

REMARKS DELIVERED BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA, HON. JUSTICE MAHMUD MOHAMMED, GCON, ON THE OCCASION OF THE SWEARING-IN CEREMONY OF HONOURABLE JUSTICE ISHAQ USMAN BELLO AS THE CHIEF JUDGE OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA, ON 28 MAY 2015 AT THE MAIN COURT ROOM OF THE SUPREME COURT.

PROTOCOL

Today marks another notable occasion in the history of the High Court of the Federal Capital Territory (FCT) Abuja, as we see the fourth substantive Chief Judge assume office in the person of Hon. Justice Ishaq Usman Bello. I must say that this is an appointment which is richly deserved as his lordship has not only proven himself to be a fit and proper person for the appointment, but his record of service also serves to bear testimony to the fact that he is also well qualified to assume this office.

I therefore congratulate you on this appointment and I urge you to see this assignment as a call to greater service to your nation.

Indeed this appointment is all the more remarkable as it is the fastest judicial appointment ever made in the history of the Nigerian Judiciary, taking only one week from the receipt of the National Judicial Council (NJC)'s recommendation by the President, to the screening and approval of his lordship's appointment by the Senate. It bears testimony to the regard, which the Executive and Legislature have for the Judiciary and serves to further illustrate the potential outcome of a purposeful and productive working relationship between all arms of Government, as we seek to advance Nigeria's greater interests.

I must at this juncture express the profound gratitude of the National Judicial Council to the President and Commander-in-Chief of the Federal Republic of Nigeria, Dr. Goodluck Ebele Jonathan, *GCFR*, for expeditiously appointing Hon. Justice Ishaq Usman Bello, on the same day that he received the recommendation of the National Judicial Council. Likewise, I wish to extend my sincere appreciation to the Senate President, Senator David Alechenu Mark, *GCON* and the Chairman of the Senate Committee on the Judiciary, Human Rights, and Legal Matters, Senator Umar Dahiru, and the members of his committee for fast tracking the requisite approval.

Having duly given honour where due, allow me to offer a few words of counsel to your lordship as you assume your office as a substantive Chief Judge of the FCT, Abuja.

I urge you to always adhere to the Oath of Office and the Oath of Allegiance, which you took here today. You pledged these Oaths not only to man but also to the Almighty Allah. You must therefore remember that an oath is an ethical contract and an honourable commitment to the Almighty Allah, for which you must one day give account. It also behoves on you to see them as an undertaking to continue to dispense justice without fear or favour, affection or ill-will even though the heavens may fall. I assure you that the heavens will not fall.

As your lordship doubtless appreciates, you are the head of the FCT, Abuja Judiciary and it is an office that requires complete dedication to ensuring that the ends of justice are met and the supremacy of the rule of law is safeguarded. It is also an office that requires you to work in tandem with the other Heads of Courts in order to ensure the smooth administration of justice for the good of the Federal Capital Territory Abuja and the citizens of our dear nation. Only then will the FCT Abuja Judiciary live up to its motto, ***Ubi Jus Ibi Remedium- where there is a right, there is a remedy.***

As we strive to provide the right remedy, I encourage your lordship to imbibe and encourage the use of Alternative Dispute Resolution (ADR) mechanisms within your Courts. I believe that greater use of ADR by parties will lead to the successful, timely and amicable resolution of disputes. In other words, your Multi Door Courthouse must be put into effective use. I daresay that even the Supreme Court of Nigeria recently called in aid the use of ADR to enable the President of the Federal Republic of Nigeria and National Assembly to successfully resolve the dispute that arose out of the promulgation of the Constitution of the Federal Republic of Nigeria (4th Alteration) Act 2015. Consequently, it is my considered opinion that the use of ADR is critical to quick, efficient and affordable justice.

At this point, I wish to note with concern the large number of high profile cases, of which a significant number are corruption cases, which are pending at the FCT High Court, Abuja. As the Head of Court in your jurisdiction, I urge you to personally take the lead in ensuring the full utilization of the Practice Directions of 2013, which were aimed to fast track serious cases of which corruption cases form a part. You must also encourage your Judges to be *dominis litis* and to effectively apply case/ court

management techniques as would cause the wheels of justice to move not only smoothly but also faster.

My lords, distinguished ladies and gentlemen, permit me to comment on a new and, dare I say, worrisome trend among some of our Judicial Officers and Heads of Courts. I have observed that it is now common to see Judges, lawyers and some lay persons author books and launch same in honour of a serving Judicial Officer. It is further regrettable to note that some petitions received at the National Judicial Council (NJC) were written in respect of books launched by or on behalf of Heads of Court and being attended by litigants in their courts, who have also acted as chief launchers or indeed guests of honour at the occasion. Suffice it to say, a newspaper publication on 26 May 2015, captured the public's mood aptly when it noted that these books are launched "**at the expense of the public confidence reposed in the Judiciary**". Judges must understand that by launching such books while in service, they potentially submit themselves to the publishers and the so called launchers, while opening themselves up to allegations of corruption.

Accordingly, it is now clear, judging from the public's reaction to these book launches and the resultant negative media coverage

of same, that our ability to be impartial and indeed honest in our judgments, is now regarded with scepticism. To argue otherwise would be academic while some of our Judges are perceived, whether rightly or wrongly, to be not absolutely clean. My lords, we should not give the public any cause to doubt our integrity or our sincerity of purpose as public confidence once lost is hard to regain.

It bears reminding that even if the Code of Conduct for Judicial Officers does not expressly prohibit this sort of extra-judicial conduct, it is certainly inappropriate and portrays the Nigerian Judiciary in a bad light and should therefore be avoided.

Permit me to digress to another current alarming issue. I wish to observe with concern that our Judges are no longer secure in the discharge of their judicial functions, as it has become common for Judges to be abducted in the line of duty. I make this comment in light of the recent kidnap of Hon. Justice Samuel Obayomi of the Kogi State High Court, by unknown gunmen on 25 May 2015. We call upon the Government, as well as security agencies to work assiduously to secure his release.

To return to the business of the day, may I once again extend my sincere congratulations to your lordship for your

appointment as the Chief Judge of the High Court of the Federal Capital Territory, Abuja.

I likewise encourage you to continue to uphold and enhance the honour and standing of the Judiciary and I pray that the Almighty Allah will bestow upon you strength, good health and wisdom in the performance of your duties.

Thank you.

Mahmud Mohammed, GCON
Chief Justice of Nigeria