



REMARKS DELIVERED BY THE HONOURABLE,
THE CHIEF JUSTICE OF NIGERIA, HON.
JUSTICE MAHMUD MOHAMMED, GCON, ON
THE OCCASION OF THE SWEARING-IN
CEREMONY HELD FOR NEW JUDGES OF THE
FEDERAL HIGH COURT, ABUJA, AT THE MAIN
COURT ROOM OF THE SUPREME COURT

HELD: 02 DECEMBER 2015

PROTOCOL

It is with great honour and a sense of noble responsibility that I welcome you all to the swearing-in of the new Judges of the Federal High Court. These appointments are intended to respond to the challenge of a dearth of Judicial Officers at the federal level and also to improve on access to justice for all Nigerian Citizens regardless of location and status. Upon your appointment and following a period of understudy with your senior colleagues, your lordships will be posted to various parts of the Country to serve citizens of this great Nation wherever they are.

I must first of all take this opportunity to congratulate your lordships and welcome you to the higher Bench. I want you all to count this as a rare and almost unsurpassed privilege in that you have now become Judges of arguably the largest and one of the important Superior Courts in the Nation, in view of the jurisdiction of the Federal High Court as set out in Section 251 (1) of the Constitution of the Federal Republic of Nigeria 1999. I therefore urge you all to rise to the occasion and see this as a national assignment *par excellence*.

I also wish to congratulate you all on scaling through the most rigorous selection process ever conducted by the Federal Judicial Service Commission and the National Judicial Council for appointments to this Court.

My lords are the first Judges of the Federal High Court to be appointed under the *2014 Revised National Judicial Council Guidelines and Procedural Rules for the Appointment of Judicial Officers of a/l Superior Courts of Record in Nigeria*.

The National Judicial Council new Guidelines provide a more transparent and inclusive process for appointment of Judicial Officers. I have given my full support to the new Guidelines because they provide for a more comprehensive, robust and transparent method of appointment, leading to the emergence of only the best legal minds with high moral standards and temperament to serve as Judges in our revered temples of justice.

It may come as a surprise to some that the process began in 2014 by an advertisement in the media and calling for prospective candidates to register their interest in filling the vacancies. It is on record that over two thousand applications

were received by the Federal Judicial Service Commission (FJSC) for consideration. In furtherance of this, former Chief Justices of Nigeria and myself, serving and retired Justices of the Supreme Court, the Presidents of the Court of Appeal serving and retired and other heads of court, as well as the President of the NBA, were all required to nominate, on behalf of the Bench and Bar respectively, such persons they deemed fit and properly qualified for the appointment.

Having been duly nominated, comments were received from the recommenders, on the shortlisted candidates with regard to their suitability or otherwise for appointment.

The prospective candidates were further assessed by the Federal Judicial Service Commission on the basis of strict criteria such as sound knowledge of the law, good reputation, and seniority, in addition to other criteria too numerous to list here. It is important to state at this juncture that acts such as lobbying for appointment, exhibition of bad behaviour in and out of court, influence peddling, rendering dishonest or questionable legal opinions, submission of false credentials, are just some of those conducts exhaustively listed in the 2014 Guidelines as acts that would preclude appointment to judicial office

and I make bold to say that all such acts were considered in the final configuration of this process.

Indeed, the candidates' qualifications were not just examined but also their capacity to positively impact upon justice administration and delivery at the Federal High Court were considered. It is to the credit of the Federal Judicial Service Commission that over 2000 applicants were whittled down to 128 shortlisted persons who stood for interviews at the Federal Judicial Service Commission in June 2015. I assure you that this was quite a feat.

The Shortlisted Candidates then went through rigorous interviews, which were conducted by a team of senior Heads of Courts and renowned Senior Counsel who were members of the Commission. Indeed the candidates were expected to possess detailed knowledge of the administration of criminal justice, especially given the new legislation in place. In addition, knowledge of the Jurisdiction and Procedure of the Federal High Court, and their knowledge of the Code of Conduct for Judicial Officers and Court Staff were considered as assets. Furthermore, petitions submitted against the candidates were considered by the Federal Judicial Service Commission as factors

that may negate suitability. The panel of interviewers also studied the candidates to ensure that they possessed the requisite discipline, comportment and decorum, etiquette, manners, integrity and moral standing. Their records were examined at length and the veracity thereof was extensively investigated.

Shortlisted candidates were then required to duly fill and submit a completed National Judicial Council FORM A, issued by the National Judicial Council, within a limited time. Once completed and submitted, the National Judicial Council FORM A and all documents pertaining to the candidates were once again scrutinized by the Federal Judicial Service Commission to ensure that the candidates had indeed met the requisite criteria. In addition, a security report from the Department of State Security (COSS) and Medical Clearance from a recognized Government Hospital were required to be obtained, among other supporting documents.

The Federal Judicial Service Commission then submitted its recommended list of fifty final candidates to the National Judicial Council, which conducted a second round of interviews for all candidates recommended by the Federal Judicial Service

Commission in order to ascertain the most suitable persons to occupy the position of Judges of the Federal High Court.

An interview panel of National Judicial Council members consisting of foremost jurists and senior members of the Bar, was constituted and the candidates were interviewed at length. The competence of the candidates was tested, as well as their knowledge of the law and ethics of the Legal Profession, their knowledge of the Federal High Court and its jurisdiction, as well as their comportment, decorum and knowledge of the country among other criteria.

As such, following a long, arduous and all-inclusive process, only the best candidates emerging from the exercise were then recommended by the Council to the President of the Federal Republic of Nigeria for appointment. 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, President Muhammadu Buhari, *GCFR* for promptly appointing the new Judicial Officers as recommended by the Council.

Your lordships, as newly appointed Judges, you are statutorily expected to be inducted in your new positions by the National

Judicial Institute. This Induction Course is specifically designed to prepare you for your new duties as Judges of the Federal High Court and I have no doubt that it will prove invaluable. In any event, it is compulsory.

My lords, I must iterate that you are being appointed onto the Bench and it is important that you hold yourselves to the high standards that the Bench epitomises. You must also uphold its values, conduct, and standard of justice delivery. Remember that the Judiciary is one of the most potent of public services in our Nation, possessing as it were the power of life and death; therefore, a Judicial Officer must not use this power for personal gain.

As previously mentioned, the Federal High Court is a Court with clearly defined jurisdiction. A perusal of Section 251 will reveal to your lordships that your jurisdiction covers such important national matters as the internal security of our country, its finance and fiscal matters, the banking and finance of the economy, aviation, admiralty as well as the operation of its Federal Government. Your Judgments on these issues, perhaps more than any other Court, has the potential to change the governance and impact the peace of our dear nation. As such, you

must jealously guard your integrity and the good reputation of this Court because this also contributes to our Nation's security, sound economic policy, foreign direct investment and the stability of its financial system, among others.

I urge your lordships to consider the oaths that you have just taken to be a solemn commitment to serve with dedication, fairness, and in a manner that is faithful to the Constitution and the law of the land. It is also a solemn covenant to the Almighty that you will perform your duty with all due diligence and honesty. As such you must strive not to betray these oaths as this will also mean a betrayal of the trust of those who screened, interviewed and recommended you before your eventual appointment. It will indeed be a betrayal of the trust of Nigerians who have reposed in you the power of Judgment as the representatives of God on earth.

Your lordships are now the embodiment of Justice. You are the executors of the law and the protector of the social contracts, rights and morals that give safety to the good people of Nigeria. Where your Jurisdiction permits it, you must ensure that you interpret the law within the confines of Judicial Precedent.

It may be that a difficult matter lies before you and the knotty issues of legal jurisprudence ~ may seem arcane. I urge you to seek the counsel of fellow Judges¹ that are more senior to yourselves and are equally respected. Be thoroughly grounded in the law and you will surely find solid footing therein.

In an era where more press and public scrutiny of your courts is abound, we must all now realize that we have a sophisticated, discerning and alert population that is able to interpret our actions, however cleverly disguised. Even if they are not able to perceive the *mala fides* in an act, nevertheless the duty to do justice and act honestly in furtherance of our collective interest as a people is surely no less a concern. In fact, such a duty is even starker. This informs the oaths we take and must underpin the way that we act in our Courts.

Nigeria is the envy of the world in many regards and we must make the Judiciary one of them. The persistent calls to reduce delays in the dispensation of justice are a source of great concern, especially given the existence of the 2013 Practice Directions for 'Serious Crimes'. Although I acknowledge that the Justice sector is a chain made up of various other links, the

Judiciary must remain the strongest link in the chain. I therefore call on your lordships not just at Federal Courts, but also in other jurisdictions to fully utilize these Practice Directions and endeavour to apply proper case management in order to increase our case disposal rates.

On this note, I wish to address the vexed issue of judicial corruption. This is because allegations about corrupt Judicial Officers and Staff now make headline news on a more frequent basis. With each allegation that passes the need is ever present for the Judiciary to address this issue and I feel it necessary to once again do so. Although I will not hide away from the reality that some Judges and Judicial Staff may be complicit in corrupt practices, however, I must assert that corruption within the Judiciary is only imbibed by a minute minority. I believe that the Nigerian Judiciary is comprised largely of Judicial Officers who are hardworking, dedicated, ethically minded, learned, patriotic and possess the highest standards of morals. Indeed there is scarcely any other type of public servant as committed to their role as these dispensers of Justice. The Nigerian Judiciary is one of the hardest working

Judiciaries in the World, despite the paucity of funds and the lack of adequate welfare provisions for its personnel.

Nevertheless, I must accept the need for the Judiciary to sanitize itself where allegations are made. However, as the saying goes- he who alleges must prove. This will indeed be done where the accusers themselves avail us of the particulars of these incidences of judicial corruption as well as the identity of the perpetrators, so that the National Judicial Council can act promptly and appropriately to remove such deviants from the Bench.

That said, given the current situation in the Country, the Judiciary's role as a neutral, impartial arbiter has never been more crucial. I urge your lordships and all judicial officers not to allow themselves to be used as pawns by our various politicians in their quest for power. The law is not obedient to any man but itself; by contrast, all Men must obey the laws of the land.

Your Lordships must therefore take the proverbial bull by the horns and pull the plough within your courts so that we cultivate a highly professional, incorruptible and effective justice delivery system. This we can only do, when we dispense Justice without fear or favour, affection or ill will. We must be seen

to do justice though the heavens may fall and I assure your lordships that the heavens will surely not fall.

In concluding these remarks, I seek to encourage you by reminding your lordships that your nation believes in you, your Judiciary has selected you and your President has appointed you. It is now entirely up to you to live up to the expectations demanded of you in your office and may the Almighty Allah strengthen your will to do justice, to do it right and to positively impact your Nation therefrom.

On this note, and on behalf of myself and the entire Judiciary, I must once again extend sincere congratulations to your lordships for your well deserved appointments. We welcome you all on board and look forward to your contributions to the growth and development of the Judiciary of our dear country. I pray that the Almighty Allah will grant you good health, strength and wisdom in the performance of your duties.

Thank you and may God bless all of us.

Mahmud Mohammed, GCON
Chief Justice of Nigeria