

**LEVEL OF IMPLEMENTATION OF THE JIGAWA STATE
ADMINISTRATION OF CRIMINAL JUSTICE LAW, NO. 3, 2019:
STEPS TAKEN TO KICK START A FUNCTIONAL
SECRETARIAT AND CHALLENGES**

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Introduction

Jigawa State House of Assembly passed the Administration of Criminal Justice Law, Law No. 03, 2019; however, due to some anticipated glitches in the commencement of the law, the date of commencement was delayed until February, 2020. Progress has been made in ensuring smooth implementation of the law. Technology has been deployed in the Ministry of Justice to ensure cases being handled by counsel are being tracked and presently, the daily cause list of cases can be accessed via the Ministry's Website. Despite the foregoing achievements there are challenges which retard full implementation of the law. Since the coming into force of the law the criminal justice system of the state has taken a new turn. Challenges in the implementation of the law have started manifesting. One of the challenges is funding and this problem is a serious challenge in setting up of the Administration of Criminal Justice Monitoring Committee. The Covid-19 pandemic has also complicated the problem already on the ground.

Establishment of the ACJLMC

Section 453 of the Administration of Criminal Justice Law, 2019 of Jigawa State has established the Administration of Criminal Justice Monitoring Committee which is referred to in the law as the "Committee." The Committee shall consist of the Chief Judge who shall be the Chairman. The Honourable Attorney-General (or his representative not below the rank of a Director in the Ministry of Justice) is a member of the Committee. Other members of the Committee are the Director Public Prosecution; the Commissioner of Police or his representative not below the rank of Chief Superintendent; Comptroller of the Nigeria Correctional Service or his representative not below the rank of Chief Superintendent;

Chairman of any of the Local Branch of the Nigeria Bar Association to serve for two years only; Head of Legal Aid Office in Jigawa State or his representative not below the rank of an Assistant Director; the State Director of Department of State Service or his representative; the State Director of National Human Rights Commission or his representative; a representative of Civil Society working on Human rights and access to justice or women rights to be appointed by the Committee to serve for a period of two years only.

The Functions of the Committee which include ensuring effective and efficient application of the law have been provided in Sections 454 (1) and (2) of the Administration of Criminal Justice Law, 2019 of Jigawa State. Committee's Secretariat is to be headed by a Secretary, to be nominated by the Honourable Attorney-General and to be approved by the Committee. The Secretary shall be a legal practitioner who has 10 years post call experience and must possess sound knowledge of the practical functioning of the criminal justice system and adequate experience in justice system administration. The staff of the secretariat shall not exceed 10 except with the approval of the Governor. See Sections 455 – 456 of the Administration of Criminal Justice Law, 2019 of Jigawa State.

Jigawa State is yet to establish the Administration of Criminal Justice Law Monitoring Committee (ACJLMC) but plan has been on for the establishment of the Committee to ensure strict compliance with the Law and full compliance of its provisions. Proposal is being articulated for setting up of the secretariat for onward submission to His Excellency the Executive Governor of Jigawa State *Alhaji Mohammad Badaru Abubakar MON mni* and no doubt His Excellency will accede to the request. One thing that is clear is that even before the coming into force of the ACJL the state has established the Justice Sector and Law Reform Commission (JSLRC), which has played a complementary role to the workings of justice sector institutions. The Commission is headed by a Chairman with Executive Secretary and the commission has been working closely with the State Ministry of Justice and has played a vital role in the implementation of the ACJL.

Though the state is yet to establish the ACJLMC, there is substantial compliance with the law as well as proper monitoring is in place to ensure that the law is complied with. There is an ongoing synergy between the MoJ, Courts, Correctional Service and the Police in the area of tracking down the movement and transfer of inmates/defendants. This has reduced drastically the length of time usually wasted in preparing legal advices and

formal charge. The synergy has also ensured that trials are started and completed within reasonable time.

The Ministry of Justice has introduced technology in tracking and monitoring its counsel and progress of criminal cases being handled by them. A website for the Ministry of Justice was designed and developed with assistance from Centre for Democracy and Development (CDD). Digital daily cause list of cases had been introduced and now cases of the Jigawa State Ministry of Justice can be accessed via the Ministry's website located at <https://www.moj.jg.ng>. Judgments of cases can also be found on the website. There is a budget line in the Ministry's budget for maintenance of the website. This achievement goes to the credit of His Excellency the Executive Governor of Jigawa State, Alhaji Mohammed Badaru Abubakar, MON, *mni*, who is an ardent believer of using digital technology. The National Information Technology Development Agency (NITDA) had also assisted the Ministry of Justice with computer laptops for all counsel in the Ministry.

Stakeholders in the administration of criminal justice like the Police and other security agencies are trying as much as possible to comply with the provisions of the law as it relates to respect for dignity, detention, investigation and arraignment of defendants before court.

In the area of collaboration, the State Ministry of Justice has, in collaboration with Partners West Africa Nigeria (PWAN) (also known as Rule of Law and Empowerment Initiative) trained all the High Court Judges in the State on the implementation of the ACJL. Similar training was also given to all the Magistrates, State Counsel, police prosecutors, court registrars, correctional service staff and other security agencies.

Another round of training was also given to prosecution lawyers and police prosecutors. PWAN has also trained the police and state counsel on the use of Custody Monitor Dashboard (CMD) which allows the police to track the length of time spent by suspects in detention thus ensuring that delays are minimized.

Challenges

A lot of factors have played a vital role in the proper implementation of the new criminal justice regime but the following are the major setbacks:

1. The major challenge that militates against the proper implementation of the law is the issue of logistics and support. With the current paucity of funds occasioned by dwindling revenue world over, the

finances meant for the implementation of the law ought to be increased and prioritized.

2. Apart from the intervention of PWAN, donor agencies that would support establishment of full-time secretariat are scarce;
3. The challenge posed by the coming of the COVID-19 regime has further created another wide gap on the proper implementation of the law. Funds that would ideally be meant for the implementation of the ACJL are sometimes channeled to prevention of the pandemic in some states.
4. Lack of proper synergy between stakeholders is also playing a vital role in this area. This has hindered the commencement of the visitations by Magistrates in the state. A lot still remains to be done in the area of supervision of stakeholders.

Conclusion

The Jigawa State Administration of Criminal Justice Law, 2019, though still at its infant stage but its implementation has created new rays of hope in the system so much so that all the actors need to gear up to ensure that proper measures are taken to ensure its sustainability. To sum it up, funding and Covid-19 Pandemic are challenges Jigawa State is grappling with in the full implementation of the Administration of Criminal Justice Law, Law No. 03, 2019.

Thank you for Listening.