	A/C	76	25	-	-	-	-
9.	Kambaza	A/C	64	16	-	-	-	-
10.	Gwandu	U.A.C.	92	51	27	2	17	-
11.	Gwandu	A/C	34	2	-	-	-	-
12.	Masama	A/C	125	35	-	-	-	-
13.	Aliero	A/C	52	20	-	-	-	-
14.	Jega	A/C	95	53	-	-	-	-
15.	Jega	U.A.C.	101	40	11	1	4	-
16.	Sabiyal	A/C	-	-	-	-	-	-
17.	Gulumbe	A/C	59	19	-	-	-	-
18.	Kardi	A/C	61	2	-	-	-	-
19.	Maiyama	A/C	175	57	8	-	-	-
20.	Andarai	A/C	121	30	-	-	-	-
21.	Karaye	A/C	59	2	-	-	-	-
22.	Jandutsi	A/C	108	22	-	-	-	-
23.	Mayalo	A/C	20	1	-	-	-	-
24.	Makera	A/C	52	24	-	-	-	-
25.	Sambawa	A/C	44	19	-	-	-	-
26.	Jandutsi	A/C	-	-	-	-	-	-

3.1.2 Argungu Judicial Zone. The difficult terrain in this zone inhibited the Committee from inspecting most of the courts to the north of Argungu. Nine (9) out of the seventeen(17) courts in this zone were visited after paying a courtesy call on the Emir. Records for the unvisited courts were obtained from the Zonal Inspector of Area Courts Argungu who offered to assist. The details are as shown below:

Table 3.1.2 ARGUNGU JUDICIAL ZONE
Court Location and No. of Cases from January to October 2000

S/N	Court Location	Court Type	No. of Civil Cases	No. of Crim. Cases	No. of Civil Appeals	No. of Crim. Appeals	Motion	Estate
1.	Alwasa	A/C	10	5	-	-	-	-
2.	Argungu	U.A.C.	95	20	2	2	5	12
3.	Argungu	A/C	78	32	-	-	-	-
4.	Bayawa	A/C	34	13	-	-	-	-
5.	Gulma	A/C	35	7	-	-	-	-
6.	Kamba	U.A.C.	247	36	5	1	-	6
7.	Dolekaina	A/C	51	26	-	-	-	-
8.	Augie	U.A.C.	62	27	15	5	3	5
9.	Lailaba	A/C	50	10	-	-	-	-
10.	Yeldu	A/C	55	22	-	-	-	-
11.	Kwaido	A/C	55	27	-	-	-	-
12.	Kangiwa	A/C	87	35	-	-	-	-
13.	Fana	A/C	-	-	-	-	-	-

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14.	Lolo	A/C	60	17	-	-	-	-
15.	Banni	A/C	57	13	-	-	-	-
16.	Tsamiya	A/C	48	50	-	-	-	-
17.	Illo	U.A.C.	58	52	60	4	1	5

3.1.3 Bagudo Judicial Zone. This is the most rural of all the zones and the courts are situated in the remote areas. There are twenty three (23) courts in this zone whose litigation records are shown below:

Table 3.1.3 BAGUDO JUDICIAL ZONE
Court Location and No. of Cases from January to October 2000

S/N	Court Location	Court Type	No. of Civil Cases	No. of Crim. Cases	No. of Civil Appeals	No. of Crim. Appeals	Motion	Estate
1.	Koko	U.A.C.	97	53	11	-	-	7
2.	Koko	A/C	63	24	-	-	-	-
3.	Dakin Gari	U.A.C.	130	28	11	1	-	-
4.	Giro	A/C	120	30	-	-	-	-
5.	Bunza	U.A.C.	155	33	16	-	-	5
6.	Suru	U.A.C.	130	28	11	1	-	-
7.	Zagga	A/C	-	-	-	-	-	-
8.	Bagudo	U.A.C.	226	56	9	-	-	-
9.	Ka'oje	A/C	79	44	-	-	-	-
10.	Z/Kalakala	A/C	72	20	-	-	-	-
11.	Kende	A/C	61	8	-	-	-	-
12.	Bakuwai	A/C	71	18	-	-	-	-
13.	Raha	A/C	20	15	-	-	-	-
14.	Besse	A/C	96	21	-	--	-	-
15.	Zogirma	A/C	39	18	-	-	-	-
16.	Mungadi	A/C	--	-	-	-	-	-
17.	Jadadi	A/C	-	8	-	-	-	-
18.	Aljannare	A/C	59	22	-	-	-	-
19.	Gwade	A/C	31	10	-	-	-	-
20.	Diggi	A/C	-	-	--	-	-	-
21.	Tilli	A/C	-	-	-	-	-	-
22.	Kuka	A/C	-	-	-	-	-	-
23.	Tunga	A/C	-	-	-	-	-	-

3.1.4 Yauri Judicial Zone. At his palace, the Emir of Yauri expressed concern over the way and manner Area Court judges, especially those in his domain, dispense cases brought before them. It gives him continuous headache and leaves him to wonder whether those judges have faith in Allah and the last day – the day of reckoning when everybody is going to give account of what he or she does in life. He urged the Committee to fear Allah in discharging its responsibility and called on it to remember that the success or failure of the new arrangement depends to a large extent, on how honest and sincere it shouldered the task of selecting those who are to administer justice to the people. He promised his continuous support and prayer for the success of the exercise.

The Committee visited the courts in Shanga, Yauri and Birnin Yauri and sent one of its members from Yauri to cover the rest together with the zonal inspector. The details of cases recorded are as shown in the table below:

Table 3.1.4 YAURI JUDICIAL ZONE
Court Location and No. of Cases from January to October 2000

S/N	Court Location	Court Type	No. of Civil Cases	No. of Crim. Cases	No. of Civil Appeals	No. of Crim. Appeals	Motion	Estate
1.	Shanga	A/C	56	50	-	-	-	-
2.	Yauri	U.A.C.	341	77	12	10	-	12
3.	B/Yauri	A/C	142	36	-	-	-	-
4.	Atuwo	A/C	22	17	2	-	-	-
5.	Warah	A/C	38	19	2	-	-	-
6.	Gebbe	A/C	54	12	-	-	-	-
7.	Zamare	A/C	55	25	-	-	-	-
8.	Ngaski	A/C	64	22	-	-	-	-
9.	Dugu	A/C	109	12	4	-	-	-
10.	Wara	U.A.C.	45	31	3	-	-	-

3.1.5 Zuru Judicial Zone. Due to time constraints the Committee delegated its member from Zuru to visit all courts other than those visited collectively in Zuru on-the-spot assessment. The Emir of Zuru was visited briefly where the chairman in the person of Professor A.A. Gwandu expressed the purpose of our visit. The Emir expressed his desire to see the Sharia in practice and called on every Muslim to assist in its realisation. Much as some people misunderstood it he said, it is the life of a Muslim, which is non-negotiable.

There are sixteen (16) Upper Area and Area Courts in this zone where the following number of cases were dispensed as shown in the Table below:

Table 3.1.5 ZURU JUDICIAL ZONE
Court Location and No. of Cases from January to October 2000

S/N	Court Location	Court Type	No. of Civil Cases	No. of Crim. Cases	No. of Civil Appeals	No. of Crim. Appeals	Motion	Estate
1.	Zuru	A/C	122	89	-	-	-	-
2.	Zuru	U.A.C.	115	80	15	5	-	6
3.	Unlash	A/C	67	14	-	-	-	-
4.	Sanchez	A/C	26	11	-	-	-	-
5.	Kanya	A/C	-	-	-	-	-	-
6.	Marafa	A/C	37	21	-	-	-	-
7.	Bango	A/C	25	16	-	-	-	-
8.	Mahuta	A/C	29	28	-	-	-	-
9.	Wasagu	U.A.C.	218	55	14	4	-	-
10.	D/Umaru	A/C	29	10	-	-	-	-
11.	Danko	A/C	103	18	-	-	-	-
12.	Ayu	A/C	45	11	-	-	-	-
13.	Makuku	A/C	77	20	-	-	-	-

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14.	Ribah	U.A.C.	128	47	16	2	2	-
15.	D/Daji	A/C	95	74	-	-	-	-
16.	Bena	A/C	100	93	-	-	-	-

3.2 Physical Structures. Generally court buildings in all the judicial zones have either roofing, floor and fissure problems. There are few court buildings that belong to the judiciary: four (4) out of twenty six (26) in B/Kebbi zone; five (5) out of seventeen (17) in Argungu zone; five (5) out of twenty three (23) in Bagudo zone; two (2) out of ten (10) in Yauri zone and six (6) out of sixteen in Zuru zone. Thus only twenty two (22) court buildings out of ninety three (93) belong to the judiciary. About seventy one (71) therefore were either rented or are in use on some terms negotiated with the various District Heads. In this situation, there is no gain-saying the fact that undue intimidation, external interference with judicial process and unbecoming financial requests become the order of the day. The Committee has heard at several locations complaints about non-payment of rent, intimidation of owners of rented houses converted to courts and vice-versa. Similarly, District Heads bring their weight to bear on judicial process. These and other complaints can all be tied to the fact that the judges are at the mercy of conditions on the ground in areas where they are posted.

Besides, some of the court buildings have been invaded by nasty smelling birds, which make life difficult for the inhabitants.

3.3 Judges Accommodation. There are a few locations where judges are occupying judicial quarters built primarily for the purpose. Unfortunately, these are so few and require urgent maintenance to make them habitable. Towns like B/Kebbi, Bunza, Jega, Bagudo, Yauri and Zuru have a house each built for the judges even though that of B/Kebbi has been converted to an office for the Inspectorate Division of the Area Courts.

In some places like Gwandu the Committee was informed of the existence of a piece of land belonging to the judiciary where the house of the alkali (judge) was formerly situated.

3.4 Working Materials. There is hardly any court, among those visited by the Committee, which can boast of even manageable quantity of working materials. Most of the courts have no record books other than cashbooks!! According to most judges they either buy the record books or lobby for it at the headquarters. In other words, the judges are not being provided with the necessary stationery for proper court function.

3.5 Furniture. In respect of furniture the story is almost the same. Fortunately however, the Local Government chairmen do assist some courts with couple of chairs and/or tables inherited from the Babangida political expedition. In many courts litigants sit on the bare floor since even the judge does not have the privilege of having a chair in his chamber. In many instances the Committee found the judge, the registrar and the clerks sharing a chair – each using the same when the need to sit arises. Thus there is a long cry for furniture in our courts to allow for a conducive environment for dispensing justice.

3.6 Staffing Situation. There is general staff congestion in courts situated in urban centres in the State. On the other hand, courts located in rural areas lack the necessary staff strength required to allow them to function effectively. For instance, there is for the

three (3) Upper Area and two (2) Area Courts in B/Kebbi a total of eighty one (81) staff which is far in excess of the maximum number required to conduct normal court operation. The Committee has noted based on discussion with many registrars and judges that a maximum number of nine (9) persons including the judge are enough for an Upper Area Court and eight (8) persons are also enough for an Area Court. The number in rural courts ranges mostly between two (2) to six (6) while the Zuru Area Court alone has twenty (20) staff. Kalgo Upper Area Court has fifteen (15) staff, five of which were confirmed to be idle. Ironically, court workload is not directly proportional to number of supporting staff posted to a particular court. For example, Yauri Upper Area Court (UAC) with only ten (10) staff has dispensed four hundred and fifty two (452) cases from January 2000 to October 2000 while Zuru Area Court with twenty (20) staff had only two hundred and eleven (211) cases disposed of within the same period.

3.7 Courts' Work Load. The Committee has noted with some sense of relief that most of the cases being handled by both the Upper Area and Area Court judges were civil matters in the realm of marriage, divorce, inheritance and land ownership. The number also varies from place to place, due to so many factors that include recording all cases whether they involve fine or not, and ability of the presiding judge to expedite action on cases and pass judgment on sound knowledge.

Tables 3.1.1 – 3.1.5 shown above have depicted the number and type of cases that were disposed of from the five judicial zones in Kebbi State from January to October, 2000.

CHAPTER FOUR: PUBLIC ENLIGHTENMENT

In its efforts to enlighten the public on Sharia and its purports, two approaches were mapped out: first the vital role of the electronic media in this regard was recognised and was given due attention. Secondly, the Committee shifted emphasis to a limited target audience that matters most in the current campaign for the implementation of Sharia i.e. top civil servants, traditional leaders, State and Local Government legislators, members of the business community, youth organisations and our working women.

4.1 Electronic Media Programme. The Committee has been given three slots per week by the management of Kebbi Television, so as to air its programme. The programme so far conducted was captioned *Sharia Rayuwar Musulmi*⁶⁰ aired both in Hausa and English and has been going on uninterrupted. The subject matter for the discussion varies from meaning and message of Sharia to its application in practical life. Other sub-themes include social life under the Sharia (marriage, divorce, business transaction and child welfare/good upbringing) and communal relations. The public response to those programmes that have been aired so far is to say the least most encouraging. The Committee feels the need to have such regular programmes in order to keep on sensitising the public on the Sharia whose spectrum is the life of the individual Muslim itself. On the other hand, the Committee has not done much with the opportunity provided by Kebbi Radio. It is hoped that in the near future the Committee will have the time to engage Kebbi Radio with its enlightening discussions.

⁶⁰ "Sharia the prosperity of Muslims".

4.2 Seminars. The Committee has conducted five (5) sessions of public seminar in the months of October and November 2000. Two (2) others for the State legislators and working women are envisaged shortly. The seminars so far dealt with issues of leadership, trust, justice, misconceptions about Sharia, business ethics and the role of youth organisations in implementing Sharia. The good result of this approach has been limited by poor communication, which hindered full participation by the target audience. The success or failure of the current drive for Sharia implementation in the State depends to a large extent on how those in the position of leadership grasp, understand and actualise its purport. It is therefore of immense importance for Government to consider enlightenment programmes for those groups other than the “once in a while” seminar conducted by the Committee.

4.3 Coverage. The Committee noted that both Kebbi Television and Radio have limited coverage of the State. Thus most of the Committee’s television programme is of limited spatial reach. However, since the Kebbi Council of Ulama has made efforts and is still making efforts towards enlightening people of the rural areas the Committee feels they should be encouraged to continue with such good works.

CHAPTER FIVE: SELECTION OF SHARIA JUDGES

This is one of the most sensitive and delicate aspects of the Committee’s assignment. Faced with two categories of candidates with varying ability and experience, the Committee resolved to conduct two separate interviews taking into consideration the attendant peculiarities of each of the groups. For judges in active service, no application was requested from them. However, the Committee decided that whoever failed among them can not send in an application again to rejoin the fresh candidates. A format was designed for marks allocation as shown in Appendix E which has the following features:

a) Qualifications (15)

Degree in Sharia	15 marks
Other related	12 marks
Diploma in Sharia	10 marks
Other equivalent	8 marks
Cert. in Sharia (Kano)	10 marks
Other equivalent	8 marks
High Islamic Studies	8 marks

b) Knowledge (from Questions & Answers) 30 marks

Knowledge of Sharia	20 marks
Arabic language	7 marks
Arabic writing	3 marks

c) File (10) marks

Positive remarks in file	10 marks
Negative remarks (query etc.)	0 marks
Neutral (none of the above)	5 marks

d) Experience (10)

In accordance with number of years of experience (1 mark/year)

e) Appearance (5)

(How decent the candidate appears and conducts himself)

f) Tazkiya (30)

Any complaint against a candidate will lead to loss of 10 marks

Similarly, for the fresh candidates the same parameters were considered though on a different weighing scale (Appendix F). More emphasis was placed on qualification and knowledge of the Sharia (60 marks) rather than on their public assessment. This is because whatever the public is going to say about them will have less bearing as compared to those in active service especially with regards to the job they are expected to perform. All the same, because of its importance whoever earned a negative remark from the referees is considered to have failed whatever his score is in the other areas.

5.1 Interview Result for Judges in Active Service. The outcome of the selection process (interview and cross examination of judges) is as shown in Appendix G attached. So far, only twenty-six (26) out of the eighty-three (83) persons who were interviewed among the judges in active service were considered suitable right away. Those that met immediately the minimum standard requirements of the Committee are as follows:

Name	Score (100)
[26 names omitted]	80: 1 70-79: 18 60-69: 7

The Committee in arriving at its decision above also considered the fact that each candidate was given the choice to select, out of ten (10) reference texts, the one with which he is too familiar. All of them chose the most common readily available text (*Al-Risala* of Abu Zaid) below which there is no material in legal matters. Anybody who aspire to be a judge and did not master the text under reference, must be kidding. Likewise, the Committee considered public complaints against most judges in active service which ranged from bribery and corruption, extortion, illegal relationship with female litigants and others, inability to write court proceedings, deliberate wrong judgment due to subterranean influence, inability to read Arabic text on Islamic law and dealing in hard drugs etc. In considering these criticisms each candidate was called upon to hear the accusation(s) against him and to defend himself. None among them agreed with the claim(s) against him. Having notified the candidate of the substance of the allegation against him, the Committee took the decision to recommend only those who met the standard set above. This does not in any way mean that those selected are blameless, free from any negative perspective. However, based on the standard set above they are the fairer ones among those interviewed. Allegations against others will be investigated fully and where it lacks substance the candidate will be cleared if he meets other requirements. This is the reason behind the remark ‘KIV’ against some of them.

The Committee therefore prays to Allah that all those cleared will be able to prove themselves worthy of the trust reposed in them.

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5.2 Interview Results for Fresh Candidates. Out of the sixty-eight (68) candidates whose certificates met the requirements of the Committee only nineteen (19) have been cleared so far.⁶¹ These are:

S/N	NAME	MARKS	REMARKS
[1-19]	[names omitted]	80-83: 4 70-79: 13 60-69: 2	[all: "Recommended"]

Others whose referees report is being awaited or have scored a total of 55% or more in both examination and personal assessment will be reconsidered if the need arises. As earlier stated for any person to be recommended by the Committee he has to meet minimum requirement which is passing the interview and having a fairly positive character. To avoid unnecessary search for replacement in the case of any eventuality, candidates who have faired fairly have been marked with KIV for easy reference. Though in the final analysis the number recommended might exceed the number of courts proposed, the balance has been considered for other functions that have been dealt with in the following chapter on recommendations. The general score sheet for the new candidates is as shown in Appendix H attached.

CHAPTER SIX: RECOMMENDATIONS

In its Interim Report and submission to the Government the Committee has presented some tangible recommendations aimed at putting the Sharia programme on a smooth start. After the interview and having dealt with all the issues in its terms of reference, the Committee has, at this juncture, the following recommendations to make for the continuous smooth running of Sharia in the State.

6.1 Sharia Court Administration/Supervision. It is important that the Government has successfully transferred administrative control of Sharia Courts to Sharia Court of Appeal. This is but the first step. Other things that need to follow suit to compliment and help to strengthen and steady the new transformation are as follows:

6.1.1 Sharia Court of Appeal. This is the apex court for the new Sharia Courts in the State under the new arrangement. The general public had written and had spoken to the Committee members to bring to the notice of Government that there is the urgent need to revisit the composition of kadis of the Sharia Court of Appeal to bring it in conformity with the new wave and spirit of Sharia dispensation. To do this in their words is necessary as the re-organisational exercise will not be meaningful and effective without the transformation being thorough. On this note, the Committee wishes to remind the Government that this court (Sharia Court of Appeal) has its own peculiar position in the Constitution under which changes are effected in its rank and file. The Committee recommends to the Government to approach its legal expert for advice if it intends to deal with this problem, which is for all intents and purposes necessary.

6.1.2 Sharia Court Inspectors. The Committee noted with dismay the current composition of personnel in the Inspectorate Section of the Sharia Court of Appeal.

⁶¹ Appendix H shows only 18 candidates as having met the requirements of the Committee. One of the candidates listed here as having passed is shown in Appendix H as having failed.

The public have cried out on poor performance of these inspectors, as the judges hitherto do not comply with their instructions.

Noting these and the fact that some of them admitted lack of Arabic background and therefore their inability to read Arabic sources of Islamic law so as to be able to assess complaints, the Committee recommends as follows:

- i) The new Sharia Court system requires credible inspectors to supervise dispensation of justice in these courts. As such the Committee recommends that those to be appointed should be well versed in Sharia (jurisprudence) and its practical application. We therefore suggest that those who are qualified to be Upper Sharia Court judges among those screened should be appointed as inspectors with all the attendant benefits. To appoint an inspector who is lower in age, qualification and salary than the judge is nothing short of an open invitation to ridicule.
- ii) To ensure justice and fair play to both the judges and litigants, inspectors should not sit in their offices and call on judges to report to them in matters of dispute. Rather, they should go to the court and investigate the matter to close any chance of derailment of justice.
- iii) The inspectorate section of Sharia Court of Appeal should be re-structured in order to respond to the challenges ahead and address the new aspirations of the people.
- iv) Transfer of judges should be based on laid down principles and regulations to avoid such exercise being used as a weapon for witch hunting. A situation where judges lobby for posting to “lucrative” areas for no reason other than corruptive instinct should be avoided.
- v) Inspectors should be provided with the necessary mobility and the right salary structure to be able to carry out their responsibility diligently and effectively.

6.1.3 Other Sharia Court Staff. The Committee recommends that staff congestion should be avoided. It is suggested for the meantime, that for Upper Sharia Court the number of staff should not exceed eight (8) (the judge, registrar, two (2) court clerks, three (3) messengers and one security man) and seven (7) for the Sharia Courts (i.e. there should be only two messengers here in addition to those mentioned above). The public including some of the court messengers themselves have opined that there should be a shake-up in the registrars, clerks and court messengers cadres for the successful implementation of Sharia and effectiveness of the new judges. The Committee has noted during its tour that some messengers become sometimes the de facto judges in matters before the courts. Excess staff after selecting the required number should be redeployed. Free intermingling of the male and female staff should be avoided if not completely eradicated.

6.1.4 Record Books and Stationery. Enough standard record books should be provided promptly to avoid a situation where judges take to other means in order to get them for the judicial purposes. One of the major instigators to corrupt practice is the starving condition of our courts in terms of the primary ingredients needed for proper court function.

6.1.5 Reference Books. In most of the courts, Sharia reference texts including the Holy Qur'an are not available!! Where some are available the volumes are not the relevant ones. Those supplied earlier are usually removed by "unknown" judges who once served in the courts.

The Committee therefore recommends as follows:

- i) Each of the new Sharia Courts should have at least the following books:⁶²
 - *Al-Qur'an*
 - *Ihkamul Ahkam ala Tuhfatul Hukkam*
 - *Jawahirul Ikil*
 - *Dasuqi*
 - *Thamaruddani*
 - *Fawakihud Dawani*
 - *As'halul Madarik*
 - *Sirajus Salik*
 - *Bulghatus Salik*
 - *Fathu Aliyu Malik*
- ii) Proper handing over/taking over record should be maintained for each court so that pilfering of such court assets is reduced to the barest minimum.

6.1.6 The Selected Judges.

- i) The Committee recommends that the judges selected so far should have a formal introduction into their new role through a one-day seminar and/or a forum to address them or any other avenue considered feasible by the Government.
- ii) The Committee strongly recommends the review of their salary and other emoluments, which will assist to ensure complete devotion to their duty.
- iii) A refresher course should be arranged for them from time to time at least bi-annually or on quarterly basis. This should aim at assisting the judges to be academically active and attentive to their responsibility.
- iv) The judges selected should be made to understand in black and white that deliberate injustice would lead to dismissal. This in addition to the oath undertaken will help to constantly keep them on a tight rope;
- v) Government should endeavour to provide accommodation for judges wherever feasible. This should be considered as one of the top priorities in the new housing policy. Where there exist collapsed judicial houses they should be rehabilitated to assist in giving them the necessary comfort required in the discharge of their duties.

6.1.7 Court Agents and Touts. The Committee has received a number of complaints regarding these elements (*yan baranda kotu*) who were described by Isah Daba

⁶² For bibliographical information about the books included in this list, see the "Bibliography of Islamic Authorities" in Chapter 6 of this work, Vol. V. We use here the short titles as in the bibliography, which sometimes vary slightly from the text of the Sharia Implementation Committee Report.

Committee of 1987 in all details. Their mode of operation and connection will render any judicial system ineffective. The notorious ones in Koko and Shanga for example are as follows:

[five names omitted].

Others exist in other locations.

The Committee recommends strongly that these and other similar personnel parading the courts be expelled forthwith. Strong measures should be taken to ensure compliance. Any judge or inspector or registrar known to be harbouring such personnel should be relieved of his post.

6.1.8 Court Buildings. After visiting most of the premises where judges operate, the Committee recommends that a proper judicial structure should be constructed to meet the need of the service in accordance with the Sharia provision. Thus, a design is here proposed as in Appendix I for Government consideration.⁶³ Where pre-existing structures do not conform to this design a rehabilitation is recommended in order to meet the standard required.

6.2 General Recommendations. The Committee has submitted recommendations (7a - d) in its interim report (Appendix B). It has become imperative to reiterate some of them for their importance in monitoring Sharia implementation in the State. Others of general nature have been added here as might be observed. For the Sharia to have a solid base in the State the Committee recommends that the Government should:

- a) Legalise/recognise the function of voluntary Aid Groups/Organisations and establish a formal link with them for effective monitoring of Government Sharia policies. Without such an apparatus, the efforts put so far will be in vain. People according to Malam Abdullahi bin Fodio are likely to go back to their bad habits at the slightest opportunity. Thus, the presence of such a monitoring unit is what those people who sincerely want Sharia are yearning for all over the State. It is the backbone of Sharia. Its absence is a strong minus, which will lead the situation back to square one. May Allah forbid such things.
- b) To have a proper return to Sharia, Government should as a matter of urgency look into the following affairs:
 - i) Pay or arrange a solid programme to pay all reasonable workers' entitlements. There is no gain-saying the fact that this singular moral courage by the Government will boost the morale of workers to toe the line of honesty in their jobs and services. After all it is said: the proof of the pudding is in the eating.
 - ii) Design a programme to inculcate the fear of Allah in our youths, those at tender age and those that are becoming adults. Our educational system in the State should have its curriculum tailored towards Sharia compliance. This is the only way to ensure sustenance of the new Sharia initiative.

⁶³ No court design is included in the copy of the report made available to us.

- iii) Government should respect rules and regulations in appointment and retirements. A situation where seniority and other relevant factors are ignored for payment of homage, breeds indiscipline and contempt of Sharia.
- iv) Government should assign time for prayer so that other matters should give way for its observance. This will help breed a disciplined society, united in doing good and forbidding evil *insha* Allah.
- v) Civil servants at their places of work should from time to time organise sessions to assess their achievements and failures in a frank, sincere, honest and friendly atmosphere. Top Government officials should have a forum for them to be reminded of the trust reposed in them perchance their performance will improve.
- vi) Ministerial and departmental meetings should be strictly observed as the Executive Council has maintained a weekly meeting as much as possible. This will go a long way in reducing communication gap within the management and other staff, ensure sanity as well as checks and balances within the system.

6.2.1 Government Public Functions. The public is now watching every act of Government and expects it to comply with Sharia provisions as is applicable now in the State. The Committee calls on Government to note this public feeling and avoid any function that is devoid of morals and that which will stamp a nonchalant attitude towards its Sharia stand on its image. Similarly, Government parastatals such as Kebbi Television should be called upon to re-orient its choice of film for the public consumption and State-owned institutions of higher learning should beef-up moral control within their campus environments.

6.3 Committee's Assignment. After submitting this report, it is clear that the Committee has met the purpose of its appointment. However, by the letter reference SSG/728/T.2 and through oral discussion with His Excellency, the Committee has an extended mandate.

6.4 Problem of Begging by School Age Children. The Committee has discussed this problem extensively and has come up with the following suggestions:

- a) Government should liaise with the Emirs and District Heads to meet with the stakeholders (malams) to explain to them the evils identified/associated with the habit of begging by our young ones from the rural areas.
- b) It should be made clear to them that Government is seeking their understanding and assistance in handling the menace of the habit.
- c) The Emirs and District Heads should make efforts to convince them of the negative picture the habit gives to Islam and the Muslims. Similarly, the areas (brothel, garage etc.) to which these children end up in the name of seeking knowledge should be explained to them.
- d) They should be informed that the consensus of the early Muslim scholars is that Islamic knowledge can be obtained without necessarily resorting to this habit (begging) that brings shame and disrespect to the person engaged in it. Indeed the habit is not known other than in West Africa (the Western Sudan).

e) For this reason, they should be notified that the Government, the Emirs, the scholars and members of the community in general are to cooperate in the eradication of the menace.

6.5 Legislative and Executive Relations. Within the ambit of its mandate the Committee wishes to recommend and appeal to both the executive arm of government and the State legislative assembly to continue to work hand-in-hand to ensure the successful implementation of Sharia in the State. We pray to Allah to imbue all with wisdom and courage to eschew bitterness in carrying out all responsibilities.

6.6 Government's Sharia Programme. The Committee is working towards providing other relevant suggestions and recommendations for improving the nascent Sharia programme in the State *insha* Allah.

6.7 So, [sic]

Let all fear Allah, act sincerely and righteously and with the help of Allah we shall all succeed.

APPENDIX A: LETTER OF APPOINTMENT

OFFICE OF THE EXECUTIVE GOVERNOR

Office of the Secretary to the State Government
Birnin Kebbi

REF.NO. SSG/728/VOL. I

18TH August, 2000

COMMITTEE FOR THE IMPLEMENTATION OF SHARIA
IN THE STATE

The Executive Governor of Kebbi State, His Excellency, Alhaji Muhammad Adamu has approved the appointment of the above named Committee with the following membership:

- | | | |
|--|---|-----------|
| a) Professor A.A. Gwandu | - | Chairman |
| b) Alh. Yusuf Jibirin Zuru | - | Member |
| c) Malam Umaru Ika
(<i>Sarkin Malaman Gwandu</i>) | - | Member |
| d) Hon. Justice Sama'ila Bashar | - | Member |
| e) Kadi Tukur Sani Argungu | - | Member |
| f) Malam Abbas Jega | - | Member |
| g) Malam Abubakar Yauri | - | Member |
| h) Malam Abdur-Rahman Isah Jega | - | Member |
| i) Malam Umaru Isa B/Kebbi | - | Secretary |

2. The terms of reference of the Committee are as follows:
 - a) To prepare appropriate ground for the immediate take-off of the Sharia legal system in the State;
 - b) To identify and provide court building and other necessary facilities for the Sharia Courts in each of the Local Government Headquarters and District Headquarters in the State;
 - c) To select suitably qualified candidates for appointment as judges of the Sharia Courts and make recommendations to the Judicial Service Commission for their appointment;
 - d) To organise, in collaboration with the Islamic Preaching Board and the *ulama* public enlightenment campaigns on the Sharia and its purports;
 - e) To recommend any other thing necessary or incidental towards the successful implementation of the Sharia legal system in the State.
3. The Committee is to complete its assignment and submit its report to the Government not later than 30th October, 2000.

A.A. MUHAMMAD, mni
Permanent Secretary, Cabinet & Political Affairs
For: Secretary to the State Government

APPENDIX B: INTERIM REPORT

1.0 The Executive Governor of Kebbi State, Alh. Muhammad Adamu Aliero approved, vide Letter Reference No. SSG/728/VOL.I of 18th August, 2000, the appointment of the Committee for the Implementation of Sharia in the State with the following membership:

- | | | |
|---|---|-----------|
| a) Professor A.A. Gwandu | - | Chairman |
| b) Alh. Yusuf Jibirin Zuru | - | Member |
| c) Malam Umaru Ika
(<i>Sarkin Malaman</i> Gwandu) | - | Member |
| d) Hon. Justice Sama'ila Bashar | - | Member |
| e) Kadi Tukur Sani Argungu | - | Member |
| f) Malam Abbas Jega | - | Member |
| g) Malam Abubakar Yauri | - | Member |
| h) Malam Abdur-Rahman Isah Jega | - | Member |
| i) Malam Umaru Isa B/Kebbi | - | Secretary |

2.0 The terms of reference of the Committee are:

- a) To prepare appropriate ground for the immediate take-off of the Sharia legal system in the State.
- b) To identify and provide court buildings and other necessary facilities for the Sharia Courts in each of the Local Government Headquarters and District Headquarters in the State.
- c) To select suitably qualified candidates for appointment as judges of the Sharia Courts and make recommendations to the Judicial Service Commission for their appointment.
- d) To organise, in collaboration with the Islamic Preaching Board and the *ulama*, public enlightenment campaigns on the Sharia and its purpose.
- e) To recommend any other thing necessary or incidental towards the successful implementation of the Sharia legal system in the State.
- f) The Committee is to complete its assignment and submit its report to the Government not later than 30th October, 2000.

3.0 The Committee held its inaugural meeting on the 28th of August 2000 under the chairmanship of Professor A.A. Gwandu with only six members in attendance. The importance of the assignment was emphasised and the need to fear Allah was unanimously adopted as the Committee's watchword.

4.0 Another meeting was scheduled a week later to enable contact with all the appointed members with a view to drawing the work plan for the assignment.

5.0 After the initial administrative hitches, the Committee was able to reconvene and took the following steps in order to achieve the objectives of its assignment.

- a) A secretariat was established at the Cabinet Office;

- b) A programme of action was drawn for getting reasonably qualified and fairly pious candidates to man the new Upper Sharia and Sharia Courts in the State. This programme includes:
- i) Advertising vacancies for the new Sharia Court judges in the *New Nigerian* newspaper and the Kebbi State electronic media.
 - ii) Arranging an interview for all serving judges of Upper Area and Area Courts who wished to continue as judges under the new system.
 - iii) Arranging similar interview for fresh candidates who meet selection requirements.
 - iv) Calling on the general public to write and/or notify the Committee of anyone among the judges of the Upper Area and Area Courts in active service who is considered not qualified due to his past record (of impropriety or social misconduct) which is not in consonance with the spirit of Sharia.
 - v) Selecting Kebbi Television and Radio as media outlets for public enlightenment.
 - vi) Organising a seminar for civil servants and other classes of Kebbi State citizens. The target audience include Kebbi State Executive Council and other top Government functionaries, Emirs, District Heads and the business class.
 - vii) Cooption of supporting staff from NOA, Preaching Board and Council of Ulama.
 - viii) Contacting other States ahead of Kebbi or on the same footing with it regarding the implementation of Sharia in order to learn from them and avoid their negative experiences and/or mistakes.
 - ix) Organising general sessions to discuss issues directly or remotely connected with Sharia implementation in Kebbi State.

6.0 The Committee has after 30 regular working days achieved the following:

- a) Slotting an advert in the *New Nigerian* of Wednesday October 4, 2000 inviting applications to fill for vacancies for Sharia judges in Kebbi State.
- b) Conducting physical inspection of 60 out of 89 court buildings in Birnin Kebbi, Argungu, Baguda, Yauri and Zuru Judicial Zones. The Committee discovered to its dismay that most of these buildings are not habitable and sometimes are even dangerous to sit in. The fairer ones lack maintenance and the necessary facilities for proper court functions. Besides, more than 80% of those visited are hired buildings or part of the District Head's office. To say the least the situation is pathetic. A proper design for a court building will be submitted along with the Committee's recommendations in the final report.
- c) Forty-four (44) locations have been identified for siting the new Upper Sharia and Sharia Courts. Nine (9) Upper Sharia Courts have been proposed along with thirty-five (35) Sharia Courts, one in each of the Local Government headquarters and some few other large districts.

The decision to limit the number of the new courts to 44 is based on the following reasons:

- i) The Committee's perception of its assignment as outlined in the terms of reference – especially in items (b) and (e) therein.
 - ii) Statistical analysis of all cases brought before all Upper Area and Area Courts in the State from January, 2000 to October, 2000. This data indicated clearly that some courts are unnecessary even if located in District Headquarters.
 - iii) Sharia Courts are not meant to be revenue in-lets for Government but rather premises where disputing parties are brought together for amicable settlement of the issues at stake in accordance with Allah's injunctions. Thus cases will be treated on their merit and with the necessary dispatch. As such there is no need for their proliferation.
 - iv) To be able to provide the necessary facilities and adequate remuneration for dispensing justice, a manageable number of courts is necessary.
 - v) In siting the courts spatial factors (distance, accessibility etc.), facilities (conducive court building) and expected volume of litigation were all considered.
 - vi) Some Local Government headquarters were recommended to have more than one court due to the expected volume of litigations in those areas as a result of the extended jurisdiction of the new Sharia Courts.
- d) Eighty-three (83) out of eighty-seven (87) registered judges have been interviewed so far. The result is being compiled.
- e) Contact has been made with Kebbi Television, Kebbi Radio in Birnin Kebbi and Zuru, various mosques and some NGOs to help get the public to send their assessment to serving judges of Upper Area and Area Courts in the State. The exercise aimed at providing an opportunity to the public to give their assessment of the serving judges. This will in no small measure help in exonerating the Government, the Committee members from the sentimental public judgment of wrong doing against some judges who may be otherwise found suitable to be retained in the new system. The public is now involved in selecting the right persons to administer justice to them. It will also encourage individuals and groups to guard their tongues against frivolous allegations once there are no facts to support them. A person is innocent unless proven guilty and the onus of proof is on the complainant. This way, the innocent judges will be save from the blanket impropriety stigma attached to all of them. Despite the effort of the Committee in getting the public to respond to this important issue, however, public response to the Committee's announcement has [not] been encouraging as the complaints received are far below expectation given the public bashing of all serving judges.
- f) Enlightenment programmes are continuing in Kebbi Television under the title *Sharia Rayumar Muslimi* which is aired every Friday, Monday and Wednesday. Radio programme however, is yet to commence due to logistic problems.

g) The seminars planned as part of the Committee's enlightenment campaign started with the one conducted on the 11th and 12th of October, 2000 aimed at sensitising top civil servants and traditional leaders. This was followed by a similar session conducted in Yauri on the 28th of October, 2000 on the request of His Royal Highness.

7.0 Some far-reaching decisions on the role of Aid Groups, *ulama*, the traditional leaders and Government towards sustaining the new Sharia system have been reached by the Committee. Details will *insba* Allah come up in the main report. However, as a matter of urgency the Committee calls on the Government to:

- a) Legalise the function of Aid Groups by enacting a law to be passed by the State House of Assembly recognising their operation and its limit. All Aid Groups should come together to set up a management team to be recognised by Government through which all contacts with the various Aid Groups will be made. Selected members of these groups should be given appropriate training.
- b) Instruct the Grand Kadi to inform all Upper Area and Area Courts to dispense with outstanding cases before the 24th November, 2000 for the new Sharia Courts to start on a fresh state. The wisdom behind this is obvious.
- c) Any hitch in the transfer process of Upper Area and Area Courts, should be decisively cleared by the Government. Political, personal or other related hindrances should not be allowed to mar the smooth take-off of Sharia in the State.
- d) Events capable of undermining the take-off of Sharia, like the recently conducted *dambe*⁶⁴ sessions, should be stopped by the State Government. Similarly such avenues that provide easy loss or gain of money should be outlawed. Together with *dambe*, they provide devil's workshop for people of easy virtue.

8.0 Issues outstanding:

- a) Interviews for fresh judges. The Committee has received as at 17th October, 2000 over seventy (70) applications for the posts of Upper Sharia and Sharia Court judge. They are yet to be screened and interviewed.
- b) Analysis of public complaints against some of the judges in active service is yet to commence. The final result of the interview conducted cannot be released without it.
- c) Seminars for members of the State House of Assembly and the business class as well as discussions with trade unions have not been conducted. It is of immense importance for all segments of the elite and/or leaders in the society to feel that they have a role to play in Sharia implementation.
- d) Recommendation to the Judicial Service Commission for appointment of the selected judges.
- e) Preparation of the final report.

⁶⁴ Boxing.

9.0 Evidently the task before the Committee is enormous and much has been achieved so far. Thus, given His Excellency's approach to Sharia implementation and the magnitude of the work before us, the Committee wishes to request His Excellency to extend its time frame by two more weeks to enable it, *insha* Allah accomplish its onerous assignment.

[Here follows the list of Committee members as in the Final Report; there are places for their signatures but no actual signatures.]

APPENDIX 'C': INSPECTION FORM

COMMITTEE FOR THE IMPLEMENTATION OF SHARIA
C/O Office of the Secretary to the State Government
Kebbi State
Birnin Kebbi

Court Inspection Form

1. Name of Court:
2. Location:.....
3. Assessment of Court Building:
Nature of Structure:
-
Conduciveness/Accessibility:.....
.....
4. Facilities:
 - a) Qadi's Chamber:
 - b) Court Room:
 - c) Registrar's Office:
 - d) Toilets:.....
 - e) Furniture:.....
 - f) Record Books:
 - g) Cupboard:.....
 - h) Reference Books:
 - i) Financial Records:
 - j) Staffing Situation:
 - i) No. of Staff:.....
 - ii) No. Necessary:

APPENDIX 'D': INTERIM RECOMMENDATIONS

1.0 His Excellency may recall the issues that were outstanding as at the time of submitting our Interim Report. *Alhamdu lillab* we have now dealt with most of them. As a result, we are hereby submitting some interim recommendations to enable the Government push ahead with its Sharia implementation programme. The issues at stake are delicate. Utmost care must be taken and diligent work has to be done in order to build a solid foundation for Sharia in Kebbi State.

2.0 The selection exercise (interview and cross-examination of judges in active service) has been completed. So far, only twenty-six (26) out of the eighty-three (83) persons who were interviewed among the judges in active service were considered suitable. Those that met the minimum standard requirements of the Committee are as follows:

[names of 26 judges omitted].

The selection of these judges was based on a format that rated their academic qualification, interview performance, past record, experience, conduct/appearance during interview and the public assessment of their character/performances. As difficult as the task of being fair to any two sides is, the Committee has taken a middle course in dealing with public complaints against all judges. Be that as it may, the Committee wish to state clearly that the judges selected are not free from any negative remarks. However, to the Committee's verification and within our judicial settings, they are the ones found most suitable so far.

3.0 The Committee has recommended forty-five (45) locations for siting the new Upper Sharia and Sharia Courts in the State. These locations and type of court assigned, are as shown in the table below:

S/N	LOCATION	DESIGNATION	COURT TYPE	REMARKS
1.	Birnin Kebbi	L/G Hqt District Hqt State Capital	2 U/Sharia Court 2 Sharia Court	
2.	Ambursa	District Hqt	Sharia Court	
3.	Argungu	L/G Hqt District Hqt	U/Sharia Court Sharia Court	
4.	Gulma	District Hqt	Sharia Court	
5.	Bachaka		Sharia Court	Border Town (distance)
6.	Bagudo	L/G Hqt District Hqt	U/Sharia Court	
7.	Kaoje	District Hqt	Sharia Court	
8.	Illo	District Hqt	Sharia Court	
9.	Zagga	District Hqt	Sharia Court	
10.	Yauri	L/G Hqt District Hqt	U/S Court Sharia Court	
11.	Dugu	District Hqt	Sharia Court	
12.	Ngaski	District Hqt	Sharia Court	
13.	Zuru	L/G Hqt District Hqt	U/Sharia Court Sharia Court	
14.	Kalgo	L/G Hqt	Sharia Court	

CHAPTER 2: SHARIA IMPLEMENTATION COMMITTEE REPORTS AND RELATED WHITE PAPERS

		District Hqt		
15.	Kuka	District Hqt	Sharia Court	
16.	Gwandu	L/G Hqt District Hqt	U/Sharia Court	
17.	Kambaza	District Hqt	Sharia Court	
18.	Aliero	L/G Hqt District Hqt	Sharia Court	
19.	Jega	L/G Hqt District Hqt	U/Sharia Court	
20.	Kimba	District Hqt	Sharia Court	
21.	Maiyama	L/G Hqt District Hqt	Sharia Court	
22.	Andarai	District Hqt	Sharia Court	
23.	Dolekaina		Sharia Court	Border Town Security
24.	Koko	District Hqt	Sharia Court	
25.	Besse	L/G Hqt District Hqt	Sharia Court	
26.	Suru	District Hqt	Sharia Court	
27.	Augie	L/G Hqt District Hqt	Sharia Court	
28.	Kangiwa	L/G Hqt District Hqt	Sharia Court	
29.	Kamba	L/G Hqt District Hqt	Upper Sharia Court	
30.	Wara	L/G Hqt District Hqt	Sharia Court	
31.	Shanga	L/G Hqt District Hqt	Sharia Court	
32.	Mahuta	L/G Hqt District Hqt	Sharia Court	
33.	Dirin daji	L/G Hqt District Hqt	Sharia Court	
34.	Ribah	L/G Hqt	Sharia Court	
35.	Bunza	L/G Hqt District Hqt	Sharia Court	
36.	Dakin Gari	L/G Hqt District Hqt	Sharia Court	
37.	Wasagu	District Hqt	Sharia Court	
38.	Danko	District Hqt	Sharia Court	
39.	Gebbe	District Hqt	Sharia Court	Obstruction

The decision for the above selection and pegging of courts from ninety-four (94) to forty-five (45) was reached based on the following reasons:

- i) The Committee's interpretation of its terms of reference – especially items (b) and (e) therein.
- ii) Statistical analysis of all cases brought before all the ninety-four (94) Upper Area and Area Courts in the State from January, 2000 to October, 2000. This data indicated clearly that some courts are unnecessary even if located in district or Local

Government headquarters. For instance the total number of cases brought before Upper Area and Area Courts in Wara for the period under reference is 137 cases compared with 452 for one single UAC in Yauri Town. The following courts have recorded from January 2000 to October 2000 the cases against each of them:

a)	Mayalo	21	o)	Gebbe	66
b)	Alwasa	15	p)	Kende	70
c)	Raha	35	q)	Lolo	77
d)	D/Umar	39	r)	Kardi	63
e)	Sanchi	37	s)	Aliero	72
f)	Bango	41	t)	Kalgo	67
g)	Atuwo	41	u)	Karaye	61
h)	Gwade A/C	41	v)	Makera	76
i)	Gulma A/C	42	w)	D/Kaina	77
j)	Bayawa A/C	47	x)	Yeldu	77
k)	Gwandu A/C	36	y)	Bani	70
l)	Ayu A/C	56	z)	Marafa	58
m)	Sambawa	63	aa)	Mahuta	57
n)	Lailaba	60			

It can clearly be noted from the above figures that some of them have less than one (1) case per two (2) weeks. Will it therefore be reasonable to situate a court in such locations?

iii) Sharia Courts are not meant to be revenue inlets for Government but rather premises where disputing parties are brought together for amicable settlement of the issues at stake in accordance with Allah's injunctions. Thus cases will be treated on their merit and with the necessary dispatch. As such there is no need for their proliferation.

iv) To be able to provide the necessary facilities and adequate remuneration for dispensing justice, a manageable number of courts is necessary.

v) In siting the courts spatial factors (distance, accessibility etc.), facilities (conducive court building) and expected volume of litigation were all considered.

Most of the courts are hired buildings that are not suitable for legal functions. It was considered appropriate to limit the number to areas of manageable structures and/or those that can easily be rehabilitated.

vi) Some Local Government headquarters were recommended to have more than one court due to the expected volume of litigations in those areas as a result of the extended jurisdiction of the new Sharia Courts.

4.0 The Committee recommends as a matter of urgency that the Government should arrange to screen all other court staff in order to allow a clean start. However, this has to be done with utmost care to avoid witch-hunting.

5.0 Other decisions reached by the Committee will come in the main report shortly.

[Here follows the list of Committee members as in the Final Report. Again there are places for their signatures but no actual signatures.]

APPENDIX E: RESULTS OF SCREENING OF SERVING JUDGES

[Note: Appendix E consists of separate tables, one for each of the five judicial zones, for a total of 86 judges altogether. We summarise the five tables together here.]

S/N	Name	Qualification (15)							Knowledge (30)			File (10)			Experience (10)	Appearance (5)	Tazkiya (30)		
		Degree in Sharia	Other Related	Diploma in Sharia	Other Equivalent	Cert. in Sharia (Kano)	Other Equivalent	Higher Islamic Studies	Knowledge of Sharia	Arabic Language	Arabic Writing	Positive Remark	Negative Remark	Neutral	According to number of years of experience	Maximum Marks	Complaint 1	Complaint 2	Complaint 3
		15	12	10	8	10	8	8	20	7	3	10	0	5	10	5	20	10	0
[See summaries next page. Note: totals do not always add to the number of judges interviewed, because of omissions in the tables.]																			

86	names omitted	2	11	12	37	0	0	15	1: 3 2: 2 3: 5 4: 3 5: 11 6: 7 7: 5 8: 5 9: 9 10: 9 11: 1 12: 5 13: 4 14: 0 15: 7 16: 1 17: 3 18: 3 19: 0 20: 0	0: 5 1: 5 2: 16 3: 17 4: 22 5: 13 6: 6 7: 0	0: 6 1: 35 2: 32 3: 9	2	10	67	1: 0 2: 0 3: 10 4: 10 5: 20 6: 4 7: 8 8: 10 9: 2 10: 19	1; 0 2: 2 3: 16 4: 24 5: 41	no data given in these columns, but see Appendix G.
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APPENDIX F: RESULTS OF SCREENING OF NEW APPLICANTS

S/N	Name	Qualification (20)				Knowledge (60)					Report (10)			Experience (5)	Appearance (5)
		Degree in Sharia	Other Equivalent	Diploma in Sharia	Other Equivalent	Understanding Sharia	Questions on Sharia	Arabic	Dictation	Understanding	Positive Remark	Negative Remark	Neutral		
		20	18	15	13	20	20	10	5	5	10	0	5	5	5
[See summaries next page. Note: totals do not always add to the number of judges interviewed, because of omissions in the table.]															

1-71	names omitted	2	14	7	44	0: 1 1: 0 2: 3 3: 3 4: 1 5: 8 6: 2 7: 1 8: 4 9: 2 10: 10 11: 2 12: 2 13: 3 14: 2 15: 3 16: 2 17: 8 18: 6 19: 4 20: 0	0: 0 1: 4 2: 2 3: 5 4: 3 5: 11 6: 1 7: 6 8: 3 9: 5 10: 10 11: 0 12: 2 13: 4 14: 1 15: 7 16: 1 17: 3 18: 0 19: 0 20: 0	0: 1 1: 6 2: 1 3: 12 4: 10 5: 14 6: 5 7: 14 8: 3 9: 1 10: 0	0: 3 1: 23 2: 17 3: 16 4: 7 5: 1	0: 12 1: 18 2: 20 3: 11 4: 5 5: 0	no data given in these columns, but see Appendix H	0.0: 13 0.5: 2 1.0: 3 1.5: 5 2.0: 6 2.5: 9 3.0: 1 3.5: 1 4.0: 9 4.5: 1 5.0: 10	0: 0 1: 0 2: 3 3: 19 4: 26 5: 17
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APPENDIX G: GENERAL INTERVIEW RESULTS (SERVING JUDGES)

S/N	Name	Interview Score		P/Assessment Score (Tazkiya)		Final Score		Recommendation	
1-86	names omitted	0-9:	0	+0:	0	20-29:	0	“Fail Examination: Not Recommended”	32
		10-19:	2	+10:	20	30-39:	4	“Fail Tazkiya: Not Recommended”	6
		20-29:	15	+20:	32	40-49:	16	“Failed: Not Recommended”	2
		30-39:	31	+30:	31	50-59:	22	“KIV”	17
		40-49:	25			60-69:	22	“Pass: Recommended”	26
		50-59:	9			70-79:	18	“Did not appear for the Interview”	3
		60-69:	1			80-89:	1		
		70-79:	0			90-99:	0		

APPENDIX H: INTERVIEW RESULTS (SUMMARY) (NEW APPLICANTS)

S/N	Name	Interview Score		P/Assessment Score (Tazkiya)		Final Score		Recommendation	
1-68	names omitted	0-9:	0	+0:	6	10-19:	0	“Fail Examination: Not Recommended”	26
		10-19:	1	+10:	43	20-29:	1	“Fail Tazkiya: Not Recommended”	2
		20-29:	5	+20:	0	30-39:	3	“Failed: Not Recommended”	4
		30-39:	15	+30:	0	40-49:	9	“KIV”	15
		40-49:	13	Awaiting:	17	50-59:	10	“Left Judiciary: Not Recommended”	2
		50-59:	15	Sickness:	1	60-69:	11	“Not Recommended Due to Sickness”	1
		60-69:	15	Not	1	70-79:	12	“Pass: Recommended”	18
		70-79:	4	Active		80-89:	4		
		80-89:	0			90-99:	0		
						No final score	18		