



SPEECH DELIVERED BY THE HONOURABLE ATTORNEY -GENERAL
OF THE FEDERATION AND MINISTER OF JUSTICE, MR. ABUBAKAR
MALAMI, SAN AT THE VALEDICTORY SESSION IN HONOUR OF
HONOURABLE JUSTICE JOHN AFOLABI FABIYI CON, OFR ON
WEDNESDAY NOVEMBER 25TH 2015 AT THE SUPREME COURT
COMPLEX, ABUJA

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My Lord, the Chief Justice of Nigeria, Hon. Justice Mahmud Mohammed, GCON,

Our Celebrant, My Lord, the Hon. Justice John Afolabi Fabiyi, CON, JSC

My Lords, the Honourable Justices of the Supreme Court of Nigeria,

**My Lord, the President of the Court of Appeal, and all the Honourable Justices of
the Court of Appeal here present,**

My Lords, Justices of all our Superior Courts of Record here present,

**The President of the Nigerian Bar Association, Mr. Augustine Alegeh, SAN, and all
Officers and Members of the Nigerian Bar Association,**

My Learned Brothers Silk,

Distinguished Ladies and Gentlemen,

I am honoured by your gracious invitation to deliver this address today at the Valedictory Session of the Supreme Court of Nigeria in honour of a distinguished Jurist and an illustrious son of Nigeria, the Hon. Justice John Afolabi Fabiyi, CON, JSC who marks the end of an illustrious career today.

- 2. My lord,** on behalf of the Nigerian Bar, I congratulate you on this momentous occasion in your life. You have served our country well and to the best of your ability. By virtue of your hard work, perseverance, intellect and team spirit, you attained this enviable height in the legal profession which is reserved for only a few people in every generation.
- 3. As grateful individuals and institutions,** we have gathered here today to express

our appreciation and wish you well as you move into another phase in the journey of life. We have assembled, not because it is customary to do so, but more out of our desire to openly recognize and appreciate your contribution to our lives, as individuals and as a nation.

4. May I therefore, on this day, convey to you the gratitude and goodwill of the Nigerian Bar as well as that of the Government and good people of the Federal Republic of Nigeria.
5. I also congratulate the Supreme Court on this occasion as it is one of a series of events which demonstrate the dynamism of the Court and the consistency of its institutional evolution. As retiring Judges exit the Court and new Justices are appointed, our apex court is continuously renewed and refreshed in a manner which ensures that it retains a balance between its fundamental philosophy and the vibrancy of new thinking. It is this healthy balance in the composition of the Court that has ensured its consistency over the years as a citadel of justice of justice.
6. An occasion such as this offers us all the opportunity to reflect on the life of our celebrant, as a means of giving thanks to the Almighty for his favours over his life and also as an inspiration to the present generation of and those coming after us. In this context, I can confidently say that Honourable Justice Fabiyi's life story, as captured in his Curriculum Vitae, demonstrates that hard work, perseverance, focus and team- work are necessary qualities in the building of a successful career in public service.
7. Having served for forty years at various levels on the Bench, Justice Fabiyi's wealth of experience cut across the hierarchy of the judiciary in Nigeria. From his humble beginnings as a Magistrate, he achieved the esteemed and coveted position of Justice of the Supreme Court by virtue of the above attributes.

8. **My Lords, Distinguished Ladies and Gentlemen**, this occasion will not afford us the opportunity to embark on a comprehensive examination of the contributions of Honourable Justice Fabiyi to the evolution of our judiciary. These, thankfully, are already fully documented in our law reports, newspapers and public consciousness. It suffices to say that he was a teacher and a friend to lawyers who appeared before him, a passionate and supportive colleague to his brother Justices on the bench, and an inspiration to the wider society.
9. However, who can forget his eloquent and articulate Lead Judgment in the case between **Dr. Taiwo Oloruntoba & 48 Ors V. University of Ilorin & Anor**, which firmly established the capacity of the Supreme Court to truly serve as the last hope of the common man within our polity?
10. Without a doubt, and without prejudice to the quality of his other contributions to the jurisprudence of the Supreme Court during his tenure, that decision became a reference point in the capacity of the Supreme Court to do substantial justice in matters brought before it and reaffirmed the confidence of the Nigerian people in the Judiciary as the last bastion of hope and justice. In reinstating the sacked 49 Lecturers of the University of Ilorin, he led the Court in further demonstrating its capacity for fairness and justice through the inclusion of the three Lecturers who passed away in the course of the protracted legal dispute, as they were deemed to have died in active service. It is no wonder therefore that **Oloruntoba & Ors V. University of Ilorin & Anor** has today become one of the high points of the history of our Supreme Court.
11. He will equally be remembered for his role on the Panels which elucidated the proper channels in resolving disciplinary matters involving Legal Practitioners, through the Judgments in the matters of **ROTIMI WILLIAMS AKINTOKUN VS**

LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE in 2014 as well as **ALADEJOBI V NIGERIAN BAR ASSOCIATION in 2013**, which led to clarity on the point that an appellant could not directly appeal to the Supreme Court from a decision of the Legal Practitioners Disciplinary Committee without first having recourse to the Appeals Committee of the Body of Benchers.

12. As a Judge, his decisions, particularly on the Supreme Court bench, reflected peculiar clarity and preciseness of thought, as well as a propensity to emphasise the fine ingredients of justice over the hurdles posed by technicalities. It is to his credit that he consistently applied this principle in his judgments without compromising the position of the law.
13. In this manner, he contributed extensively to the use of the judicial system to foster social justice and human rights in our country. His wide-ranging knowledge of the law and the ease with which he expressed his opinions in diverse areas of judicial disputes are attributes for which he will be remembered by all who encountered him in a professional capacity.
14. In recognition of his sterling qualities and his service to our fatherland, a grateful nation conferred on him the national honour of 'Commander of the Order of the Niger (CON)! in 2009 in addition to the honour of "Officer of the Federal Republic" (OFR) which he had earlier received in 2008, the same year he was appointed to the Supreme Court. It is instructive to also mention that he received the Court of Appeal Long Service Merit Award in 2008 in addition to numerous other awards which he received from diverse organisations and institutions in the course of his career.
15. Let me assure this distinguished audience that the passion for the Rule of Law which has been vigorously upheld by our celebrant and the Nigerian Judiciary over the years will continue to inspire the present administration in its task of

building a more humane and accountable society. Just two days ago, President Muhammadu Buhari in an address at the All Judges Conference restated this resolve of the present administration to promote adherence to the Rule of Law as a cardinal principle of governance. It is a sacred commitment and I intend, in the performance of the functions of my office, to pursue positive collaboration with the Judiciary in order to ensure that we can all make the law to work for our people.

16. **My lord, Honourable Justice Fabiyi**, I congratulate you once more and pray that the Almighty God will bless you with long life, good health and a cheerful disposition to enjoy your retirement in peace and joy. It is my hope that you will now find the time to comprehensively document your experiences in a biography or autobiography for the benefit of the coming generations and that you will continue to avail our country and the legal profession of your wise counsel and services in the days to come.

17. **My lords, Distinguished ladies and Gentlemen**, I thank you all for your attention. May God bless you all.

ABUBAKAR MALAMI, SAN
Honourable Attorney-General of the
Federation & Minister of Justice

November 25, 2015