

REMARKS BY HIS LORDSHIP, THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA ON THE OCCASION OF THE SWEARING-IN OF CHAIRMEN AND MEMBERS OF ELECTION PETITION TRIBUNALS, HELD AT THE CEREMONIAL COURT ROOM, SUPREME COURT OF NIGERIA, ABUJA, ON 3 FEBRUARY 2015 AT 10:00 AM

PROTOCOL

Distinguished Ladies and Gentlemen, today we are gathered here to once again witness the swearing-in ceremony of the Chairmen and Members of the 2015 Election Petition Tribunals. As you are aware, Section 133 (3) (a) & (b) of the Electoral Act 2010 states that Election Petitions Tribunals must be established fourteen (14) days prior to the Elections and the Secretariat of the said Tribunals, opened seven (7) days before election. Today's event has therefore become necessary to enable the Tribunal's Secretariat be opened in accordance with the Act.

I must congratulate you all on your nomination to undertake this onerous task. It is evidence of the faith which the Judiciary reposes in you, an affirmation of your sound abilities, and a call for you to continue to act in such commendable manner. It is often said that the reward for hard work is more responsibility. Serving on the bench of the Election Petition Tribunal is certainly a special task, a national assignment for which there can be only one outcome-Justice.

The following will be your working tools: - the 1999 Constitution of the Federal Republic; the Electoral Act of 2010; the Federal High Court Civil Procedure Rules; and the Practice Directions. The Court of Appeal will make available the copies of the above listed documents to all the tribunals.

I need not remind you that the Tribunal assignment is very laborious and that you are likely to be overstretched in the handling of election matters. Praises and condemnation will be

meted out to you in the course of discharging your duties. Unfortunately, some of the condemnations will come from our partners in the temple of justice i.e the Bar. However, I urge you not to be deterred by the uncomplimentary comments of some politicians and litigants anytime judgment is given against them.

May I also remind you that you were painstakingly selected based on your integrity and competence and I hope you will sustain these virtues throughout the period of the tribunal assignment. May I also warn that the National Judicial Council will not hesitate to deal with any judge who allows himself to be influenced by any interest group.

Distinguished Chairmen/Members of the Tribunals, as you start your assignment I must re-iterate that while you are on the Tribunals, you will be looked upon as the embodiment of this ideal of Justice. To that end, you must be the dispensers of Justice regardless of fear or favour, position or standing. You must

uphold the stability of this democracy by stamping the hallmark of legality on the conduct of our Nation's elections as it is through your eyes that Justice perceives a wrong that must be made right.

It was Martin Luther King Jr. who noted that **“the moral arc of the universe bends at the elbow of justice”**. I therefore urge you all, in doing justice to the petitions before you, to be careful and thorough in your review of the petitions and responses, the pleadings, the physical evidence, as well as the arguments of learned counsel of the parties. You must ensure that all petitions must be founded upon grounds which are contained in Section 138 of the Electoral Act and not on extraneous provisions of law, as the Tribunal is not a Court of vain inquisition. All your considerations must be founded in law only and not coloured by personal sympathies, opinions or affiliations, remembering that there is a resonance to the truism that the Judiciary is **“the last hope of the common man”** and may I add, also the hope of the not so common man.

The exercise of your powers is unique in modern society. Our power is derived not by force, but from the faith reposed in the Tribunals by the citizens of Nigeria and the expectation that you shall all do justice in accordance with your oaths and good conscience. It is therefore apt to remind you that your integrity is sacrosanct. There is no alternative to integrity and it is not negotiable. You must ensure that your acts are in strict conformity with the law. Therefore you must shun acts such as, the acceptance of gifts or favours from counsel and politicians, and the exchange of illicit communications with parties, which acts will erode the integrity of the Tribunals irretrievably.

Procedural adjudication on Election Petitions is quite unique as it is strictly regulated by statutory rules on time. Thus, it is pertinent to emphasize that Section 134 of the Electoral Act is clear that all petitions must be filed within 21 days of the declaration of the result of an election. You must also bear in mind that Section 285 of the Constitution and Section 134 (2) of the Electoral Act 2010

are also clear that all petitions must be heard and judgments rendered in writing and delivered in open court within 180 days of the filing of that petition. Any petition presented outside of the statutory time must not be countenanced for any reason.

Since you all do not have the luxury of time in the discharge of your duties, I urge you all to be pedantic in your deliberations but do not allow “red- herring” technicalities to distract you from the path of justice. You must listen attentively, and enquire appropriately taking care not to descend into the arena. In addition, it is crucial that you consider all the evidence before you carefully, deliberate conscientiously, and adjudicate swiftly and justly as not only you but the entire Judiciary will also be on trial. Posterity will judge you on the words that you utter in judgment and my sincere prayer is that we will all not be judged harshly by history.

Distinguished Chairmen and Members, some of you have hitherto served on Election Petition Tribunals and I call upon you to bring

your experience to bear on this assignment. For those of you who are being sworn in for the first time, you may wish to seek guidance from your more experienced colleagues. You must all remember that though you are individually independent, you also act as a panel and therefore good teamwork is crucial to ensure that at the end, Justice is met.

No doubt this is an arduous task, but the rewards of a job well done can be immense. This will come in the commendations that you will receive from others, the experience that you will garner, the accolades that will accompany you as you continue in your careers and most importantly the knowledge that you helped calm the stormy seas and provided the calm waters on which our democracy will continue to sail.

Let me use this opportunity to sound a note of warning to all Judicial Officers. Do not allow any political party or politician to compromise your integrity or your future. We must never again be used as tools to truncate our nation's democracy. I assure you that

any Judge found wanting would only have himself or herself to blame as the National Judicial Council will definitely not spare the rod in ensuring that the honour, respect and independence of the Judiciary is protected.

In conclusion, I charge you all to ensure that your conduct is underpinned by the fear of Almighty Allah, adherence to the rule of law and strong defense of the undeniable right of all to a **quick** and **just** disposition of their matters. I once again congratulate you for having been selected and I pray that the Almighty Allah will guide your path and grant you wisdom in the performance of your duty.

Thank you

MAHMUD MOHAMMED, *GCON, FNIALS, FNJI*
CHIEF JUSTICE OF NIGERIA