

**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 AMIRU SANUSI, OFR AS A JUSTICE OF THE SUPREME COURT OF NIGERIA, ABUJA, ON 14 MAY 2015 AT THE MAIN COURT ROOM OF THE SUPREME COURT.**

**PROTOCOL**

Today is a special moment in the history of the Supreme Court and indeed the Nigerian Judiciary as a whole. This day is remarkable, not only because Hon. Justice Amiru Sanusi, *OFR*, becomes a Justice of the Supreme Court of Nigeria, but also because it is the first time that a Justice of the Supreme Court of Nigeria has been appointed under the new *2014 Revised NJC Guidelines and Procedural Rules for the Appointment of Judicial Officers of all Superior Courts of Record in Nigeria*.

It is a process to which I have given my full support because the guidelines 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 to serve as Judges in our revered temples of justice. Permit me to elucidate further on this merit-based procedure that brought Hon. Justice Sanusi to this Court. The process began by advertisement in the media for the vacancy and calling for interested candidates to show interest in filling the vacancy.

The Chief Justices of Nigeria serving and retired, 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 elevation to our nation's highest court.

Having been duly nominated, comments were received from the recommenders, on the shortlisted candidates with regard to their suitability or otherwise for appointment. I must state at this juncture that such acts as lobbying for appointment, exhibition of bad behavior 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.

The prospective candidates were further assessed by the FJSC 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.

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

The FJSC then submitted its recommended list of final candidates to the NJC, which conducted interviews for all candidates recommended by the FJSC in order to ascertain the most suitable person to occupy the position of Justice of the Supreme Court.

The best candidate emerging from the exercise was then recommended by the Council to the President of the Federal Republic of Nigeria for appointment, after the approval of the Senate.

I must at this juncture express the profound gratitude of the NJC to the President and Commander-in-Chief of the Federal Republic of Nigeria, Dr. Goodluck Ebele Jonathan, GCFR, for promptly appointing Hon. Justice Amiru Sanusi as recommended by the Council. Likewise, I wish to extend my sincere appreciation to the Senate President, Senator David Alechenu Mark, *GCON* and the Senate Committee on the Judiciary for fast tracking the requisite approval.

The newly enacted guidelines bring the Judiciary into an era where the eligibility of a candidate for appointment to the Bench will no longer be based on nepotism, familial or fraternal connections. The guidelines provide a mechanism which would ensure that only fit and proper persons and the most intellectually astute, morally sound, meritorious and deserving candidates are appointed as Judges of our Courts. It is the best way to proceed in reforming our Judiciary.

With the foregoing in mind, I must congratulate my lord for successfully scaling these colossal hurdles and writing your name in the sands of time. I therefore urge you to imbibe the words of Justice John Roberts of the United States Supreme Court who made a personal pledge to uphold the honour of his Court, saying that **"I will be vigilant to protect the independence and integrity of the Supreme Court, and I will work to ensure that it upholds the rule of law and safeguards those liberties that make this land one of endless possibilities for all"**.

As your lordship takes the Oath of Office and the Oath of Allegiance, I urge you to be faithful to those Oath as you are to your personal faith. Take it as an oath of fidelity, an affirmation of incorruptible commitment and a promise to the Almighty to continue to dispense justice without fear or favour, affection or ill-will. Thus, you must be steadfast in the discharge of your duties, emulating the greats of this Court in fostering the supremacy of the Rule of Law in our society.

It is worth reminding us that the discretionary powers of this Court and indeed all courts, is the cornerstone of the ethos of

an independent judiciary. It means that our Judicial Officers must discharge their duties regardless of which direction the political winds are blowing. The integrity and impartiality of our courts will not be swayed or curtailed, and for anyone to think or profess otherwise would be a *non-sequitur*.

My lords, distinguished ladies and gentlemen, permit me to digress slightly and use this opportunity to correct an impression that has been formed in the minds of some Nigerians as to the role of the National Judicial Council in our Judiciary. Some litigants and their counsel no longer avail themselves of appropriate judicial processes, but would rather petition to the Council. A most worrisome trend has begun to emerge where petitions are now written to the NJC against even the decisions of the Supreme Court. A good example of this ill-advised conduct can be surmised from a recent petition to the NJC by a fairly senior counsel against a decision of a Panel of Justices of the Supreme Court, which heard a pre-election appeal arising from the 2011 Governorship elections. The appeal was subsequently dismissed in March 2015 and the dissatisfied appellant and his counsel sought relief with the NJC. I must emphasize that

the National Judicial Council is not a venue for venting dissatisfaction with the decisions of our courts.

Finally, we must not forget that we operate a constitutional democracy, which clearly prescribes the powers afforded to each organ of the State. As always, I wish to emphatically state that, as the third arm of Government, the Nigerian Judiciary remains resolute in its commitment and resolve to perform its statutory role with the utmost fairness and justness as prescribed in our Constitution and the Law.

On this note, on behalf of my humble self and Brother Justices, may I once again extend our sincere congratulations to your lordship for your well deserved appointment. We welcome you on board and look forward to your contributions to the growth and development of the law in 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.

**Mahmud Mohammed, GCON**  
***Chief Justice of Nigeria***