

SPEECH BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION AT THE SPECIAL COURT SESSION FOR THE 2024/2025 JUSTICES ANNUAL CONFERENCE OF THE COURT OF APPEAL

PROTOCOLS

1. My Lords, I am honoured to present this goodwill message on behalf of the Nigerian Bar Association at this Justices Annual Conference with the theme “Judicial Introspection”. I cherish the opportunity to acknowledge and celebrate the work done by the judiciary in the past year while noting the challenges that we will face in the coming Justices Annual Conference. Indeed, the Court’s Justices Annual Conference offers us an opportunity to rededicate ourselves to the sacred duty entrusted to the bar and bench as the guardians of justice and the rule of law. This occasion therefore invites us to evaluate our collective journey, celebrate milestones achieved, and confront the challenges that continue to test the resilience of our legal system. This occasion presents us an opportunity to envision how the Court can further strengthen its role as a bastion of justice, equity, and impartiality in the administration of justice.
2. In some of my addresses at court sessions marking the opening of the Justices Annual Conference ceremonies of various courts, I have drawn attention to the negative perception of our courts. It would appear I did not go as far as the Inspector-General of Police, Kayode Egbetokun who while speaking at the 2024 Annual Lecture/Award Ceremony of the Crime Reporters Association of Nigeria in Lagos on December 5, 2024, was reported to have said that the criminal justice system in Nigeria is weak, sick and needs a complete overhaul. The IGP was further reported to have likened our criminal justice system to a sick person who needs a medical doctor and needs to be revived. One could mention a number of reasons why our justice system (not just the criminal justice system), needs to be revived.
3. Some challenges of the justice system include but are not limited to the following;
 - a. Undermining of the independence of the judiciary by the executive arm of government using security agents to invade their homes and intimidate them, thereby adversely affecting their mental and physical disposition which is instrumental to the attainment of justice in any society.
 - b. Government officials, lawyers, litigants and members of the public talking down on and brazenly denigrating the judiciary and ridiculously dumping all the ills and failures of society on the judiciary.
 - c. Perception of the judiciary as a weak and malleable organ of government and attendant loss of confidence in our justice system is consequent upon the denigrations, intimidations, and seeming lack of independence of the judiciary.
 - d. Criminal trials are not moving as fast as envisaged by the reforms introduced in the Administration of Criminal Justice laws and many decided cases against the use of interlocutory appeals and other factors to delay criminal trial.

- e. Conflicting and inconsistent decisions by courts which lead to uncertainty about the position of the law on some issues.
 - f. Lawyers deploying several means to slow down the criminal investigation processes and trials, asking for several adjournments, being ill-prepared for trials etc.
 - g. Police and other investigative agencies carrying out shoddy investigations^{ns} which do not help the pace of justice administration.
 - h. Slow trial processes that are oftentimes exploited by the parties and their counsel to stall proceedings or to out-rightly frustrate trials.
 - i. Defence counsel sometimes delaying and or frustrating the trial of cases by making frivolous applications, applying for stay of proceedings, showing reluctance to go on with scheduled hearings, interlocutory appeals etc.
 - j. Undue waste of time in disposing of bail applications as well imposition of onerous bail conditions that are given to defendants, which are in fact a deliberate 'denial of bail'.
 - k. Use of holding charges to secure the remand of suspects without any commensurate intention or zeal to ensure that the suspect is charged to court. 'Suspects' are taken to the magistrate courts that do not have jurisdiction to try the case and which remand the accused without sometimes making an order for periodic review of the remand orders or making an order that the file be forwarded to the Director of Public Prosecutions (DPP) for legal opinion and advice.
 - l. Long adjournments granted by the courts, and absence of clear-cut periods for conclusion of cases unlike what is obtainable in election petitions.
 - m. Counsel questioning the impartiality of a trial judge or writing frivolous petitions, etc. as a 'case management strategy' or ploy to delay or frustrate due trials of cases.
 - n. The right calibre of persons are sometimes not appointed to the various bench.
 - o. Some judges not appreciating their role as well as the importance of the cases before them, they unduly indulge counsel who are only out to delay cases and sometimes allow themselves to be influenced in respect of matters before them. Some others fail to promptly rule on applications, sit late or not at all, see themselves as little Napoleons and sometimes talk more than they should etc.
4. For the Judiciary to play its role in ensuring effective justice delivery, it must be independent and free from any form of interference or influence in terms of funding, political manipulation, appointment etc. This will enable Judges to determine cases freely and competently based on facts and evidence presented before them and nothing more. In support of the importance of a bold and independent judiciary, I would like to quote Lord Atkins' dissenting judgment in **Liversidge v Anderson** [1941] UKHL 1; 'In England, amidst the clash of arms, the laws are not silent. They may be changed, but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty for which on recent authority

we are now fighting, that the judges are no respecters of persons, and stand between the subject and any attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law'. Therefore, no type of political leadership should muzzle the judiciary or subsume its powers to that of the executive.

5. The efficacy of exercising constitutional judicial power is firmly anchored to a moral authority that rests on public confidence. According to **the** past Chief Justice of Nigeria, Honourable Justice Dahiru Musdapher 'The judiciary commands no armies and collects no taxes as its authority rests squarely in the public's perceptions of its propriety'. To achieve this, the Bar and the Bench must show mutual respect so that the administration of justice would not be jeopardized. Public confidence in the judge and the judicial system reinforces conviction for the attainment of justice and enhances the willingness of the populace to subjugate before the law. It follows therefore that where public confidence in the judicial system is high, the incident of people taking the law into their own hands would be very low indeed. Whereas the reverse would be the case where public confidence is low. Accordingly, De Balzac quite aptly asserted that; 'the lack of public confidence in the judiciary is the beginning of the end of society'.
6. While we admit that societal perception of the integrity of the judicial system occupies a critical role in the promotion of social order by administering the law in a manner that satisfies the fundamental requirement of justice, **this** perception however, gives assurance to the majority of the citizenry who bask in the comfort that no person, institution or government no matter how powerful or wealthy is outside the sphere of the judiciary's legal authority. Thurgood Marshall of the US Supreme Court reminded that "The measure of a country's greatness is its ability to retain compassion in times of crisis." For Nigeria to overcome its challenges, the judiciary must lead with compassion and integrity.
7. We must have an efficient judiciary manned by judges who conduct proceedings with fairness and integrity in all their dealings; both judicially and efficiently. Thus, the public's perception of the Judiciary's propriety and the system it represents must be that of respect and admiration. Judges must consistently perform their judicial functions in a manner that would not erode the public's belief that those saddled with the responsibility of redressing wrongs done unto them are beacons of fairness, equity, competence, propriety and justice. Accordingly, it is very important to ensure that those who abuse the privilege of judicial authority are exposed, punished and removed.
8. The duty of the Bar is no different; the Bar is expected to be knowledgeable, fearless, and truthful. Above all, its members are expected to show total respect for the laws of the land and defend same at any cost. The Bar fails in its duties to the society and the cause of justice where it condones, encourages and or fails to take definite actions

to eliminate injustice, indiscipline, corruption and corrupt practices among its members or condones any form of tyranny from any arm of government. It is therefore hoped that the legal profession will discharge the weighty responsibilities hanging on the shoulders of the bar and the bench with vigour, truth, dignity and full awareness of the consequences of a failure to act in this regard.

9. The Bar must at all times maintain towards the Court respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamour. Where there is proper ground for a serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected. The integrity of the judge and the judiciary is a sacred public trust that must be protected and upheld by all, especially members of the legal profession. Today, mere suspicions and even spurious allegations of impropriety and baseless unconfirmed rumours, together with foul innuendoes find ready spaces in our newspapers, television stations and social media without proper concern for the far-reaching damage being done not only to the judge in question but the entire institution of justice. It is rather unfortunate that on some occasions, the press and indeed lawyers have allowed themselves to be used as a willing tool by litigants keen on whipping sentiments towards their cause and disparaging the reputation of judges and the judiciary without exercising due caution.
10. A lawyer who has accepted a matter must conduct the same with seriousness. He should not after accepting a brief, keep coming up with excuses which have the effect of defeating the ends of justice or which deprives his client of fair legal representation, especially in criminal cases. It would be unethical for a lawyer to act in such a manner. A counsel is duty bound to present his client's case with utmost devotion. The lawyer owes his client commitment to his interest, warm zeal in the maintenance and defence of the client's rights, and exertion of his utmost learning and ability to the end that nothing be taken or be withheld from him, save by the rules of law legally applied. No fear of judicial disfavour or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum, the client is entitled to expect his lawyer to assert every such remedy or defence. It must however be borne in mind that the great thrust of the lawyer is to be performed within and not without the bounds of the law. The office of a lawyer does not permit, much less does it demand of him for any client, the violation of law or any manner of fraud or chicanery. He must obey his own conscience and not that of his client.
11. My Lords, permit me to use this address to condemn the misuse of appellate processes by lawyers. It is becoming increasingly common for lawyers to file appeals merely to meet the number of cases required for applications for the rank of Senior Advocate of

Nigeria and continue to waste judicial resources. It does not matter that many of these appeals have no particular significance to the development of the law as well as the counsel's outstanding contributions to the legal field, both in terms of legal knowledge and advocacy skills. It is more about quantity than quality. This practice undermines the very essence of justice and contributes to the large number of appeals being filed in the appellate courts which in turn clogs the Courts' dockets and ultimately cause delays which lead to public disillusionment with the legal system. We urge the courts to adopt measures such as awarding costs against persons who file these cases as a way of deterring others from following that path. The NBA will engage with the Legal Practitioners' Privileges Committee to emphasize the need for quality over quantity in evaluating candidates for the rank of Senior Advocate of Nigeria. We must work together to ensure that the sanctity of judicial processes is upheld, and frivolity is discouraged at all levels.

12. The integration of technology into judicial processes is no longer a luxury; it is a necessity. The delays, inefficiencies, and bottlenecks that often characterize our judicial system are crying out for a solution that technology can readily provide. We urge the Court to implement specific time scheduling (time slots) for hearing of appeals to avoid having to wait for long hours for one's case to be heard, notification to Lawyers of adjournments to avoid resources and time being wasted in getting to a court only to be told that the court would not sit, putting in place a functional and efficient e-filing platform which incorporates an online payment platform to end the unnecessary costs, delays and inefficiencies encountered in filing processes in many registries, etc. I commend the strides made by the Court of Appeal in embracing virtual hearings and limited e-filing systems. However, we must go further. A fully automated judiciary that employs robust case management systems is the key to ensuring swift and transparent justice delivery. These advancements would ensure that even the most remote litigants can access the courts without the burden of excessive delays or unnecessary expenses. As the saying goes, "Justice delayed is justice denied." This Court has a golden opportunity to ensure justice is never denied because of outdated systems.
13. Your Lordships, may I also address the recent reported 'closure' of the Court of Appeal divisions in Awka, Owerri, and Enugu on account of prevailing security situations in the region. While the safety of judicial officers, staff, and litigants must remain paramount, the total shutdown of these divisions significantly hampered access to justice in the affected divisions. We once more respectfully urge the Governors of the region to assert the authority of the state and ensure by their words and actions that the security of lives and properties of the people, particularly that of judicial officers who man various courts in the region is guaranteed. They must show the ability of the states not only to govern but to protect and secure the people. We cannot afford to have three divisions of the Court shut down. All hands must be on deck to do the needful to ensure that these divisions of the Court function. We will continue to

engage with all stakeholders to ensure that non-state actors are not allowed to threaten judicial officers and our court system. In situations like this, the judiciary must continue to explore innovative alternatives to ensure justice is not halted. Options such as the temporary relocation of court sittings to safer venues within or outside the affected states, virtual hearings through technology, or the establishment of mobile courts should be considered. Justice must never be a casualty of insecurity; rather, our resolve to uphold the rule of law should shine brightest in such trying times.

14. The Court of Appeal is a critical institution in our democracy, and its ability to uphold the principles of justice will continually shape the future of our nation. The Nigerian Bar Association remains a steadfast partner in this journey. We are committed to supporting the judiciary in implementing reforms, embracing technology, and addressing the challenges that hinder the effective administration of justice. Together, we can build a judiciary that inspires confidence, delivers justice, and stands as a model for all to emulate.
15. May this Justices Annual Conference bring groundbreaking decisions, enhanced efficiency, and renewed public trust in the judiciary. It is our prayer that Almighty God shall continue to give your Lordships good health, sound mind and wisdom to carry out the onerous responsibility bestowed on you. We shall surely work together to strengthen the pillars of justice upon which our society rests, ensuring that our judicial system remains a true beacon of hope and equity.

Thank you for listening, and may God bless us all.

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