



NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: Plot 1102, Muhammed Buhari Way, Cadastral Zone A00, Central Business District, Abuja Nigerian Tel: +234 800 333 1111
www.nigerianbar.org.ng

ADDRESS OF PRESIDENT OF THE NIGERIAN BAR ASSOCIATION – MR. YAKUBU CHONOKO MAIKYAU, OON, SAN ON THE OCCASION OF THE 2022/2023 LEGAL YEAR CEREMONY OF THE FEDERAL HIGH COURT HELD AT THE FEDERAL HIGH COURT HEADQUARTERS, CENTRAL BUSINESS DISTRICT, ABUJA, ON MONDAY, 12 DECEMBER 2022

PROTOCOLS

1. I am delighted to stand before this honourable Court today, to be part of this august gathering – the 2022/2023 Legal Year Ceremony of this Court. I thank My Lord, the Honourable, the Chief Judge of the Federal High Court, the Honourable Justice John Terhema Tsoho, OFR, FICMC, FIIP, for the invitation extended to me to participate and for the privilege of addressing this special Court session.
2. I am aware that Your Lordships had since resumed judicial activities, but as this is the formal ceremony to mark the beginning of the new legal year, may I, respectfully, on behalf of the Nigerian Bar Association (NBA), formally and most warmly welcome Your Lordships back from the well-deserved rest and vacation. May I, equally, acknowledge and appreciate the Vacation Judges who dutifully held the fort; hearing and determining cases that required urgent judicial intervention, particularly in this season of pre-election disputes, and ensured that the wheels of justice were not completely halted while the Court was on vacation.
3. Nearly half a century ago, in April 1973, this Court was established, then as the Federal Revenue Court, under the pioneering leadership of His Lordship, Hon. Justice Sigismund Olanrewaju Lambo. Since then, the Court has made notable advancements, from 5 Judges in one building in Lagos to 79 Judges in 36 Judicial Divisions across the Country. The Court has also seen a few changes – ‘the President of the Federal Revenue Court’ is now the Chief Judge of the Federal High Court. In addition to this, no other Court’s jurisdiction has been the subject of controversy as much as the Federal High Court’s; it has been expounded over and again and the question is not yet completely settled. However, there is no denying that this Court has continued to make giant strides and to play a major role in ensuring stability in the polity; this Court has contributed a huge quota in the growth and expansion of our jurisprudence.

Exclusive jurisdiction in pre-election matters

4. Sections 29(5) and 83(14) of the Electoral Act, 2022 which confer jurisdiction exclusively on this Court in pre-election matters will also see your Lordships continue in those giant strides by further enriching the electoral jurisprudence in Nigeria. By the amendment to the electoral act, the lot has fallen on Your Lordships to interpret and apply

NATIONAL OFFICERS:

Yakubu Chonoko Maikyau, OON, SAN President

Adesina Adegbite, FICMC, General Secretary; Linda R. Bala (Mrs), 1st Vice President; Chukwuemeka Clement Ugo, 2nd Vice President; Amanda Ego Demechi-Asagba, 3rd Vice President; Caroline Ladidi Anze-Bishop, Treasurer; Chinyere Gladys Obasi, Welfare Secretary; Akorede Habeeb Lawal, Publicity Secretary; Daniel K. Kip, Assistant Secretary; Charles Ajiboye, FICMC, FCAI, ACIS Assistant Publicity Secretary

the innovative and novel provisions of the Electoral Act 2022. This no doubt comes with a lot of pressure on the already overloaded dockets of your Lordships. I am aware that already over 1000 pre-election matters have been filed before this Court across the country which necessitated the establishment of a special task force of judges to swiftly hear and determine all pre-election matters cases before it. It was reported that ***“Judges who are members of the task force will suspend all regular cases in their respective Courts due to the urgency of the electoral cases which are timebound.”***

5. While we appreciate the time constraints in dealing with pre-election matters by virtue of the limits set by the Constitution of the Federal Republic of Nigeria 1999 (as amended), the suspension of the hearing of all regular cases before the Judges who constitute the task force is of serious concern to the Bar. For a Court that deals with cases arising from serious commercial transactions which impact one way or the other on the economy of the nation, the suspension of the hearing of such matters comes with grave consequences on the economy and affects the confidence of investors. We fault the decision of the National Assembly to limit the hearing and determination of pre-election matters to this Court without regard for its infrastructural and manpower deficit. To saddle this Court with the responsibility hitherto undertaken by the Federal High Court, all State High Courts and the High Court of the Federal Capital Territory, Abuja, using the same number of personnel and infrastructure is to overstretch the Court unnecessarily. This also takes a great toll on the health of the Judges of this Court who are at the moment poorly remunerated. I therefore call on the National Assembly to reconsider this amendment to the Electoral Act 2022.
6. Apparently, by the 2022 amendment of the Electoral Act, the National Assembly intended to domicile the jurisdiction on pre-election matters in one Court. If this is the case, it is proposed that government/National Assembly should consider the establishment of a Court that will deal mainly with electoral and other related matters, which Court should be of coordinate jurisdiction with the Federal High Court, State High Court and High Court of the FCT. Appeals from the decision of that Court would lie to a constitutional court to be similarly established. Also, except for matters in which the constitutional court would have original jurisdiction in respect of which appeals would lie to the Supreme Court, the constitutional court shall be the final court with respect to matters it would entertain in exercise of its appellate jurisdiction. This will allow specialisation of the court and this Court, like other courts, will be allowed to concentrate on its specialised jurisdictions.
7. While this remains the *status quo*, some of the challenges that will be confronted by this Court is the tendency of aggrieved litigants to take to the mass media to insult and denigrate the Courts and the Judges with uncomplimentary remarks about any judgment that is not in their favour. I had cause recently, to call out a senior member of Government who, while speaking to journalists, had referred to a particular judgement of this Court as “kangaroo judgement”.
8. Those who describe the Courts as supermarkets should be told in no unclear terms that the Courts are not supermarkets, and I stand as one who is privileged to be the President

of the Bar at this time, to say that Your Lordships are not presiding over supermarkets; Your Lordships represent the fountain of justice and that is who Your Lordships are, unless otherwise proven. If you (a lawyer or anyone at all) gave any Judge bribe, approach the ICPC or EFCC to report that Judge. Better still, if you are about giving bribe to any Judge, tell the EFCC or ICPC to get involved so that you will have a basis to make such accusations. Otherwise, to make such spurious and unfounded allegations is to hurt the soul of this nation, the very existence of the country. May I quickly add that, should we find evidence of misconduct or corrupt practice against any judicial officer, the same vigour with which we defend the bench would be the measure by which we shall pursue the disciplinary action against the erring judicial officer. In the same vein, any member of the bar found to be complicit will face disciplinary action either before the LPDC or LPPC or both, depending on the status of the Legal Practitioner involved. Until we speak truth to ourselves, we cannot speak truth to power. Let us remove the logs in our eyes before we face the business of dealing with the speck in the eyes of Government officials or politicians.

9. Absent the confidence of the public in the legal profession – the Bench and the Bar, we cannot provide the leadership to the people and there will be chaos and anarchy. Where the people refuse to obey the orders/Judgements of courts because we (lawyers and particularly Senior Advocates) have described the judgements/orders as “kangaroo judgements/orders” or that they are products of supermarkets, they (the public) will resort to self-help, a recipe for anarchy. Our responsibility to dispense justice is directly connected to the existence of our nation. This always reminds me of the statement by **Sheikh Usman Bin Fodio**, the founder of the **18th century Sokoto Caliphate** that: **“a people can exist without religion, but they cannot exist without justice”**, and we are the privileged profession that is saddled with the unique and divine responsibility to dispense justice on earth.
10. Parties aggrieved with decisions of the Court should learn to and be advised to follow the proper systems and submit the decisions for review by way of appeals, rather than casting aspersions on the entire judicial system with uncomplimentary remarks and unfounded allegations of compromise. This is not to say that judgments of our Courts cannot be a subject of scholarly review or informed analysis, which is completely different from cases where judgments are criticised on television or in the pages of newspapers in most cases by lawyers who were not in the matter, do not know the facts of the case and probably not had the opportunity of reading the judgment. We deprecate such conduct and insist that the only way to challenge judgments of Courts is by appealing the judgments as provided by the Constitution and other relevant laws.
11. I have no doubt that Your Lordships will continue to abide by the Judicial Oaths you have taken to discharge your duties and perform your functions honestly to the best of your ability, and faithfully in accordance with the Constitution of the Federal Republic of Nigeria. And not allow personal interest to influence official conduct or decisions. May I remind Your Lordships of the two cardinal objectives of the Courts in a democracy as highlighted by a former Chief Judge of the United States District of Columbia. The

first is that the Courts must accomplish justice. The second is that the Courts must convince those whom they serve that justice is being accomplished.

12. In this wise, I respectfully draw Your Lordships' attention to the Code of Conduct for judicial officers which calls for propriety and the appearance of propriety in your Lordships' personal and professional relationships. The Code also requires your Lordships, in exercising the freedoms of expression, belief, association and assembly, to exercise restraint and *adhere strictly to political silence* for the purpose of maintaining your Lordships' independence; not undermining the confidence in your Lordships' impartiality and exposing your Lordships to political attacks inconsistent with the dignity of judicial officers. Like Ceaser's wife, Your Lordships must be above suspicion and above accusation.
13. On our part as ministers in the temple of Justice, the Nigerian Bar Association, shall continue to be Your Lordships' partner in justice in every cause that comes before the Court. In consonance with our Rules of Professional Conduct, we shall continue to conduct ourselves in a manner befitting of officers of the Court which we are. Our members will therefore not do anything or conduct themselves in any manner that might obstruct, delay or adversely affect the due administration of justice. Where your Lordships experience any deliberate actions of our members that seek to pervert the course of justice, do not hesitate to make note of such conduct and promptly notify the NBA for appropriate action to be taken.
14. My Lords, distinguished members of the Nigerian Bar, all hands must be on deck to ensure that our Judiciary continues to occupy its pride of place in the comity of nations. From independence to date, our Jurists have always been called upon to serve and provide judicial leadership in different parts of Africa. If there is therefore an institution that we must all strive to uphold, strengthen, and honour, it is the Judiciary. Anything short of that will make the descriptive 'Honourable' which we attach to our Courts a meaningless expression. The independence of judiciary must therefore not be compromised, its honour must not be denigrated, and its decisions must be respected and enforced.

Welfare of Judges

15. From the inception of the current administration of the NBA, we embarked on a sustained campaign/advocacy for the improvement of the remuneration of Judges/Justices in Nigeria. This was borne out of the understanding of the very important role the Judiciary plays in the growth and advancement of any nation and that an impoverished judiciary can hardly be expected to be truly independent. We also saw the need for deliberate investment in the wellbeing of judicial officers. We were persuaded that the review of the salaries and emoluments of Judges/Justices, ought to be placed on the front burner to get the desired attention. It is rewarding to note that, 15 years since the last review of the salaries and allowances of judicial officers in 2007, the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC) on the instruction of the President and Commander-in-Chief of the Federal Republic of Nigeria, President Muhammadu Buhari, GCFR, has begun the process of the upward review of the salaries and allowances of judicial officers.

16. It is in this regard that the Nigerian Bar Association commends President Muhammadu Buhari, GCFR and the Honourable Attorney General of the Federation and Minister of Justice, Mr. Abubakar Malami, CON, SAN for this development which will ensure an enhanced standard of living for judicial officers in the country. This is a practical step that will go a long way in boosting judicial independence and engender public confidence in the justice delivery system.
17. This address of mine will be deficient and it will be invidious of me if I fail to appreciate the contribution of the crop of dedicated staff of the Federal High Court, under the able leadership of the Chief Registrar. If there is any credit for the efficient and effective functioning of the Court, it is due to the selfless sacrifice of these Nigerians who ensure that our Court processes are promptly filed and served, and who also ensure that Your Lordships' dockets are properly organised. We thank you, ladies and gentlemen for your dedicated service.
18. May I also use this platform to thank Your Lordship, the Honourable Chief Judge of this Court, for the opportunity afforded the Bar to make its input to the process of the appointment of judges to the Bench of the Federal High Court. The NBA reiterates its commitment to a merit-based appointment of judges, and we believe this will form the basis of the appointment of the shortlisted candidates, subject to the relevant Rules, Regulations and Guidelines of the National Judicial Council (NJC), and the time-tested ethics and traditions of the legal profession. Let me use this opportunity to call on the Hon. Chief judge to give emphasis to members of the Bar in appointments to the bench of the Court. Many of the Judges of the Court who have done brilliantly well on the Bench of this Court are from the Bar – we are proud of them; they have been good ambassadors of the Bar. It was from one of them that I learnt to use Proverbs 19:5 and 9 to start cross examination of a witness who affirms by the Bible. The Scripture says:

(Vs. 5) “A false witness shall not go unpunished, nor will a liar escape”

(Vs. 9) “A false witness shall not be unpunished, and he that speaketh lies shall perish”
19. As April 2023 draws close, when this Honourable Court will mark its 50 years of existence, may I take the privilege of this rare occasion to wish the Federal High Court a Happy Golden Anniversary in advance!
20. Finally, My Lord, the Honourable, the Chief Judge, Honourable Justice Tsoho, and My Lords the Honourable Judges of this Court, on behalf of the Nigerian Bar Association, I wish Your Lordships a very productive and fulfilling legal year. I pray for sound health, divine strength, and everything needed to face the challenges ahead and carry out the task of justice delivery, effectively and efficiently. I pray that the Almighty God will continue to imbue Your Lordships with wisdom, knowledge and the spirit of discernment to dispense justice to all those who approach this Honourable Court.

21. I thank everyone present for listening and I wish you all the very best of the new legal year.

22. May My Lords be pleased.

Yakubu Chonoko Maikyau, OON, SAN
PRESIDENT

