

SPEECH DELIVERED BY ALHAJI ABDULLAHI IBRAHIM, CON, SAN, FCIArb, FNIALS ON BEHALF OF THE BODY OF SENIOR ADVOCATES OF NIGERIA AT THE VALEDICTORY COURT SESSION HELD IN HONOUR OF THE RETIRING JUSTICE OF THE SUPREME COURT, THE HONOURABLE JUSTICE MUHAMMAD SAIFULLAHI MUNTAKA-COOMASSIE CFR ON 10TH FEBRUARY 2016.

Your Lordship, the Chief Justice of Nigeria, your Lordships, retired Chief Justices here present, your Lordships of the Supreme Court here present both serving and retired, Justices of the Court of Appeal both serving and retired here present, Judges, Grand Khadis, Khadis of Courts both serving and retired here present, the Honourable Attorney General of the Federation and Minister of Justice, President of the Nigerian Bar Association, my colleagues of the Inner Bar and Utter Bar, invited guests, distinguished ladies and gentlemen.

We are all assembled here today to bid farewell to Honourable Justice Muhammad Saifullahi Muntaka-Coomassie CFR who is retiring from the Supreme Court Bench after a successful and fulfilling career on the bench spanning well over three (3) decades.

I have had the peculiar opportunity and privilege of knowing his Lordship before he became a magistrate and more particularly when he became a Magistrate in Kaduna State up until now. From what I heard and read about his Lordships' late father (may Allah (SWT) grant him Al-Jannah) he was a respected Islamic scholar. I was also privileged to have known his Lordship's Uncle, Baba Ahmadu Coomassie who was a highly educated, distinguished and renowned administrator, and banking genius in Nigeria. He was a man of utmost civility. I was privileged to work with him on the Council of Ahmadu Bello University and I learnt a lot from him.

His Lordship therefore comes from a very good and respectable background.

I was also around when because of his knowledge of the law, attitude to life, honesty and hard work, his Lordship was encouraged to join the bench as a magistrate. This took off very well to my pride and those of Justice M.L Uwais, Justice M.M Akanbi; and late Justice Shehu Mohammed (may Allah (SWT) grant him Al-Jannah). It is only people who do not know honourable Justice M.S Muntaka-Coomassie, CFR that would be surprised that he rose very quickly to the point he is and by Allah's grace he is retiring today from

the bench.

I think from my peculiar knowledge of his Lordship and his background I can state just as we state in Affidavits that I deliver this speech from facts known to me in the course of my interactions with his Lordship both in and out of Court, facts gathered from reading his judgments and from facts gathered from other sources of which I shall mention in the course of this speech.

I have seen from his Lordship's CV that prior to being called to the Nigerian Bar in 1977 his Lordship was a teacher for almost a decade teaching Arabic and English in both Kaduna and Zaria and that he left the teaching profession as the Principal of the Provincial Arabic School in Fada, Zaria.

I have also read that his Lordship worked as a State Counsel at the Ministry of Justice in Kwara State from 1977 to 1978 and in Kaduna State in 1978. I know that between 1978 and 1986, he served as an associate Magistrate and then as a Senior Magistrate and later Chief Magistrate in Kaduna State. He also served as Deputy Chief Registrar and finally as the Chief Registrar of the High Court of Kaduna State and was sworn in as a Judge of the High Court of Justice Kaduna State in November, 1988.

I am aware that his Lordship upon being appointed a Justice of the Court of Appeal on the 6th day of September, 1993 served at five (5) divisions of the Court of Appeal prior to joining the Supreme Court of Nigeria on the 9th day of April 2008. I know as a fact that in all of these positions he distinguished himself as a Judge of great character. He is knowledgeable, astute, forthright, hardworking,

wise, incorruptible, respectable, courteous and endowed with a temperament suited to the bench. The foregoing qualities which showed brightly in his Lordship do not come as a surprise to me based on his background which I have recounted, they show that he stayed true to the tradition and teachings of his family.

Permit me to in a few sentences share with you one of my experiences with his Lordship on the bench, an experience his Lordship also shared in the book titled 'A life shared' written by Prof. Yemi Akinseye-George SAN. Sometime between 1979 and 1980 while his Lordship was a Chief Magistrate, he remanded my Client's son in prison for driving a car without a driver's license and car particulars and causing the death of all four (4) children of a man. My Client an Air force personnel who was the father of the boy was also arrested and remanded in prison custody for allowing his child drive a car without a

driver's license and particulars. The matter had already generated a lot of negative air and we knew the proceedings could generate some tension as his Lordship had earlier refused bail. Unfortunately, I had to personally attend to the matter; I led six other lawyers to take our application for bail. In spite of the tensed atmosphere in Court on that day, his Lordship was very courteous to Counsel in the matter, our application for bail was argued and bail was granted to the accused persons three (3) days later. To maintain his impartiality and to prevent the possibility or appearance of bias in the matter, his Lordship transferred the matter to another magistrate.

As practitioners, we continue to read judgments of the superior courts to keep abreast with recent developments in case law. I have read some decisions where his Lordship participated either by writing the lead judgement or a contribution. His Lordship's background as a teacher of English Language clearly reflects in his judgments which are always a pleasure to read. His judgments are rendered in very simple English, lucidly expressed and presented in the most logical manner to make them easily comprehensible. More importantly his judgments give you an insight into his qualities, attributes, convictions and understanding. I have highlighted a few in this speech to demonstrate this.

His Lordship is stern and willing to condemn in very stern but temperate language delay in the administration of justice in Nigeria or other vices militating against the effective delivery of justice by the Courts. In the case of **Ajuwa & Anor v. SPDC (2011) 12 SC (Pt. IV) 118** at pages 173-174, paras 30-15 his Lordship decried the relentless spate of interlocutory appeals which clog the court dockets, delaying the hearing of substantive appeals and stifling the administration of justice. His lordship held as follows:

My lords, I shall not end this contribution without comments on the propriety of this appeal. While I do not wish a party should waive its constitutional right of appeal, if it feels strongly dissatisfied with the decision of the lower court, it is equally the duty of counsel to ensure a speedy trial and determination of the appeal. In this case the lower court delivered its ruling on 10/5/2007 and fixed the appeal for hearing on 21/6/2007 within which time to appeal would have been heard and determined. Instead, learned senior counsel had embarked on this tortuous journey of appeal on the exercise of discretionary power by the lower court. Now the appeal is being sent to the lower court for trial after having wasted four years without the Appellants knowing their fate to the money in issue. This act, with due respect, is

not encouraging and should not repeat itself and I would not say more than this.

Such is the passion and commitment of his Lordship to the effective and efficient administration of justice in Nigeria.

His Lordship again showed his mettle in the all-important case of *Dr. Okpara & Anor v. Hon. Amadi & Anor (2013) 6-7 SC (Pt. II) 49 at 88-89* where he boldly refused very ingenious attempt by Senior Counsel to lure the Supreme Court to entertain and determine an appeal from the Court of Appeal over a National Assembly Petition which by the provisions of the Constitution are to terminate at the Court of Appeal. His Lordship held as follows:

My lords, I will be bold to state that this honourable court would foil any attempt to foist upon it a matter in which, institutionally and constitutionally, it has no jurisdiction to hear. Any surreptitious attempt to do so either hiding on the call to interpret the provisions of the Constitution or complaint of breach of fundamental right in a matter in which the bus stop has been put on the Court of Appeal as the final court would be seriously resisted. It is irrelevant whether the Court of Appeal properly determined the matter or not. This court has no supervisory role to play in such matter.

We are all subject to the provisions of the constitution, and this court will not be a party to the circumvention of its provisions, rather its provisions would be interpreted to reflect the intentions of the lawmakers.

Though stern, his Lordship is equally witty. His soft wit showed through his choice of words in his judgments. On a lighter note, his Lordship while delivering his lead judgment in **Taiwo v. Ogundele (2012) 15 NWLR (Part 132.2) at page 77** after emphatically restating the law on when the rule in *Kojo II v. Bonsie* is applicable and reversing the Court of Appeal's wrong application of same to the appeal, held as follows:

Finally, I hold that this appeal is pregnant with a lot of merits and is accordingly allowed.

Such is the witty nature of his Lordship which he brought to bear while discharging the tedious tasks he faced as a Judge.

His Lordship is a foremost expert/specialist in Islamic Law, he has a compelling knowledge of Islamic Law and he is a determined practitioner of

his religion. Though not so many Islamic law matters got to the Supreme Court for determination, his Lordship contributed immensely to the propagation and development of Islamic law/case law in Nigeria at the lower Courts. He approached each case with much enthusiasm and dealt with the issues involved to the admiration of his brother Justices.

Honourable Justice Muntaka Coomassie also distinguished himself as a defender of the human rights of individuals, a proponent of strict adherence to the rule of law and an upholder of the right of every citizen to unhindered access to justice. His Lordship demonstrated this clearly in various decisions notable amongst which is his decision in **Denton-West v. Jack (2013) 15 NWLR (Pt. 1377) 205 at 220** where his Lordship in very clear words protected the Fundamental right to liberty of a citizen even when same was being threatened by a serving judicial officer. His Lordship held as follows:

The brief summary of the total submission of the learned counsel under this issue is that where the violation of the fundamental rights of an individual is carried on by a Judge of the High Court albeit outside the purview of a judicial function, that individual has no redress in law. He cannot seek redress from a High Court for that would mean Judges of the same degree that is of co-ordinate jurisdiction making contradictory and inconsistent orders” it must be borne in mind that he cannot go to the appellate courts for those courts have no original jurisdiction over such matters. He is therefore left to watch helplessly as his fundamental rights are trodden upon. With respect, this does not represent the position of the law.

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..... I hold that it goes without saying that the yule of law and access to justice must be maintained always.

His Lordship consequently dismissed the appeal.

I hope that through the foregoing highlighted cases, I have been able to show some of his numerous sterling qualities as a judicial officer.

Your Lordship, we are all grateful to you; indeed the Country is grateful for your enormous work at the Supreme Court and indeed throughout your long and distinguished judicial career. However like Oliver Twist, we and indeed

the younger generation will immensely benefit from your wealth of expertise and experiences gained from your years of service, hence, we shall in due course

expect from you, books, articles, publications e.t.c though you are in retirement; and if Allah wills it, you may also be called upon for National assignments.

While we will all miss you on the Supreme Court bench, it is time for you to relax, enjoy and spend time with your family. We pray that almighty Allah grant you good health and happiness for many years to come.

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