



NIGERIAN BAR ASSOCIATION

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ADDRESS OF THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MR YAKUBU CHONOKO MAIKYAU, OON, SAN, DELIVERED AT THE VALEDICTORY COURT SESSION HELD IN HONOUR OF THE HONOURABLE JUSTICE IBRAHIM NYAURE BUBA OF THE FEDERAL HIGH COURT ON 9 FEBRUARY 2023

PROTOCOL

1. I am honoured to have been invited by My Lord, the Honourable, the Chief Judge of the Federal High Court, the Hon. Justice John T. Tsoho, OFR, to deliver this address in honour of the retiring Honourable Justice Ibrahim N. Buba, for whose Valedictory Court Session we are all gathered here today.
2. I must confess that putting this address together was a bit of a challenge for me. In the invitation letter sent to me, His Lordship, the Honourable Chief Judge informed me that I was expected to deliver a 'short address' in honour of the Valedictorian. The challenge is that besides the fact that it is almost humanly impossible for me to deliver a short address considering my height and size, the task becomes even more herculean when the subject of the said address is no other than the phenomenal Honourable Justice I. N. Buba, who has spent close to four decades at the Bar and on the Bench doing this business of the Law. The reality is that a whole book could be written on the Valedictorian without exhausting the subject. However, as I do not want to be in contempt of the Honourable Chief Judge, I must ensure that this address complies with His Lordship's order; it is going to be short.
3. For those of us who have been following the trajectory of Justice Ibrahim Buba's illustrious career as a legal practitioner from when His Lordship was called to the Bar in 1986, his elevation to the Bench of the Federal High Court in 2003 did not come as a surprise. As you might be aware, at the Nigerian Law School, the cerebral jurist had won the **Sir Lionel Brett Award** for overall Best Performance in Criminal Procedure. To have won the award named after an illustrious jurist who was Nigeria's former Solicitor General and later Justice of the Supreme Court was no mean feat and was, I believe, a prophetic achievement. For those who might not remember, it was Justice Brett who delivered the judgments in many landmark cases like **Usen v. BWA Ltd [1965] 1 All NLR 244**; **Boardman v. Sokoto Native Authority [1965] 1 All NLR 214**; and **Jamgbadi v. Jamgbadi [1963] 2 NSCC 281**, amongst other locus classicus.
4. It therefore came as no surprise when in 2003, seventeen years after that historic award, His Lordship was elevated to the Bench as the first judge from the Mambilla Plateau in the Sardauna Local Government Area of Taraba State. Earlier in 1986, His Lordship had blazed the trail as the first lawyer from Nigeria's Mambilla Plateau.
5. For twenty years, His Lordship held sway as a Judge of the Federal High Court serving his fatherland in different parts of the country. Justice Buba's pioneering spirit also manifested when His Lordship became the pioneer Judge for the Lafia Division of the

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Federal High Court. Before then, His Lordship had served in Port Harcourt and Jos Divisions. Justice Buba also had stints in Asaba, Lagos, Enugu, and Bauchi Divisions of the Court. In all the Judicial Divisions where His Lordship served as a Judge, Justice Ibrahim Buba left an indelible judicial footprint which posterity will forever cherish. An exceptionally brilliant and forthright jurist, one that is courageous and fearless, there was no case too difficult or too complex for His Lordship to take head on. His Lordship was a judge's judge who by his decisions, contributed to the development and enrichment of our jurisprudence.

6. In the case of **Islam Rafiqul v. Federal Republic of Nigeria [2018] LPELR – 44520**, a case of conspiracy and dealing with crude oil without lawful authority or appropriate licence, the Defendants ingeniously argued that there was no conspiracy having regard to the fact that all the defendants did not start or join the conspiratorial gang at the same time. The Honourable Justice Buba disagreed with the Defendants and convicted them. Upon appeal to the Court of Appeal, the learned justices of the appellate court affirmed the decision of His Lordship as being sound in law.

7. His Lordship was also the trial Judge in the case of **MT Anuket Emerald v. Federal Republic of Nigeria [2017] LPELR [42326]**, where the issue was whether the Economic and Financial Crimes Commission could prosecute cases in any court in Nigeria without first obtaining the fiat of the Attorney General. In agreeing with Hon. Justice Buba, the Court of Appeal held that:

“Section 174(1)(b) and (c) of the 1999 Constitution gives prosecutorial power to “any other authority or person” subject to the overriding powers of the Attorney General to take over such prosecution and even discontinue it having regard to the public interest...In other words, the sheer force of section 174 of the 1999 Constitution, the EFCC does not require the consent or fiat certificate of the Attorney General of the Federation to institute the charge in question against the appellant...”

8. One noble trait His Lordship displayed on the Bench is his commendable devotion to the rule of law and due process. According to His Lordship, the rule of law is the bedrock of the society, and every agency, institution, and individual must act according to the dictates of the rule of law. In the words of His Lordship:

“...even though section 17 of the Advance Fee Fraud Act provides for non-conviction-based forfeiture, still, the prosecuting agency is required to approach the court with jurisdiction within the state, usually a State High Court or the Federal High Court for an order to have the said asset forfeited. Gestapo style confiscation of asset is condemnable and if successfully challenged could be reversed on appeal with costs.” [emphasis supplied]

9. Justice I. N. Buba was a complete jurist, as His Lordship was not only a Judge but also a teacher of law. In addition to myriads of judgments which His Lordship has bequeathed to our jurisprudence, His Lordship has also gifted us access to his vast knowledge in the countless lectures His Lordship has delivered on diverse subjects. For many years now, Justice Buba has been one of the high-profile jurists and authority in the fields of criminal

law, maritime law, and commercial practice. His Lordship's papers are always well-researched and practical, borne out his experience in his many years on the Bench.

10. In a paper delivered recently, His Lordship hammered on the importance of the rule of law as the only way to guarantee justice in the country. I cannot but agree with His Lordship and I crave your indulgence to quote from the said paper for our collective benefit:

“We have also witnessed several fundamental rights applications, which highlight the sheer brute force, and disregard of human rights by some of our investigative officers in doing their job. It will only give the respective agencies a bad name and in some instances impact on the substance of the primary investigation. We have the laws made to guide us; let prosecutors and investigators alike follow it to the letter. The rule of law is the only way we can guarantee justice in the sector. No point playing to the gallery, in media publications or breaking the law, in the name of enforcing the law.”

11. My Lords, distinguished Ladies and Gentlemen, I believe that I am speaking your minds when I say that it is with mixed feelings that we are bidding his Lordship farewell from the Bench. I believe that if we had a choice, we would have wished that Justice Buba would continue to grace the temple of justice for a few more decades. This is even more so as we are in a critical phase in our Nation when we are going through challenging times. This is the time we need the services of brilliant, independent, forthright, and fearless judges like Justice Buba. Let me say that His Lordship came from the Bar, an active member at that, and remains an illustrious and worthy ambassador of the NBA.
12. As we begin the countdown to the General Elections in the next couple of weeks, Distinguished Ladies and Gentlemen, I call on all authorities and agencies as well as the general populace to ensure that we discharge our civic obligations and statutory responsibilities in consonance with relevant laws and with every sense of patriotism. Our country is being buffeted by several self-induced challenges which are not insurmountable if we are all dedicated and patriotic. I do not believe that currency swaps ought to have imposed hardship on Nigerian Citizens as we have been witnessing in the past two weeks. In the same way, fuel scarcity which we thought we had consigned into the dustbin of history has found its way back into our lives. It is doubtful if there is any Nigerian who has not experienced one form of hardship or another in the last one month as a result of queuing for fuel or searching for the new naira note! We can do better as the giant of Africa.
13. I have not forgotten the mandate of His Lordship Justice Tsoho that the address must be short. But it will be remiss of me if I conclude this ‘short address’ without mentioning something about Justice Ibrahim Buba. Often, we appear to ‘depersonalise’ our judges and do not see them as capable of exuding such humane qualities as love, kindness, empathy, etc. Something however happened between Justice Buba and a legal practitioner one day that I wish to share with all of us.
14. The story has it that one of our physically challenged colleagues, Mr. Daniel Onwe, needed to park his car close to the Court as he had difficulty in walking. Mr. Onwe took the decision to park close to the entrance reserved for judges. When Justice Buba arrived minutes later and saw the car, His Lordship demanded that the person who parked the

car should be brought to him. Upon seeing the physical condition of the lawyer and after listening to his explanation, I was reliably informed that Justice Buba personally apologized to Mr. Onwe and all other physically challenged people on the state of infrastructure in the court. That was not all, His Lordship further ordered the security operatives to always allow Mr. Onwe and other physically challenged persons to park their cars within the premises of the Court. The story did not end there. Upon discovering that the operatives had deflated the tyres of Mr. Onwe's car, Justice Buba ordered that the tyres be reflat at His Lordship's own cost! That's vintage Justice Buba for you. For this, the NBA remains grateful to your Lordship, and we commend this as an example of how physically challenged persons should be treated by all of us. After all, we all live with one form of disability or the other, the only difference is that while others are seen, for many they are not visible to the eyes.

15. In addition to showing us the other side of the Honourable Justice Buba, my story is also intended to draw the attention of the relevant authorities of all institutions and establishments to ensure that effect is given to the Discrimination Against Persons with Disabilities [Prohibition] Act, which provides in Section 4 that:

"A public building shall be constructed with the necessary accessibility aids such as lifts [where necessary], ramps and any other facility that shall make them accessible to and usable by persons with disabilities."

16. It is gratifying to note that the Federal High Court Headquarters Abuja has these facilities. May I therefore call on all the relevant authorities to ensure that all other Judicial Divisions of the Court are also properly equipped. Access to court which is guaranteed by our Constitution can only be meaningful when all persons are able to physically access the courtrooms without discomfort. And the right to counsel of one's choice is protected when all counsel can freely and easily access court building to carry on their business on behalf of clients. I thank Justice Buba for his humanity in ensuring that Mr. Onwe did not suffer on account of his physical state.
17. This takes me to the incessant attacks and assaults being unleashed on our Judges and lawyers as well as other innocent Nigerians. Whilst we are still reeling from the shock of the brutal murder of a Lagos-based legal practitioner, Mrs. Omobolanle Raheem, we learnt with rude shock the assassination of His Honour, Mr Nnaemeka Ugboma, the Chairman of Ejemekwuru Customary Court in Oguta Local Government Area of Imo State. Mr Ugboma was murdered in the premises of the Court in cold blood and in full glare of other court users. This is one death too many. We must all rise to stem this slide into anarchy.
18. Professional misconduct by lawyers is another issue of critical importance to the legal profession, and this is necessarily so because it is directly connected to our primary responsibility as lawyers who are called to live for the direction of our people and the advancement of the cause of our nation. It is only when we remain professional and ethical in our conduct that we can deliver on this noble responsibility which is intricately connected with the existence of this nation, Nigeria. Like Sir Adetokunbo Ademola had said ***"the respect in which the Bar in any country is held is the best indicator of the freedom in that country"*** and this respect can only come with a Bar which upholds the ethical and professional standards of the legal profession.

19. Unfortunately, those whose specific conducts came into focus in proceedings before the Courts, which conduct have been declared unethical and unprofessional are now being projected and celebrated as leading lights in the profession by the same institution that has the statutory responsibility for the discipline of lawyers. The Body, despite the finding of no less a Court than the Court of Appeal in **Orngu & Ors. V, Gaadi & Ors. (2016) LPELR-42083(CA) at pages 55 – 62, paragraphs B – E**, would make the same person whose conduct was condemned as unprofessional to be Chair of its Mentorship Committee. In fact, the conduct of the Chairman of the same Body had been unanimously condemned by the apex court in **Biobarakuma Degi Eremienyo & Ors v. Peoples Democratic Party & Ors (2021) 16 NWLR (Pt 1800) 387 @ p 405, paras. B – D**, per Augie, JSC. Subsequent revelations on the conduct of the same legal practitioner are no less an act of gross misconduct. These, not only rubbish the decisions of the Courts, but also endorse the conducts of the said legal practitioners herein referred to. It was **Professor Charles Adekoya**, Deputy Vice Chancellor, Olabisi Onabanjo University, Ago-Iwoye, Ogun State, who, in a paper titled **“Betrayal of the Poor in Accessing Justice in Nigeria: The Judas in our Midst”**, identified similar acts of professional misconduct as the reason why many Nigerian lawyers cannot practice law in the United Kingdom. Unfortunately, we neither called out the “Judas in our midst”, nor have we in any way dissociated the Body from such acts of misconduct which rob us of the respect and confidence to the people.
20. When I read the heart-rending statements by Professor Farooq Kperogi over the judgement of the Supreme Court in the case involving Machina and Ahmed Lawan (the Senate President), I was burning with rage against Kperogi, only to hear like a whisper in my ear, while I sat alone lamenting, that “you people started it, you Senior Advocates of Nigeria.” I could not agree more! It was a Senior Advocate of Nigeria who, in 2016 at a programme of the NBA Enugu Branch, said that Courts had become “*supermarkets where only the rich do their shopping*”. The statements by Kperogi are not any different. Similarly, those who describe the judgements of the Courts as Kangaroo Judgements clearly stated that they predicated their comments what senior lawyers had spoken of the Courts. While that appears to be their justification for treating the Courts with abject contempt, there must be consequences for these actions. For the senior lawyers, who denigrate the Courts in this manner or at all, it is contradictory for such persons to still approach the same institution they described as supermarket to seek reliefs or for the Courts so described to indulge them.
21. I have also observed that some lawyers have gone on the television to castigate the Supreme Court on the judgement referred to above. They too will face the consequences of their actions. For the non-lawyers who do this, the Courts must rise to the occasion and invoke its disciplinary powers to punish any act of contempt; the Courts, for the sake of the people and the existence of Nigeria, must protect its integrity by insisting that anyone who treats the Courts with contempt is disciplined accordingly.
22. While the NBA remains resolute on the protection of the independence and integrity of the Bench, the Bench must on the other hand stay true and faithful to the code of conduct for judicial officers, which calls for propriety and the appearance of propriety in your Lordships’ personal and professional relationships. The Code also requires your Lordships, in exercising the freedoms of expression, belief, association and assembly, to exercise restraint and adhere strictly to political silence for the purpose of maintaining your Lordships’ independence; not undermining the confidence in your Lordships’

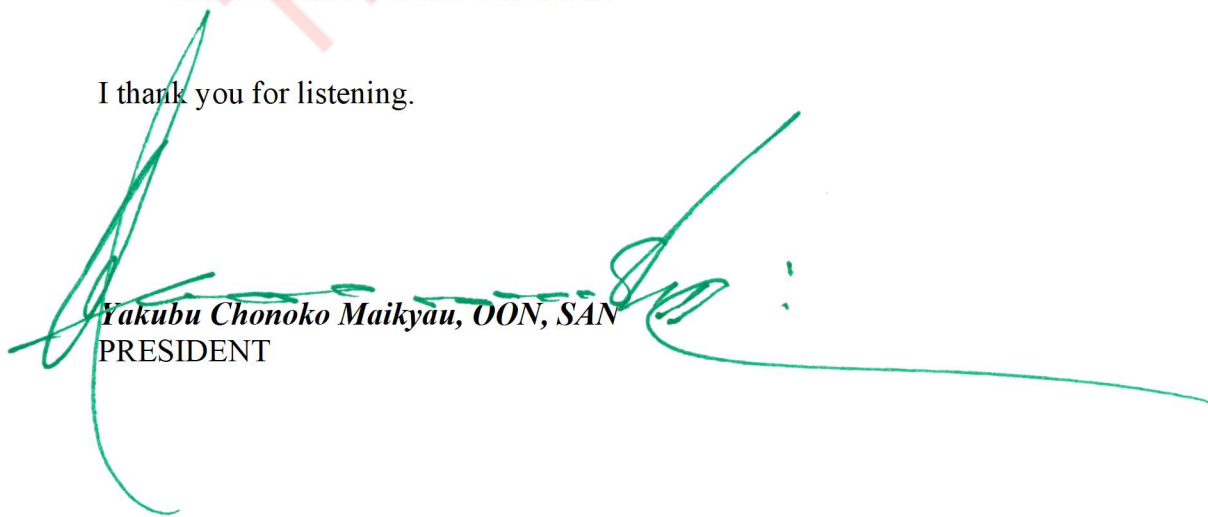
impartiality and exposing your Lordships to political attacks inconsistent with the dignity of judicial officers.

23. As members of the Bar, we failed to provide direction to the people and mostly do not live for the advancement of the cause of the nation. When we denigrate the Court or give a basis for others to do so, we are definitely not providing leadership to the people; when we accuse the courts of delivering conflicting judgements, we forget that such conflicting decision are only harvest of the seed of conflicting submissions made before the Courts by members of the Bar. This, in itself, is professional misconduct and like Professor Charles Adekoya said, such lawyers who do this will not survive in the UK, and certainly should be reprimanded at the very least, in Nigeria. The proof of those who misconducted themselves in this manner can also be found in the pages of our law reports.
24. Another apt example of our penchant for breaching even the rules we made for ourselves, is when the Body of Senior Advocates (BOSAN) blatantly ignores the provisions of its constitution regarding the Chairmanship of the Body. When the constitution clearly recognises the Honourable Attorney General and Minister of Justice as Chairman of the Body of Senior Advocates where the occupant of the office is a Senior Advocate of Nigeria, the current HAGF Abubakar Malami, CON, SAN, has never been recognised as the Chairman of the Body. (See article 7 of the Constitution of the Body of Senior Advocates of Nigeria). We cannot set standards for ourselves but refuse to comply with them and come to Court to seriously advocate that Nigerians should be subject to the laws of this nation. That is establishing double standards and an abdication of our responsibility as lawyers to live for the direction of our people and the advancement of the cause of the country. This is why an apology from me was necessary, and my charge to all members of the legal profession is that we must begin to move from our place of abdication of duty to our position of responsibility as socio-economic change agents of our nation Nigeria.
25. My Lords, only yesterday, the NBA Working Committee on Judicial Remuneration and Conditions of Service which I Chair, met with the Chairman of the Revenue Mobilisation Allocation and Fiscal Commission, Mr Mohammed Bello Shehu, on the Memorandum Submitted by the NBA on the Review of the Remuneration of Judicial Office Holders. The Chairman has assured the NBA of the Commission's commitment to discharge its constitutional responsibility in this regard. He expressed clear understanding of the challenges of judicial officers and the need to better Your Lordships' working conditions. I must not fail to acknowledge the support of the Honourable Attorney General and Minister of Justice in the advocacy for this review and that of the honourable Minister of Finance, Zainab Shamsuna Ahmed.
26. I will be remiss if I do not also publicly acknowledge and recognise the immense contribution by the Chairman of the Economic and Financial Crimes Commission (EFCC), Mr. Abdurashheed Bawa, which interesting revelation came during our interaction with the Chairman of the RMAFC. While we shall continue to note and condemn the excesses of law enforcement agencies where any is found or brought to our attention, we must also not fail to acknowledge their positive and unique contributions to the administration of justice, in this case, the welfare of our judges/justices. It is remarkable to discover that the Chairman, EFCC made a case for the review of the salaries and allowances of judges and justices to President Muhammadu Buhari, GCFR, and the President promptly acted on it. The current review process was, in fact, triggered

by the EFCC Chairman's memo to the President. The NBA is concerned, not only about the welfare of serving Judges/Justices, but also of retired Judges/Justices like my brother Justice I. N. Buba.

27. My Lords, Distinguished Ladies and Gentlemen, on behalf of the Nigerian Bar Association, I congratulate Hon. Justice Ibrahim Buba on this occasion of his retirement from the Bench of the Federal High Court. Aviation experts will tell you that it is easier to fly an aircraft than to land it safely. I believe that it is the same experience with the Judiciary or any position of authority. Becoming a judge is one thing, navigating the judicial ocean without mishap is a different matter altogether. Indeed, after two decades of unblemished record, I can confidently say that your Lordship's flight has landed safely.
28. As we celebrate His Lordship today for having so acquitted himself honourably, may I seize the opportunity to acknowledge and appreciate the family; both immediate and extended, for their support and sacrifices all these years. May God bless you for not giving His Lordship trouble through these years of service to the fatherland. I pray that God will keep him alive and healthy so that you can have enough time to make up for all the years gone by and catch up on all missed holidays and anniversaries. Talking about Justice Buba as a teacher, he indeed taught me a lot of things, a couple of which I have resisted sharing. One however deserves mention in this Address, and that is the use of Proverbs 19:5 and 19:9 during cross-examination of a witness who affirms on the Holy Bible. My Lord, the Honourable Chief Judge of the Federal High Court, please permit me not to make further disclosures of my discipleship under Honourable Justice Ibrahim N. Buba, beyond Proverbs 19:5 and 19:9.
29. May I also thank the Honourable Judges of the Federal High Court for the fellowship and camaraderie His Lordship enjoyed from Your Lordships. I also thank all the registrars and registry staff that worked with My Lord for making his work easier with your dedicated service. God bless you all.
30. Finally, we thank God for ensuring that Your Lordship is leaving the Bench with the honour and the accolades which you rightly deserve.
31. We wish your Lordship a Happy Birthday in arrears, many more years of God's blessings and a restful but active retirement.

I thank you for listening.



Yakubu Chonoko Maikyau, OON, SAN
PRESIDENT