

**EXECUTIVE REPORT BY NBA PRESIDENT AT THE NATIONAL
EXECUTIVE COUNCIL MEETING OF THE NIGERIAN BAR
ASSOCIATION HELD AT BENIN, ON THURSDAY, NOVEMBER 20,
2025.**

Protocol

1. I welcome you all to this historic meeting of the National Executive Council of the Nigerian Bar Association, holding in the culturally rich and historically significant city of Benin, the proud capital of Edo State, and the heartbeat of the Nation. Once the heartland of the great Benin Empire, this city embodies Nigeria's legal and cultural history, renowned for its advanced precolonial justice systems, mastery of bronze craft, and centuries of orderly governance. In many ways, Benin reminds us of who we are as lawyers: defenders of justice, custodians of dignity, and instruments of order in a world that constantly shifts. It is fitting, therefore, that we converge in this city to review our progress, affirm our commitments, and chart the next course for our great Association.
2. Since our last NEC meeting in Enugu during the 2025 Annual General Conference, our work has intensified. The NBA has made deliberate, measurable strides in litigation, advocacy, continuing legal education, and stakeholder engagement. Below is a comprehensive account of our efforts since August 2025:

3. Defending Welfare & Rights of Members: SPIDEL-Led Public Interest Litigations

A cardinal duty of the Nigerian Bar Association is the protection of the rights and welfare of its members across all sectors. This duty was exemplified by two significant public interest actions filed by the NBA through its Section on Public Interest and Development Law (SPIDEL), in compliance with the mandate given by NEC at the August 2025 Pre-AGC meeting in Enugu.

4. **Police Lawyers Conversion Lawsuit:** For years, legal practitioners serving in the Nigeria Police Force have been denied the automatic conversion and promotion to the legal specialist cadre as prescribed

under Section 18(9) and (11) of the Nigeria Police Force (Establishment) Act, 2020, and Force Order 137 of the Ratified Force Order, 2013. These officers, many of whom prosecute, defend, and represent the Force in courts across Nigeria, continue to wear junior ranks such as Corporal or Sergeant in defiance of statutory mandates. In pursuit of justice and professional dignity for these colleagues, the NBA, through SPIDEL, on 3rd September 2025, instituted Suit No: NICN/ABJ/264/2025 before the National Industrial Court, Abuja, against the Police Service Commission and five other Defendants. The reliefs sought include a judicial order compelling the upgrade of all qualified legal officers to the substantive rank of Superintendent of Police, as required by law.

5. The suit is not just about compliance; it is about justice, respect, and the recognition of the legal profession within the security architecture of our nation. I wish to commend Prof. Paul Ananaba, SAN (SPIDEL Chair), and Mr. Olukunle Edun, SAN (Chair, Public Interest Litigation Committee), for their diligence in leading this charge.
6. **Tinted Permit Policy Litigation:** In April 2025, the Inspector General of Police introduced a policy mandating that citizens annually obtain motor vehicle tinted glass permits through an online platform (possap.gov.ng), with enforcement initially scheduled to begin June 1, 2025, and later postponed to October 2. Reports of harassment, extortion, and civil rights violations, particularly against young people, became widespread. Following NEC's resolution, the NBA filed Suit No: FHC/ABJ/CS/182/2025 on 2nd September 2025 at the Federal High Court, Abuja, challenging the legality and constitutionality of this policy. We believe the policy is **unconstitutional, obnoxious, illegal, and a threat to citizens' rights**. The NBA thus contends that:
 - a. The Motor Tinted Glass (Prohibition) Act of 1991, under which the policy is premised, is a military-era decree that no longer meets the democratic thresholds of justification under Section 45 of the 1999 Constitution;
 - b. The National Assembly does not have the legislative competence to enact the law; therefore, the same cannot rightly be deemed a law properly made by the National Assembly.
 - c. The enforcement of the unlawful policy will initiate disorder and extortion, given the Nigeria Police's long and sordid history of

extortion, bribery, harassment, intimidation, and extra-judicial killings.

- d. The policy is a brazen revenue-generating drive by the Nigeria Police Force, which by law is not a revenue-generating organisation.
 - e. The imposed levy for obtaining and renewal of the permit adds to Nigeria's ever-increasing layers of taxation, thereby portraying Nigeria as a difficult place to do business.
 - f. The permit policy undermines Nigeria's tax reforms, which will come into effect in January 2026, in that it will add to the multiplicity of taxes and taxing agencies in Nigeria, as well as the high corporate tax burden on businesses.
 - g. Nigeria imports cars from abroad, and modern vehicles come with factory-fitted tinted glasses, yet the Police discountenance this in the drive to generate revenue for the police and a few individuals.
 - h. The payment proceeds into a private bank account (PARKWAY PROJECTS, Account No: 4001017918) instead of the Treasury Single Account raises serious concerns of transparency and corruption.
 - i. The policy brazenly nullifies already issued permits, and the purported requirement for renewal of the permits has no legal basis.
7. Upon institution of the suit, the NBA held a high-level engagement with the Inspector General of Police, who subsequently suspended enforcement of the policy pending court pronouncement. The meeting underscores the NBA's ability to combine litigation with constructive dialogue for impactful outcomes. The visit, which centred on issues surrounding the enforcement of the Motor Vehicles (Prohibition of Tinted Glass) Act, 1991, by the Force, provided an opportunity for robust deliberations on issues of mutual concern, particularly the need for synergy between the Police and the Bar in upholding the rule of law and promoting public confidence. We used the opportunity to insist that the Police must direct its officers to cease and desist from further enforcement of the policy.
8. The Nigeria Police Force, while claiming that there is no clear court order stopping the enforcement of the Motor Vehicles (Prohibition of Tinted Glass) Act, 1991, has, out of consideration for the interest of

Nigerians, and regard for the Nigerian Bar Association, temporarily suspended the enforcement of the Act, pending the outcome of the hearing of the Motion on Notice slated. To further strengthen the relationship between the Nigeria Police Force and the Nigerian Bar Association, a Police-NBA committee has been inaugurated to enhance collaboration between the police and the bar. In the meantime, all vehicle owners and motorists are urged to take advantage of this window to regularise their documentation and ensure full compliance with all relevant laws regulating the use of motor vehicles with shaded or tinted glasses in Nigeria.

9. **Strengthening Road Safety Through Law Reform And Advocacy:** On 12th October 2025, I was honoured to serve as a panelist at the 8th Annual Lecture of the Federal Road Safety Corps (FRSC) held at the Banquet Hall of the Presidential Villa, Abuja. Themed “Advocating for Safer Roads, Stronger Laws,” the event brought together regulators, transport stakeholders, and policymakers. In my address, I emphasized the NBA’s readiness to partner in drafting clear and enforceable traffic regulations. Road safety must not be reduced to mere traffic rules; it is a matter of constitutional protection of life and dignity. We advocated for improved education of both road users and law enforcement officials, and I affirmed the NBA’s commitment to public education, rights awareness, and law reform in the transportation sector.

- 10 **Correctional Justice Reform: NBA–Kuje Facility Engagement:** On 15th October 2025, I accompanied the Honourable Minister of Interior, Dr. Olubunmi Tunji-Ojo, on an inspection visit to the Kuje Correctional Facility. This engagement highlighted commendable rehabilitation efforts within the centre, including the fact that over 150 inmates were enrolled in various NOUN academic programmes, with one pursuing a PhD. During the visit, I reaffirmed the NBA’s commitment to post-conviction justice. Beyond legal representation through our Pro Bono Centre, I pledged that the NBA would launch a dedicated rehabilitation fund to support the reintegration of ex-inmates into society. This fund, when established, will provide transitional support, skills development, and small grants to deserving ex-inmates. I hereby seek the kind approval of NEC to formalize the creation of the

NBA Post-Custodial Rehabilitation Fund as a structured initiative under the NBA Pro Bono Centre.

- 11 Strengthening Democracy: Advocacy in Defense of Freedoms:** In the past months, the NBA has stood as a bulwark against abuse of state power. When the Police invited Mr. Chinedu Agu, former Secretary of the NBA Owerri Branch, over “criminal defamation” for critiquing state policies, we issued a strong statement and deployed senior lawyers to monitor the matter. We made it clear that criticism of the government is not a crime. The team of senior lawyers led by Mr. Stanley Imo, SAN, was able to secure his release from prolonged detention in court.
- 12** We condemned the abductions of Onyesom Peace Udoka and Isyaku Danjuma, Esq., both of whom were targeted in separate incidents in Kogi and Niger States. Our statements called for urgent government intervention and heightened protection for all citizens, lawyers, and non-lawyers alike.
- 13** We demanded accountability for the brutal murder of our colleague Somtochukwu Maduagwu and the alleged medical negligence that may have cost her life. The NBA insists on justice, not only in the courtroom but in hospitals and even on the streets. These interventions reflect what I have often called “practical advocacy,” using our voice, platform, and legal tools to defend democracy.
- 14 Championing Pan-African Advocacy: African Bar Association Conference, Accra.** In October 2025, I led the NBA delegation to the African Bar Association (AfBA) Annual Conference held in Accra, Ghana. This year’s theme, “Foreign Interest in Africa: Exploitation or Investment?” offered a timely reflection on the continent’s socio-political trajectory. In my address, I called on African nations to redefine their approach to international relations by prioritizing professionalism, integrity, and strategic foresight in global engagements. I emphasized that Africa’s progress and sovereignty depend largely on the quality of representation the continent sends to global decision-making tables. I further stated that “African countries will not be exploited if we do not allow it.” I urged African governments to ensure that competent professionals, people of integrity who place national interest above personal gain, represent the continent in negotiations at the United Nations and other global platforms.

15 I concluded by stating that, “The interdependent nature of modern economies has made it inevitable for African nations to transact across national borders. However, the nature of the agreements we enter will determine whether we remain dependent or emerge as truly independent nations.” We must resist the perpetuation of neocolonial arrangements masked as economic aid or trade partnerships. I urged delegates to support agreements that build sovereign capacity, protect our natural resources, and guarantee dignified development. The NBA reaffirmed its commitment to regional legal integration, judicial diplomacy, and support for rule of law institutions across the continent. Our participation also provided an opportunity to network with sister Bars, exchange best practices, and strengthen Afrocentric legal advocacy.

16 Strategic Partnership for Hospitality Regulation: NBA–NIHOTOUR Engagement: On 16th October 2025, I received in audience the Director-General of the National Institute for Hospitality and Tourism (NIHOTOUR), Dr. Abisoye Fagade, and his delegation at the NBA House. The visit marked a pivotal moment in redefining how the legal profession engages with Nigeria’s hospitality and tourism ecosystem. Lawyers remain one of the largest professional users of hotels, conference centres, and hospitality facilities. We affirmed that the NBA, with its vast network across Nigeria, is a strategic partner in building regulatory compliance, professional standards, and consumer protection in the hospitality sector. The NBA was specially invited to participate in the first-ever Induction Ceremony for Hospitality Professionals. We view this collaboration as a gateway for advancing legal and regulatory frameworks that will encourage job creation, tourism development, and sustainable hospitality practices.

17 Institutional Advocacy: Address to The National Assembly on Constitution Review: As part of the NBA’s broad-based constitutional reform agenda, I led a delegation to the National Assembly in October 2025 on a courtesy visit to the Deputy Speaker of the House of Representatives, Rt. Hon. Benjamin Kalu, who also chairs the House Committee on Constitution Review. In my remarks, I referenced the NBA’s State of the Nation Discourse and the need for urgent reforms to judicial appointments, judicial funding, and the structure of the NJC and FJSC. I advocated the adoption of merit-based, transparent

processes to improve the independence and integrity of our judiciary. I also restated our position on critical issues such as: Independent candidacy, Electoral reforms to reduce litigation overload, and expanding democratic participation. These proposals are consistent with the NBA's long-standing advocacy for a truly people-centered constitution.

18 Address During the Supreme Court of Nigeria 2025/26 Legal Year

Ceremony: On 28th September 2025, I had the honour of delivering the address of the Nigerian Bar Association at the Special Court Session to mark the commencement of the 2025/2026 Legal Year of the Supreme Court and the conferment of the rank of Senior Advocate of Nigeria. In that speech, I presented a frank and forward-looking assessment of the state of our legal system and offered bold proposals for reform. Among the key issues raised were:

- **Judicial Appointments:** I highlighted the pressing need for transparency, merit, and due process in judicial appointments. I reiterated that courtrooms must not be tainted by perceptions of nepotism or influence-peddling, and that excellence must be the sole criterion for judicial elevation.
- **Judicial Independence:** I reminded the judiciary that true independence is not only about resisting external interference, but also about internal integrity and consistency in the delivery of justice. I urged the judiciary to guard its credibility with vigilance.
- **Access to Justice:** I called for urgent reforms to dismantle the systemic barriers that deny citizens effective access to justice, whether due to cost, delay, illiteracy, or procedural rigidity. I noted that where justice is inaccessible, democracy is fragile.
- **Technology and Efficiency:** I emphasised the need for a digital revolution in the judiciary. I advocated for the urgent deployment of digital case management systems, real-time transcription, and virtual hearings to eliminate inefficiencies and case backlogs.
- **Corruption and Confidence in Our Judiciary:** I expressed deep concern over the erosion of public confidence in the judiciary due to allegations of judicial compromise. I called on the judiciary to rise above suspicion and to hold its own accountable when necessary.

19 NBA at the 31st Nigerian Economic Summit: On 3rd October 2025, I delivered a goodwill message at the 31st Nigerian Economic Summit

(NES), held at the Transcorp Hilton, Abuja. The Summit brought together leaders from the public and private sectors to chart a vision for national development. In my message, I emphasized that strong institutions and accountable leadership are the bedrock of national transformation. I urged participants to commit to long-term reforms and referenced the story of Dubai, where deliberate vision, rule of law, and institutional stability transformed dreams into prosperity. I reminded the audience that Nigeria's economic future hinges on justice, investor confidence, and legal integrity. We must move from speeches to systems, and from pronouncements to performance.

20 2025 International Bar Association (IBA) Conference – Toronto, Canada. At my expense, I attended the International Bar Association Conference in Toronto, Canada, from 2nd to 7th November 2025. The NBA sponsored five officials to the Conference. The IBA remains the world's leading forum for legal networking, transnational legal development, and comparative law dialogue. At the conference, we participated in high-level discussions on global justice systems, technology and law, climate accountability, and cross-border dispute resolution. We also reiterated the NBA's commitment to enhancing Nigeria's voice in global legal affairs by engaging with representatives of Bars from other countries on areas of mutual interest. Our attendance reaffirmed the NBA's global relevance and opened new avenues for strategic partnerships, law reform, best practices, and continuing legal education.

21 The 2026 Annual General Conference to be held in port Harcourt: At the NBA Annual General Meeting that took place on August 28, 2025 we announced our 2026 Annual General Conference (AGC) will be hosted in Port Harcourt, the Rivers State capital, on a clear condition that a democratically elected governor will be in office at the time of the event. I am pleased to inform NEC members of the appointment of Abdul Mohammed, SAN, as Chairman of the 2026 AGC Planning Committee, scheduled to hold in Port Harcourt, Rivers State, from August 22–29, 2026. He will be assisted by Sammie Somiari, SAN – Co-Chairman, Barbara Omosun – Secretary, and Emeka Obegolu, SAN – Consultant. The full list will be published later. We seek the approval of NEC for these decisions. We expect a conference that reflects innovation, inclusivity, and the very best of Nigerian legal practice.

This accounts for why we set up this committee as early as possible for effective planning.

State of the Legal Profession: Issues for Deliberation

22 The Neglect of Private Practitioners as Judges of Superior Courts:

On November 12 and 13, 2025, I participated in the National Judicial Council interview of persons shortlisted for High Court judges for Delta, Plateau, and Ekiti States, and discovered that about 90% of the persons shortlisted for the appointments are staff from the judiciary and Ministries of Justice. This further confirms my statement during the legal year ceremony of the Supreme Court that private legal practitioners have become an endangered species and, in fact, *persona non grata* in the shortlist of persons to be appointed as judges of superior courts. A look at the recent shortlist of candidates for appointment to the Federal High Court bench shows that the majority (**about 90%**) of the names are either staff of various judiciaries (most likely registrars) or officials from government agencies. There is a dearth of private practitioners.

23 This seems to be a pattern that is not limited to the Federal High Court. It appears to be a new trend that private legal practitioners are now deemed less worthy of appointment to the bench. While we do not suggest that Judiciary staff, prosecutors, and civil servants are not eligible for appointment, we deprecate a system that seems to give them prominence over private legal practitioners. The majority of appointees should be practitioners who practice daily in the FHC and therefore have the requisite experience.

24 Call for the amendment of Rule 3(4) of Guidelines and Procedural Rules for the Appointment of Judicial Officers of all Superior Courts of record: This concern has necessitated a repeat of the NBA's call for the amendment of Rule 3(4) of **Guidelines and Procedural Rules for the Appointment of Judicial Officers of all Superior Courts of Record in Nigeria** which empowers the Chief Judge as the Chairman of the Judicial Service Commission/Committee concerned to make a provisional shortlist on the merits consisting of not less than twice the number of Judicial Officers intended to be appointed at the particular time and circulate the provisional shortlist together with a request for comments on the suitability or otherwise of any of the short

listed candidate. These rules give a lot of power to the Chief Judge of a Court.

25 The process that leads to the shortlist of candidates needs to be further reformed and made more transparent. The Chief Judge of a state or the Head of a Court should not be solely responsible for preparing the shortlist. The general perception is that the appointment of judicial officers in Nigeria is influenced by politics, personal connections, or status. It is believed that merit plays a minor role. The mode of appointment of judicial officers is therefore generally perceived as lacking in objectivity, transparency, prone to political interference, and not open. We therefore reiterate NBA's observation in the communiqué issued at the end of its Annual General Conference held in Port Harcourt in 2011, the Nigerian Bar Association that there are a lot of Legal Practitioners in Nigeria who are not only honourable, patriotic, transparent, hardworking and incorruptible but also fit and proper for appointment to the Bench and elevation to the Higher Bench but are bypassed on account of mundane considerations especially the fact that they should allow those who have "laboured and suffered" on the bench to benefit from such appointments.

26 Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection should safeguard against judicial appointments for improper motives. As we have pointed out repeatedly, the poor quality of appointments in any judiciary will be the bane of that Judiciary. We therefore propose as follows:

- a. Those who apply for appointment as judicial officers, especially to the High Courts, Federal High Court, and National Industrial Court, should be subjected to written tests conducted by an independent body.
- b. The results of such an examination should be published within 6 (six) hours of the completion of the same.
- c. Such an examination should not only test their knowledge of the law but also test their verbal and quantitative aptitude. Thus, the tests should be structured in a manner that enables the prospective judicial officers to show their legal writing, comprehension, and legal reasoning skills.

- d. Judicial appointment processes should be reformed to focus on skill, professional and technical ability, in addition to integrity and personality.
- e. Appointments to the Bench at whatever level, the Higher Bench especially, must henceforth be predicated upon merit and the concurrent recommendation of the Bar.
- f. The recommendation must be based on discernible and objective criteria that consider factors like high professional integrity, reputation, sound knowledge of law, etc. This is to ensure that only quality people are appointed as Judicial Officers, and that corruption and lack of competence are reduced to the barest minimum.

27 Abuse of bail process: Bail continues to be used as a tool of abuse of judicial power, oppression, unjust remands, overcrowding of the detention centers, and delay in many courts in Nigeria. This abuse is best highlighted with the order made by an Owerri Chief Magistrate, Obinna Njemanze, for the remand at the Owerri Correctional Centre of our colleague, Chinedu Agu after his arraignment on charges alleging cyberstalking, criminal defamation and incitement over opinion articles criticizing the Imo State government, once more brings to the front-burner the involvement of our courts in enabling political oppression, emasculating free speech and putting the bail process to the wrong use. Some judges and magistrates are increasingly becoming enablers of political oppression and suppression of dissenting views by remanding persons charged with alleged criminal defamation or cyberstalking under Section 24 of the Cybercrime (Prohibition, Prevention etc) Act 2015, as amended in 2024.

28 Judges and magistrates increasingly deny bail when such charges of internet and online-related offences are preferred against defendants, despite the matter being ordinarily bailable. It is then worrisome that even though the law provides that a court may require a suspect or defendant to execute a bond, with or without sureties, for his appearance before a court, our courts rarely utilize such procedure. Rather, the bail process has been rendered very technical, time-wasting, and cumbersome. Sometimes courts impose bail conditions that amount to a denial of bail. At other times, they would impose a condition requiring a prosecutorial agency or some other third party to

verify sureties before a defendant could be released on bail, leading to abuse and prolonged detention even after bail has been granted.

29 This has unwittingly given the impression that justice is not served in such circumstances, but that the judex has rather chosen to enable the unjust incarceration of a citizen to say that which made somebody unhappy or uncomfortable. It is well known that the essence of bail is to ensure that a defendant attends court to answer charges that may have been brought against him/her. It is therefore worrisome why a court would refuse bail for a person charged with an offence that does not carry more than three years' imprisonment upon conviction. Judges and magistrates who deny bail to defendants in such circumstances must know that the judiciary should not be seen under any circumstances to side with those who wish to silence criticism, dissent, and refuse to be held accountable.

30 I need not remind us that when the government of Jim Nwobodo charged Chief Arthur Nwankwo, a publisher, with sedition for writing a book in 1982 titled: "How Jim Nwobodo Rules Anambra State" (a book that seriously attacked Chief Nwobodo, then Governor of Old Anambra State, accusing him of corruption and tyranny), the Court of Appeal in quashing his conviction by the High Court of Anambra State held that Sedition law – Sections 50 and 51 of the Criminal Code is inconsistent with Section 36 of the 1979 Constitution which guarantees freedom of expression of the 1979 Constitution (the current section 38 of the 1999 Constitution) and therefore void, and the conviction of Nwankwo overturned and therefore void and the conviction of Nwankwo overturned.

31 In the judgment reported as *Arthur Nwankwo v The State* (1985)6NCLR 228), **Olatawura JCA** stated: "It is my view that the law of Sedition which has derogated from the freedom of speech guaranteed under this Constitution is inconsistent with the 1979 Constitution, more so when this cannot lead to a public disorder as envisaged under Section 41(a) of the 1979 Constitution. We are no longer the illiterates or the mob society our colonial masters had in mind when the law was promulgated. The safeguard provided under Section 50(2) is inadequate, more so where the truth of what is published is no defence. To retain Section 51 of the Criminal Code in its present form, that is even if not inconsistent with the freedom of expression guaranteed by

our Constitution, will be a deadly weapon and to be used at will by a corrupt government or tyrant ... Let us not diminish from the freedom gained from our colonial masters by resorting to laws enacted by them to suit their purpose. The decision of the founding fathers of this present Constitution, which guarantees freedom of speech, including freedom to criticize, should be praised, and any attempt to derogate from it except as provided by the Constitution must be resisted. Those in public office should not be intolerant of criticism. Where a writer exceeds the bounds, there should be a resort to the law of libel, where the plaintiff must be of necessity to put his character and reputation in issue. Criticism is indispensable in a free society”.

32 Call for the making of regulations for the registration and licensing of corporate bodies or persons to act as bondspersons: We therefore use this opportunity to call on the Chief Judges of the Federal High Court and the High Courts of the State and of the Federal Capital Territory, Abuja to exercise the powers given to them by Section 187 of the Administration of Criminal Justice Act and the respective States equivalent, by making regulations for the registration and licensing of corporate bodies or persons to act as bondspersons within the jurisdiction of the court in which they are registered. We must make a commitment to ensure that the bail process is made in such a way that it ensures that a defendant appears in court to face trial, and same is not abused.

33 Distasteful circumstances surrounding the hearing of the appeal filed by our colleague, Bright Ngene, against his conviction: We will not fail to use this opportunity to call attention to and deprecate the distasteful circumstances surrounding the hearing of the appeal filed by our colleague, Bright Ngene, against his conviction by a magistrate court in Enugu State. The prolonged delay in determining the appeal gives an impression of a deliberate effort to ensure that his appeal is never heard. It is disturbing that the matter, which had reached judgment stage, was truncated on the very day judgment was to be delivered because the presiding judge recused himself suo motu. Owing to public outcry, the appeal was assigned to a new judge who rescheduled it for hearing on 23rd September 2025. This offered a glimmer of hope. Unfortunately, as usual, the new judge, like the previous ones, equally dashed all hopes that the appeal would be

heard and determined on its merit, as the judge, Honourable Justice Oluedo, equally recused herself from the matter, creating another hurdle in a case that has already suffered undue stagnation.

- 34** It is beginning to look as if there is a concerted effort to ensure that the appeal is never heard so that Bright Ngene would serve the full term imposed on him by the Court. If this is indeed true, then this is not the face of justice we want to present to the world. We wonder if the Judiciary in Enugu State has become weak or unwilling to live up to the judicial oath to do justice to all men without affection or ill-will. For how long shall we allow the cumulative effect to be a violation of Mr. Ngene's right to a fair and timely trial? This, to say the least, is a painful reflection of systemic delay that risks decreasing public confidence in our justice delivery institutions.
- 35** I would like to quote Lord Atkins' dissenting judgment in **Liversidge v Anderson** [1941] UKHL 1, where he stated, "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". The continued detention without any judge accepting to hear Bright Ngene's appeal strikes at the heart of our collective sense of justice as a profession. Bright Ngene deserves justice, and the willful refusal of the judges of the Enugu State High Court to hear his case strikes at the heart of justice and portrays it in a terrible light. According to an African proverb, 'If the crocodile eats its own eggs, what then will it do to the flesh of the frog.'
- 36 Absence of detention facilities or borstal homes for the detention of minors, as well as the failure to seek alternatives to remand for children or minors in conflict with the law:** Some time ago there was outrage over the arraignment of seventy-six (76) protesters, including thirty-two (32) minors, who were charged with serious crimes like treason and incitement to mutiny. Arrested during August's #EndBadGovernance protests, the young defendants – evidently weak, unkempt, and malnourished– were presented in court after nearly three months of detention. The case brought to the fore the treatment

and application of laws to minors in conflict. It also highlighted the absence of detention facilities or borstal homes for the detention of minors, as well as the failure to seek alternatives to remand, for children or minors in conflict with the law.

- 37** The case calls to mind the role of the judiciary in ensuring that, where the prosecution insists on doing the wrong thing, the court would come to the aid of such minors. Our courts are urged to develop best practices to ensure that children are neither charged along with adults nor sent to adult detention facilities. The courts should also apply the provisions of the law on determining the age of such children where there is no doubt about the same.
- 38 Digitization of courts:** The issue of digitizing our courts remains pressing. The Supreme Court Rules, 2024, provided a foundation for electronic filing, but the system is yet to achieve full operationalization across our superior courts. Our courts still struggle with manual processes that encourage delays and inefficiency. In 2025, this should no longer be acceptable. Many jurisdictions have shown that technology can drastically improve efficiency, transparency, and public trust. Nigeria must not lag. The NBA therefore renews its call for: adoption of electronic filing and service of processes; Digital recording of court proceedings in all superior courts of record; Efficient case management systems with strict scheduling and time slots; Integration of Legal Mail as the exclusive medium for court-lawyer communication.
- 39** No judiciary can command respect if questions persist about the discipline and integrity of its officers. The National Judicial Council (NJC) must be unwavering in upholding ethical standards, while at the same time protecting judicial independence from political interference. As Mohammed Lawal Uwais GCON, CJN (of blessed memory) once said, “for a judiciary to function effectively, it must have the trust and confidence of the people.” This trust will be strengthened only when judges are seen to be above reproach, and when disciplinary processes are swift, fair, and transparent.
- 40** We must, therefore, renew our focus on access to justice for indigent citizens, speedy trial of cases, and regular inspection of detention facilities to curb unlawful incarceration. The judiciary is not an ivory tower immune from the gaze of the people; it is an institution that must

constantly earn public trust through fairness, timeliness, and transparency. Many magistrates and high courts operate with derisory infrastructure, from poor electricity supply to a lack of recording equipment, making effective case management difficult. The viral video of the leaking roof of a magistrate court in Anambra state highlights the neglect into which the inferior courts have fallen into. We therefore use this opportunity to call on the persons responsible to make intentional efforts to improve the infrastructure of magistrates and judges of lower courts.

41 Review of the Guidelines for Conferment of the SAN rank: The NBA also reiterates its call for a review of the Guidelines for Conferment of the SAN rank to broaden inclusivity, particularly for academics and law teachers. We also call for the removal in the guideline, the requirement that a person facing disciplinary action or a pending criminal case should not apply for the rank until the determination of the case, as this negates the constitutional presumption of innocence and indirectly punishes the person who may otherwise be innocent. Not to be forgotten is the fact that the provision can be abused to ensure that a person does not apply or even get the rank. We believe that since there is a procedure for withdrawal of the rank from erring SANs, the above requirement becomes otiose.

42 Worrisome Spending by Prospective Aspirants in the Forthcoming NBA National Officers Election: I am worried about the huge spending by aspirants for the NBA National Officers election. The huge expenditure by aspirants seeks to suggest that the offices are to be bought by the highest bidder. The monetization of our electoral process is not only embarrassing but also violates our Constitution. Sadly, voters frequently focus on the short-term benefits that they are likely to receive, which causes aspirants to spend a lot of money trying to look good and benevolent just before the elections. Aspirants are hereby advised to cease all further distribution of gifts and materials that violate the NBA Constitution, as they may risk disqualification for so doing. The prospective voters, branches, sections, and fora must also make life easy for these aspirants by not making any financial or other forms of demands on them. In fact, we should reject gifts from them and refuse gifts and money if offered or given.

- 43 Poor Working Conditions and poor remuneration of the lower bench:** Recently, Magistrates in Ondo State raised alarm over the daily risks and indignities they face as they continue to rely on commercial transportation, often sharing buses and motorcycles with criminal suspects and litigants who appear before their courts. The state chapter of the Magistrates Association of Nigeria (MAN) attributed the situation to the failure of the Ondo State Government to provide official vehicles to magistrates, an omission they say threatens their safety, the dignity of their office, and hampers effective justice delivery. This once more brings to the fore the parlous state of magistrates in Nigeria. Right from dilapidated courtrooms and infrastructure, poor pay, and poor working conditions of these magistrates. We therefore use this opportunity to call on the state governments and persons responsible to make intentional efforts to improve the welfare, pay, and infrastructure of magistrates and judges of lower courts.
- 44 Composition of Electoral Committee:** Whereas Section 10 of the NBA Constitution states that there shall be established an independent body to be known as the Electoral Committee of the Nigerian Bar Association (hereinafter called “the ECNBA”) to conduct elections into National Offices of the Association and election of the representatives of the Association in the General Council of the Bar. The Constitution empowers the National Executive Council of the Nigerian Bar Association to appoint the Chairman and four members of the ECNBA not later than the month of December of the year preceding the election year. We hereby propose the appointment of the following persons as members of the Electoral Committee of the Nigerian Bar Association (ECNBA): Aham Ejelam, SAN (Chairman), Ibrahim Aliyu Nasarawa (Secretary), Muahamad M. Nuhu, Uju Okafor, and Ume Maduka.
- 44. Constitution of the Adjudicature Review Committee (ARC), Editorial Committee:** You may recall that NEC set up the Adjudicature Review Committee to strengthen Nigeria’s judicial system by offering critical scholarly and professional reviews on landmark decisions and supporting the development of a jurisprudence that fosters democratic accountability and progress. The Committee is to publish the Nigeria Adjudicature Review quarterly, offering learned commentary on cases with significant socio-economic

and political impacts. The publication of the Nigeria Adjudicature Review quarterly has become apposite in the light of the increasing number of contradictory and inconsistent judgments from some of our appellate courts.

45. We hereby propose to constitute the Editorial Committee by appointing Prof RACE Achara as the Chairman to replace Dr. Sam Amadi of the main committee and also head the editorial committee. The other members of the committee are Jubrin Samuel Okutepa, SAN (Alternate Chair), Prof Amuda Kannike, SAN, Prof Josephine Agbonika, SAN, Carrington Omokaro (Secretary), and Prof Victor Odoeme. The committee should co-opt legal researchers to work with.
46. **The NBA Lagos House Issue:** About August 12, 2014 the Nigerian Bar Association (NBA) unveiled its 'Lagos House' at a commissioning ceremony attended by the outgoing President, Okey Wali, SAN, then incoming president, Augustine Alegeh, SAN, several other members of the National Executive of the association and Dr Wale Babalakin, whose company, Stabilini Visinoni Limited, (A part of the BiCourtney Group) handled the construction project, based on a Build Operate and Transfer (BOT) agreement. Okey Wali, SAN, stated that the building was a testament to a partnership between the Nigerian Bar Association and the Council of Legal Education. According to him, after the Council of Legal Education secured the large expanse of land from the Federal Government, it allocated a part of the land to the Nigerian Bar Association to build its National Secretariat in recognition of the NBA's partnership in the administration of justice".
47. The six-storey fully serviced building, situated in the heart of Victoria Island, developed through a partnership with Stabilini Visinoni Limited, based on a Build, Operate and Transfer (BOT) agreement, was conceived to help NBA develop the prime land that had lain bare for a long time and to also enhance the revenue base of the association. The agreement between the NBA and Stabilini Visinoni Limited was to ensure that a yearly rent accruable from one floor of the building will be paid continuously to the Nigerian Bar Association until the expiration of the BOT agreement. Despite the agreement, there have been issues, and the NBA has not earned revenue as anticipated since 2014, when the building was commissioned. We therefore need to set

up a committee made up of our members to look into the matter and advise the NBA.

48. I hereby propose to appoint past NBA President, Dr. Olisa Agbakoba SAN, as the Chairman of an ad-hoc committee to review the status of the property as well as all lingering issues in respect of the same and advise the NBA on how to resolve all or any outstanding issues. The other members of the Committee are: Osaro Eghobamien SAN, Titi Akinlawon, Bayo Akinlade, and Muhammad Doko Idris.
49. **NBA Representation on The Council of Legal Education: The Need for A Tenure Framework:** Whereas Section 2(1)(e) and (f) of the Legal Education (Consolidation, etc.) Act provides that the Council of Legal Education shall, among others, consist of the President of the Nigerian Bar Association and fifteen persons entitled to practise as legal practitioners in Nigeria of not less than ten years standing, selected or elected by the Nigerian Bar Association, it is observed that the Act does not prescribe a tenure for the said fifteen NBA representatives. This legislative silence has created uncertainty and inconsistency in representation, with no standardized duration for service or turnover of representation.
50. I therefore recommend that the NEC pass a formal resolution to the effect that all NBA representatives to the Council of Legal Education shall serve for a fixed tenure of three years. This proposal seeks to ensure predictability, orderly succession, broader participation by members across regions, and institutional memory that is regularly refreshed. Such a resolution will align NBA representation with best practices in institutional governance and safeguard the integrity of our contributions to the Council's crucial responsibilities in shaping legal education in Nigeria.
51. **Naming of The NBA House:** The NBA House, located in Abuja, was officially commissioned in August 2016 by the then Vice President, Professor Yemi Osinbajo, SAN. The acquisition and development of the property represent the collective effort and visionary leadership of several past NBA Presidents. The land was originally acquired during the tenure of Dr. Olisa Agbakoba, SAN; construction was initiated by Mr. Okey Wali, SAN, and completed under Mr. Augustine Alegeh, SAN. Successive administrations, including those of Mr. Abubakar B. Mahmoud, SAN, and Mr. Paul Usoro, SAN, made significant financial

and logistical contributions towards the building's development and operationalization.

52. Given the significance of this structure as a symbol of the institutional identity and growth of the Nigerian Bar Association, it is proposed that the NEC pass a resolution establishing a committee to advise on the naming of the NBA House, its floors, halls, and relevant portions in honour of these key contributors. Such an initiative will serve as a historical marker of institutional legacy, foster a culture of appreciation for meritorious service, and inspire future leaders of the Bar to make enduring contributions to the legal profession.
53. **Unlawful Promotion of An Illegal "Privileged Rank" Purported For Legal Practitioners:** The attention of the Nigerian Bar Association (NBA) has been drawn to videos, reports and materials indicating that Dr. Tonye Clinton Jaja has been promoting, circulating, and or advocating the creation or conferment of a so-called "privileged rank" or "Blue Silk" for legal practitioners. The Leadership of the NBA views his action as being inconsistent with the legal profession's regulatory framework, and for misrepresenting or circumventing established institutional structures, capable of misleading members of the profession and the public. His actions, in our view, therefore constitute professional misconduct under both the Legal Practitioners Act and the Rules of Professional Conduct.
54. The NBA has requested an explanation from his good self about why disciplinary action will not be taken against him for calling for nominations and circulating videos, reports, and materials, making rounds, and or advocating the creation or conferment of a so-called "privileged rank" or "Blue Silk" for legal practitioners.
55. For the avoidance of doubt, by Section 5 of the Legal Practitioners Act (LPA), the Legal Practitioners' Privileges Committee (LPPC) is the only body legally recognised in Nigeria to confer the rank of Senior Advocate of Nigeria (SAN). No individual or group of individuals has the authority to create, announce, or promote any alternative title that imitates or parallels the rank of Senior Advocates of Nigeria as created under the Legal Practitioners Act.
56. By Rule 74 of the Rules of Professional Conduct for Legal Practitioners (RPC), any lawyer who acts in contravention of the rules commits professional misconduct and is liable to punishment as provided in the

Legal Practitioners Act. His attempt to create or advance a parallel “privilege rank” for legal practitioners in Nigeria, therefore, undermines the established rule for Legal Practitioners in Nigeria, potentially creating confusion, devaluation of the rank of Senior Advocates, and conflicts within the legal profession. Such actions jeopardize the legitimacy of recognised institutions and interfere with the statutory processes that confer honour and responsibility within the Bar. His conduct is believed to constitute professional misconduct.

- 57. Proposal for creation of Branches:** Whereas the NBA Constitution empowers the National Executive Council to consider and, if satisfied, approve the application for the creation of a branch. An application for the creation of a Branch shall be signed by not less than fifty (50) members in good financial standing and submitted to the General Secretary. The proposed Branch has a judicial division. The following branches are hereby proposed for approval by NEC:
- a. Bende Branch – to be created out of the Ohafia branch and encompass the Bende, Igbere, and Uzuakoli judicial division of Ohafia in Abia State.**
 - b. Kwale Branch - to be created from Oleh Branch and encompass Kwale and Obiaruku judicial divisions in Delta State;**
 - c. Iseyin branch - to be created out of the Ibadan branch and encompass Iseyin and Okeho Judicial divisions in Oyo State.**
 - d. Oyigbo Branch - to be created out of Port Harcourt and encompass the Oyigbo judicial division in Rivers State.**
 - e. Oru/Oguta – to be created out of Owerri and Orlu branches and encompass Oru, Oguta, Ohaji-Egbema, and Omuma Judicial divisions in Imo State.**
 - f. Potiskum Branch - to be created out of the Damaturu branch and encompass the Potiskum judicial division in Yobe State.**
 - g. Nike Branch – to be created out of the Enugu branch and encompass the Nike judicial division in Enugu State.**
 - h. Udi Branch – to be created out of the Enugu branch and encompass the Udi judicial division in Enugu State.**

STATE OF THE NATION

- 58. Imposition of 15% Tax on Imported Petrol and Diesel:** The planned imposition of 15% import duty on petrol and diesel will no doubt

impose financial hardship on families and Nigerians already groaning under economic hardship. Economists have rightly advised that the imposition of the duty will directly hit the cost of living, cause inflation, and adversely affect industrial productivity. The United Nations and the World Bank have sounded the alarm over worsening hunger and poverty in Nigeria, warning that millions face deepening hardship amid soaring inflation, insecurity, and a weak economy. In a joint report, the UN's Food and Agriculture Organisation (FAO) and World Food Programme (WFP) listed Nigeria among countries of "very high concern" for severe food insecurity, alongside Afghanistan, Somalia, and Syria. The agencies said global hunger is worsening due to conflict and economic shocks, with millions at risk of starvation.

59. Not to be lost on us is the fact that imposition of the duty will run counter to the promised new era of transparency, competition, and deregulation in the downstream oil sector contained in the Petroleum Industry Act (PIA) in 2021. Equally to be affected is the promised reduced government interference, the ability of market forces to determine fuel prices, and the attraction of private investment. The Government should therefore totally jettison the imposition of any/introduction of import levy, as it will be a government-imposed cost barrier that will distort competition and tilt the market further in favour of a dominant and near-monopolistic local refiner which operates within a free trade zone and already enjoys tax exemptions.
60. The suspended recent 15% tax approval on petrol and diesel has raised questions about whether the country is backtracking on its deregulation pledge. The suspension of the implementation of the import duty on petrol and diesel, recently announced by President Bola Tinubu, is therefore welcome even though it has not gone far enough. We, however, note that rather stating that the tax has been or will be scrapped, the government said it was "no longer in view". The same should therefore be scrapped and totally jettisoned.
61. **PDP Crisis: Partisanship of the Police and Conflicting Judgements of the Courts:** We are also concerned over the disgraceful events at the National Secretariat of the Peoples Democratic Party (PDP), where security operatives, particularly the police, were seen taking sides in what was clearly a political party leadership dispute. During the clash between rival factions of the PDP, video footage revealed that police

personnel, while advancing the individual interests of their principals, fired tear gas indiscriminately. This is an egregious dereliction of duty and a blatant abuse of power. The police were not there to de-escalate or protect lives and property; they were deployed, it seems, to enforce private political interests.

- 62.** This partisan use of law enforcement agencies gravely undermines public confidence in the neutrality and professionalism of the Nigerian Police Force. It flies in the face of recent public warnings issued by the Inspector-General of Police, Kayode Egbetokun, who had unequivocally stated: “The Nigerian Police Force is not and will never become an enforcer for private interests.” The IGP further cautioned that “officers have no business escorting parties for land recovery, disrupting legally existing occupations, or meddling in civil claims without a demonstrable criminal element. Every such incident erodes the neutrality of the Force and opens us up to disrepute.” These are strong words that must now be matched by strong disciplinary action. Officers who violate this standard of conduct and allow themselves to become political tools must be held to account.
- 63.** The NBA calls on the Inspector-General of Police to demonstrate leadership by ensuring a transparent investigation into the actions of all officers involved in the PDP Secretariat debacle. Beyond internal sanctions, the Force must offer public assurances that political neutrality will be enforced institutionally and not only rhetorically.
- 64.** Additionally, the NBA reiterates its consistent call for judicial officers to exercise restraint in political party disputes. The conflicting court orders issued in respect of the PDP leadership tussle have not only deepened the crisis within the party but have once again put the judiciary in the public spotlight for all the wrong reasons. The perception that the courts are willing tools in the hands of political actors threatens the very foundation of constitutional democracy.
- 65.** It is imperative that courts, especially those of coordinate jurisdiction, refrain from issuing conflicting orders that bring disrepute to the bench and confusion to the polity. Judges must resist the temptation to entertain matters whose political colouration exceeds the legitimate bounds of justiciability. Judicial discretion must never be weaponised to settle political scores.

- 66. Partisan Music at the Judges' Conference: An Unacceptable Breach of Judicial Integrity:** The NBA also expresses deep concern over the inappropriate playing of the political song “On Your Mandate We Shall Stand” during the recently held All Nigerian Judges Conference. The incident, which occurred in the presence of senior members of the judiciary, has rightly attracted national condemnation and raises serious questions about the safeguarding of the judiciary’s independence and the sanctity of its official gatherings. Judicial conferences are solemn occasions for reflection, learning, and the affirmation of judicial values. They are not, and must never become, platforms for political theatre or partisan messaging. The fact that such a song, heavily associated with recent electoral campaigns, was played at such a gathering is not only a grave misjudgment but also a damaging blow to the perception of judicial neutrality.
- 67.** The NBA calls on those responsible for this serious lapse, whether within the technical team, particularly from the Presidency, or any coordinating unit involved in the conference, to issue a public apology to Nigerians. This incident has painted the judiciary in a troubling light and created the impression that it lacks control over its proceedings. An unreserved apology is necessary to restore confidence and reassure the public that the judiciary remains above political interests. The judiciary must remain, and be seen to remain, a neutral arbiter, shielded from the theatre and noise of politics.
- 68. Presidential Pardon:** President Bola Tinubu recently granted presidential pardons to 175 people, including both living and deceased individuals. Some of the notable recipients include posthumous pardons for nationalist Herbert Macaulay and Major General Mamman Vatsa, as well as the Ogoni Nine, who were executed in 1995. This act of clemency also includes pardons for 82 inmates, reduced sentences for 65 others, and a commutation of death sentences for seven prisoners to life imprisonment. The list included about 50 convicted traffickers of illicit substances such as cocaine, heroin, cannabis, tramadol, and Indian hemp. Many of the convicts have barely spent a year in prison for their grievous offences. The list sparked public outrage after it was made public following the Council of State’s approval on 9 October 2025.

- 69.** While many praised the decision as a gesture of national healing, especially for cases tied to colonial or military-era injustices, the inclusion of controversial figures like Maryam Sanda, convicted of murdering her husband, and others for financial fraud sparked fierce public backlash. Critics argue that such pardons weaken the justice system and send the wrong message about accountability, particularly when individuals convicted of drug trafficking or homicide are released.
- 70.** Some critics described the pardons, especially the inclusion of drug convicts and Maryam Sanda, as a mockery of the criminal justice system, an affront to victims, a demoralisation of law enforcement, and a grave injury to the conscience of the nation. The initial pardon to a drug addict was described as wasting the efforts of the NDLEA and security operatives who arrested and convicted the criminals. Amnesty International said the manner President Tinubu carried out the exercise seemed to prioritise the perpetrators instead of access to justice and effective remedies for the victims and their families.
- 71.** The President appeared to have listened to public criticisms when he reversed the presidential pardons granted to some of the personalities that were recommended for such pardons, in his final endorsement to relevant authorities. Two of the persons who have been dropped from the pardons are the former member of the Federal House of Representatives, Farouk Lawal, and Maryam Sanda, who is serving life imprisonment for killing her husband in Abuja. Her jail term was reduced to 12 years. The uproar following the pardon shows the need to have guidelines for the grant of clemency.
- 72.** Commendably, the President moved to reform Nigeria's clemency system, signing new instruments of pardon and ordering the relocation of the Secretariat of the Presidential Advisory Committee on Prerogative of Mercy to the Ministry of Justice. The decision, according to the Presidency, aims to restore integrity, transparency, and public confidence in the process of granting state pardons. In the revised directive, offenders convicted of serious crimes, including kidnapping, drug trafficking, human trafficking, arms dealing, and financial fraud, were excluded from the list of those to benefit from presidential clemency. Some previously pardoned individuals had their sentences

commuted instead, underscoring what the administration described as a “balanced approach” between justice and compassion.

- 73.** This underscores the imperativeness of putting in place a legal framework governing the process of seeking clemency, including pardons and commutations. Such a guideline should outline the authority

and procedures that applicants must follow to request mercy from appropriate authorities. The policy guidelines should aim at improving the clemency process to include establishing clearer guidelines for clemency decisions, increasing transparency and accountability, and expanding access to clemency for marginalized persons or groups. The guidelines should seek to make clemency more accessible, equitable, and effective as a tool for justice. The guidelines should equally streamline the clemency process, reduce bureaucratic barriers, and enhance oversight that would help ensure that clemency is granted based on merit and justice rather than political considerations. The expected guidelines should also address systemic issues such as ethnic, social, economic, and religious disparities, as well as sentencing inequities.

- 74. Abuse of the Power to Declare a Person Wanted:** A disturbing incident unfolded recently when the Lagos State Commissioner of Police, Moshood Jimoh, reportedly declared Mr. Omoyele Sowore, a former presidential candidate and activist, “wanted” for organizing a peaceful protest. This declaration, made without a court order or formal investigation, flies in the face of constitutional rights and due process. The Constitution guarantees the right to peaceful assembly and association. Declaring a citizen “wanted” for planning a protest, without judicial sanction, is an affront to this right. The power to declare individuals wanted must derive from court-ordered processes and legal thresholds. The unilateral action of the police reflects executive overreach.

- 75.** This action sends a dangerous message to citizens, especially lawyers and civil society actors, that criticism or activism may attract persecution. The decision in *Fayose v. The State* (2010) JELR 34352 (CA) suggests that the issuance of warrants of arrest, which could be extended to the declaration of a person wanted, is a judicial or statutory act exercised through courts based on sufficient grounds.

The Administration of Criminal Justice Act, 2015, a comprehensive criminal procedural law applicable to all federal agencies, explicitly outlines processes from arrest to conviction or acquittal. Section 41 of the Administration of Criminal Justice Act empowers only the court to issue a public summons through newspapers or other means when a suspect, against whom a warrant of arrest was issued, absconds or conceals themselves. Thus, obtaining a valid warrant of arrest is a prerequisite before security agencies can approach the court to declare a suspect wanted.

76. In Sowore's case, none of that was done by the CP Lagos, who went on air to allege that Sowore does not have an NYSC Certificate and, as such, cannot organize a peaceful protest, so his declaration that Sowore is wanted stands. The actions are unconstitutional, illegal, and an unlawful infringement on the rights of citizens. As stated by Adekeye JSC in *A.S.E.S.A vs Raymond Ekwenyem* (2009) LPELR-SC.174/2002, **"This kind of arbitrary show of power, which is very rampant in our society, must be discouraged.** The event of that day was a misguided exercise of power and taking the law into their hands by the staff of the Sanitation Authority. It cannot be overemphasized that every citizen of this country has a right to go about his or her lawful business unmolested and unhampered by anyone else, be it a Government Functionary or a private individual. The law of this country, and particularly the courts, must punish for any manifestation of arbitrary power assumed by anyone over the life or property of another. The Anambra State Environmental Sanitation Authority and other similar governmental agencies must continuously give their staff orientation and enlightenment workshops that will enable them to perform their duties without violating the rights of citizens (emphasis supplied)."
77. **Donald Trump's Military Threat:** Recently, U.S. President Donald Trump stated that unless the Nigerian Government halts the killing of Christians, the United States might deploy troops to Nigeria to stop the alleged persecution of Christians in the North. Such a statement from a global political figure poses grave implications for Nigeria's sovereignty, its internal peace, and international relations. The NBA views this remark as very sensitive to the complex nature of Nigeria's security crisis. While the Constitution

guarantees freedom of religion and the Federal Government has a duty to protect all citizens, the framing of these killings as purely religious is inaccurate and potentially incendiary. Nigeria's security challenges stem from a combination of terrorism, banditry, economic dislocation, and weak governance, issues that demand coordinated national leadership rather than external military posturing.

78. I call on the Federal Government to assert Nigeria's sovereign dignity through measured, lawful diplomatic engagement with the United States and the global community, making clear that the country's internal security matters will be handled in accordance with international law and domestic accountability. However, such engagement must go hand-in-hand with decisive domestic action. The Government must demonstrate leadership and political will by confronting the spate of killings, kidnappings, and insecurity across the country with renewed urgency. Nigerians in every region, whether victims of terrorist attacks, communal clashes, or criminal violence, deserve justice, safety, and a clear display of state capacity.
79. Accordingly, I urge the Federal Government to take immediate and transparent steps to restore public confidence in the nation's security architecture, strengthen intelligence coordination, and hold all perpetrators of violence accountable, regardless of region, religion, or status. Only through justice, effective governance, and interfaith harmony can Nigeria reclaim moral authority at home and credibility abroad.
80. **Financial Autonomy & Judicial Independence:** We must continue to condemn the idea of the executive building houses, courts, buying cars, and providing other needs of the judiciary. *The official needs of the judiciary should be budgeted for and not subjected to the control of governors.* It is concerning to us that the governors would do things for the judiciary as if they were doing them a favour. Oftentimes, it's annoying seeing some governors or government officials boast or talk about how they gave cars to judges or built houses, or provided accommodation for the judges. The worst part is that these government officials are even inviting the judges for a public presentation of vehicles or some other materials to members of the judiciary. We believe it is demeaning and ought not to be. The judiciary should be an independent part of government and should not

be demeaned or reduced to a point where members of the judiciary should be given handouts as if a favour was being done to them.

81. There is no way you can convince any person that the judiciary that finds itself in such a situation is independent. Never! Even if it is independent, the perception will always be that they are at the beck and call of the executive, and that the executive will always bend them to their will; otherwise, those handouts will cease. Our position remains that if there is money or anything needed by the judiciary, be it vehicles, courtrooms, or other infrastructural needs, they should be budgeted for in the judiciary budget, and the judiciary should be allowed to execute them. Nobody should give the excuse that unless the executive does it for them, the money will be embezzled, or they are not trained to handle it. That is why there are professionals employed in the judiciary to handle these things.
82. The executive should not emasculate the judiciary, reduce the judiciary to a weeping boy, or a beggar. It is a beggarly situation where you see a chief judge continually visiting the office of the governor to beg for budgetary releases to be made to the judiciary. It demeans the judiciary, robs it of its independence, and makes it difficult for the people to trust that such a judiciary can be independent. We insist that whichever government official that does any of these things should, as a matter of urgency, desist from doing so. Justice is rooted in confidence, and the day that confidence is eroded, or seems to be gone, the people's confidence in the judiciary's ability will forever be eroded.
83. **The Nyesom Wike–Military Clash in Abuja:** A recent incident in the Gudu District of Abuja sparked nationwide concern when the Honourable Minister of the Federal Capital Territory (FCT), Nyesom Wike, was prevented by a group of armed military personnel from accessing a disputed parcel of land during an official inspection. According to video footage and news reports, the Minister had visited the area to enforce a demolition directive issued by the FCT Administration, only to be met by uniformed soldiers allegedly guarding the property on behalf of private interests. The confrontation became tense, with the Minister expressing dismay over what he described as military encroachment on civil land administration functions.

- 84.** The incident has since drawn widespread public reactions and debates. For the NBA, this episode raises critical questions about the limits of executive action as well as land administration in Abuja and other States in Nigeria. We will be failing in our duty if we shut our eyes to these unsavoury developments, as we are committed to ensuring that all forms of executive recklessness and impunity are stopped by those who occupy public offices, law enforcement agencies, etc. It is not appropriate for a Minister to physically seek to enforce a Demolition Notice, no matter what the circumstances are.
- 85.** I agree with the view expressed by Muiz Banire SAN that “a public servant lays down the law quietly, engages in administrative channels, gives instructive direction. What played out here instead resembled a brawl of ego. In the face of a blockade, the Minister should have responded with calm, procedural firmness, not visible frustration, shouting, or turning away in anger, as deducible from the trending video. But for the restraint of the Minister by some staff ultimately, he probably would have engaged the officer in fisticuffs”. The action was reckless, to say the least. It portrays the view that governance in our clime is about power projection, big-manism, show of brute force, scant regard for due process and rule of law, and legitimacy. Governance should not be about showing that might is right or that those in government can bend the governed to their will and have their way by all means and at all costs.
- 86.** Sections 297(2) and 302 of the Constitution of the Federal Republic of Nigeria 1999 (CFRN) vest all land in the Federal Capital Territory in the Federal Government, and delegate administrative powers over land in the FCT to the Minister in charge of the FCT. Thus, the sections merely vest all land in the FCT in the Federal Government and delegate administrative powers over land to the FCT Minister. The fact that the Minister administers FCT land does not mean the Minister can enter upon any land whenever it pleases him/her or at will, and evict the occupant, demolish structures therein, confront any occupant, or demand immediate compliance with whatever infraction he claims without notice and order of court. The Minister's power being administrative, does not entitle him/her to physically and personally seek to enter upon an affected land to enforce his orders, directives, or decisions. The exercise of such powers by the Minister, his officials,

agents/representatives, or a Governor, as the case may be, cannot be justified in reliance on Sections 297–302 or even the Land Use Act, as they do not grant such entry rights or justify arbitrary actions in purported enforcement of ministerial orders.

- 87.** The Land Use Act empowers the Governor, in this case the Minister of FCT, to revoke rights of occupancy. The Land Use Act also lays down mandatory procedures for the exercise of this power as well as the circumstances under which the power may be exercised. The exercise of this power is not draconian. Thus, failure to exercise the same in the manner and circumstance prescribed by law will vitiate the purported exercise of the same. Section 28(4) of the Land Use Act provides that “The Governor shall revoke a right of occupancy in the event of the issue of a notice by or on behalf of the President if such notice declares such land to be required by the Government for public purposes.
- 88.** Section 28(5) further provides that “The Governor may revoke a statutory right of occupancy on the ground of – (a) a breach of any of the provisions which a certificate of occupancy is by section 10 deemed to contain; (b) a breach of any term contained in the certificate of occupancy or in any special contract made under section 8; (c) a refusal or neglect to accept and pay for a certificate which was issued in evidence of a right of occupancy but has been cancelled by the Military Governor under subsection (3) of section 10; (d) The revocation of a right of occupancy shall be signified under the hand of a public officer duly authorized in that behalf by the Governor and notice thereof shall be given to the holder.
- 89.** The title of the holder of a right of occupancy shall be extinguished on receipt by him of a notice given under subsection (5) or on such later date as may be stated in the notice. The revocation or intention to unlawfully deprive a person of a statutory right of occupancy evinces an intention to deprive the holder of his proprietary right; the provisions of the Land Use Act as to the mode of such revocation must be strictly complied with. And where a revocation was not in the manner and in accordance with the provisions of the Land Use Act, such revocation is invalid, null, and void. Every revocation of a person's right of occupancy must be preceded by a notice to that effect duly served in accordance with section 44 of the Land Use Act.

90. While we concede that by virtue of Section 27 of the Urban & Regional Planning Act, a Development Control Department or its authorised agent shall enforce an order of the Planning Tribunal or High Court against a developer, occupier or holder for the time being of a development permit who fails to comply with such an order, the enforcement of such demolition order must be pursuant to an order of court not through executive fiat. Thus, even if there is any violation of the law by the occupant or owner of a property, the threat or attempt to demolish his property or actual demolition of the person's property is not a lawful step for the Minister, Ministry official, or the officials of the Department of Development Control to take. The options open to the Minister are those set out in Section 60 of the Urban & Regional Planning Act. The sections provides that; 'Where a developer contravenes the provisions of a planning law or any regulation made pursuant to a law, the Control Department shall have the power to require the developer to- a) prepare and submit his building plan for approval; or (b) to carry out such alterations to a building as may be necessary to ensure compliance; or (c) to pull down the building; or (d) to re-instate a piece of land to the state in which it was prior to the commencement of building'.
91. Where such a developer or occupier refuses to act in accordance with the directive of the Control Department, he/she shall be taken to court. Unfortunately, Ministers, Governors, and other government officials now act like Lords of the manor by taking the laws into their hands in development or forcefully evicting such developers without any order of court. In **Lagos State Development and Property Corporation & Ors V Foreign Finance Corporation (1987) 1 NWLR (pt. 58)**, the Court of Appeal, per Ademola J.C.A, held that: "The Constitution in section 33(1) lays down that a tribunal adjudicating upon the right of any person, must before reaching a decision give that person a right of hearing. The Land Use Act and its provisions are part and parcel of the Constitution of Nigeria. I think that when a Governor or his official is acting in an official is acting under Section 28 of the Land Use Act to revoke the right of occupancy already granted to a person, he is in my opinion in the position of a tribunal under the constitution who while exercising the power of revocation is adjudicating on the civil right of the grantee, which right is inclusive of his property right and interest. I

think one must import the right of fair hearing into section 28(1) of the Land Use Act. The courts in this country are mandated under the constitution to see that executive actions are in conformity with the fundamental rights of persons and also to see that all organs of government observe the provisions of the constitution”.

92. Distinguished members of NEC the above decision was affirmed by the Supreme Court in **OSHO v FOREIGN FINANCE CORPORATION (1991) 5 S.C. page 59 at page 81** when the court held per Obaseki, JSC that “Prudence and the law demand that a Governor revoking a right of occupancy for public purposes or for any purpose should accord all those aggrieved by the revocation fair hearing as provided by section 33(1) of the 1999 Constitution if revocation is for breaches of the terms of the certificate of occupancy”. The action of the Minister in purporting to have power to physically enter upon the land and indeed any land to demolish buildings there in purported enforcement of a Demolition Notice, without according the owner(s) the right of fair hearing and obtaining an order of a Planning Tribunal or Court, is unconstitutional and therefore unlawful.
93. The action of the Minister no doubt amounts to self-help. As held in **Gov. of Lagos State v. Ojukwu (1986) (Pt. 18)621** Per Oputa, J.S.C. (P.44, paras.A-B) ‘In Black's Law Dictionary 5th Edition at page 1220, Self-Help is defined as:- "Taking an action in person or by a representative with legal consequences, whether the action is legal or not; for example, a "self-help eviction" may be a landlord's removing the tenant's property from an apartment and locking the door against the tenant."
94. Equally worrisome is the Minister’s use of abusive language toward a serving military officer, arguing that even in the face of anger, a public official should maintain decorum and adhere to the rule of law. We also condemn the action of some law enforcement officers who clearly disregarded their training and lawful duties by joining in the use of foul language, as well as pushing and shoving. This could have degenerated. Nigerians were excited and had high hopes that with the return of civil rule, the gross violations of human rights, abuse of power, massive corruption, executive recklessness, subversion of the rule of law, etc, would be eradicated or at least cease to be common features of government.

95. During the unfortunate altercation, a deeply troubling comment was made by Lt. Ahmed Yerima, who appeared to suggest that when the military is handling an issue, the police should not interfere. This statement, captured in the widely circulated video footage, is not only false but dangerous. It betrays a fundamental misunderstanding of Nigeria's constitutional order, the distinct roles of security agencies, and the primacy of civil authority in a democracy.
96. We condemn in the strongest terms any notion that the Nigeria Police Force should take a backseat when military personnel are involved in civil matters. The police are the primary institution responsible for the maintenance of law and order in civilian settings. Their constitutional duty to protect life, uphold public peace, and enforce lawful authority cannot be suspended at the whim of military intervention or in the face of unlawful occupation of land by any party. Lt. Yerima's statement suggests an alarming erosion of institutional boundaries. It reinforces the perception that our security architecture is sliding into a dysfunctional state where military and police roles are confused, and where political actors can manipulate security personnel to further private interests. This must not be allowed to stand unchallenged.
97. **Mass Abductions and Targeted Killings:** On Monday, 17 November 2025, Nigeria awoke once again to a horrific act of violence and national shame. Armed terrorists stormed the Government Girls' Comprehensive Secondary School in Maga, Kebbi State, murdered a courageous teacher, and abducted at least twenty-five innocent schoolgirls from their hostel after engaging security personnel in a gunfight. This despicable act was not committed in the shadows of obscurity, nor was it unprecedented. It happened in a country where impunity has become habitual and national tragedies have become background noise. The Nigerian Bar Association declares without hesitation: enough is enough.
98. Just hours earlier, Nigeria lost one of its senior military officers, Brigadier-General M. Uba, in an ambush by ISWAP terrorists in Borno State. That brutal assault followed another coordinated ambush in the same region, resulting in additional tragic deaths of soldiers. These terrorists are not only attacking unarmed civilians; they are now openly targeting members of the armed forces. The grim message is clear: no one is safe. Our nation is bleeding from both ends: the

unprotected schoolchild, hapless civilians, farmers, road travellers, rural dwellers, and the uniformed officer on duty. All are now victims of a growing culture of brazen violence, terrorism, brigandage, kidnapping, wanton killings, and other forms of lawlessness that have overwhelmed our national security apparatus and dangerously eroded public confidence in the ability of the state to protect its people. The times are indeed dangerous and perilous.

- 99.** This deteriorating situation cannot be divorced from years of unchecked and under-resourced criminality, terrorism, and brigandage. Recently, it was reported that in the span of four days, no fewer than 145 people went missing in mass abductions across Kebbi, Niger, and Zamfara States. We have reached a point where we must prioritise the security of our nation. We cannot continue to record body counts and pretend that peace can be achieved by negotiating with terrorists. We cannot pretend that, so long as our major cities are safe, we have no reason to worry.
- 100.** The threats posed by these terrorists and other criminal elements are clear. They threaten all of us, and we have indeed become casualties. We must confront and tackle them or face the heightening danger to which they expose us all. Failure to act is an admission that we have become either desensitised or resigned to never restoring peace. All recent intelligence warnings, including the alert by the Department of State Services that ISWAP militants are planning imminent attacks in Ondo and Kogi States, demand decisive action. The warning points to a broad, coordinated strategy by terrorist factions to expand their footprint across Nigeria, turning once-secure areas into battlegrounds. This is not speculation; it is a clear and present danger. We are at war with enemies emboldened by state inaction, lack of decisiveness, and institutional dysfunction.
- 101.** This is no longer a question of security logistics or isolated lapses. It is a question of national will. Why do terrorists and armed criminals still roam the forests and highways unchallenged? How are they able to impose their will on communities, levy taxes, displace families, kidnap, and kill at random? How do they operate without ever being brought to justice? Why are schools, highways, and military convoys so vulnerable to ambushes? Why do terrorists now feel emboldened to brazenly attack and kidnap large numbers of people? Why are

credible threats, like those revealed by the DSS, not met with immediate, aggressive, preventive counter-measures?. The NBA demands immediate and non-negotiable action from the Federal Government and the Nigerian security establishment. These coordinated tragedies, kidnappings, killings, mass abductions, and other dastardly acts occurring across many parts of Nigeria must trigger a full-spectrum national security overhaul, backed by transparency, accountability, and political will.

102. We call for the following:

- a. A time-bound, coordinated rescue operation for the abducted schoolgirls, with full public accountability for progress and outcomes.
- b. An immediate inquest into the intelligence and security failures that enabled the killings of Brigadier-General Uba and other soldiers in Borno, and a public account of measures being taken to prevent recurrence.
- c. The urgent prosecution of all actors, collaborators, and enablers of terrorism, including those supplying logistics, arms, or shelter to armed groups, whether within or outside the security structure.
- d. Full implementation of the Safe Schools Initiative, including physical fortification, perimeter security, and armed escort systems for schools in high-risk areas.
- e. Investment in national satellite surveillance and forest-monitoring technologies, alongside military modernization and strategic intelligence reform.
- f. Effective pre-emptive counter-terrorism measures in response to the DSS alert in Ondo and Kogi, ensuring that such threats are crushed before they materialize.
- g. Comprehensive trauma care, restitution, and long-term support for the families of all victims, civilian and military, affected by these atrocities.

103. The Nigerian Bar Association salutes the gallant teacher in Kebbi who died protecting his students. We mourn Brigadier-General M. Uba and the valiant officers who paid the ultimate price for a country still struggling to defend itself. We reaffirm that the NBA will not be silent while Nigeria edges toward a national tragedy of unimaginable proportions. This is not just about security. It is about leadership. It is

about justice. Above all, it is about the soul of this nation. Silence is complicity. Delay is dangerous. The time to act is now.

- 104.** Dear Colleagues, as we convene in the timeless city of Benin, a bastion of heritage, justice, and resilience, we are reminded that the mantle of leadership is a call not just to serve, but to shape. In the few months since our last meeting, we have stood for the oppressed, defended the rule of law, and given greater voice to the voiceless. We have built bridges across borders, deepened our professional competence, and asserted the relevance of our Association in Nigeria's political, judicial, and economic evolution.
- 105.** Yet, even with our achievements, the journey ahead remains steep. Rising insecurity, diminishing public trust in institutions, threats to civic freedoms, and judicial inefficiencies remain ever-present challenges. But we must not lose heart. We must leave this NEC meeting with renewed resolve to build, to reform, to mentor, and to inspire. Let us remember that the strength of the NBA lies not in the prestige of our offices, but in the purpose of our actions.
- 106.** As we look ahead to the months leading into 2026, we must: Sustain our advocacy for democratic reforms; Deepen engagement with the judiciary and law enforcement; Advance legal education and continuing professional development; Defend the welfare of our members; Promote access to justice for the indigent and marginalised; and Embrace technology as a tool for judicial and administrative transformation. In the spirit of this, I humbly seek the approval of the NEC for the launch of a dedicated NBA Post-Custodial Rehabilitation Fund, an initiative that will provide modest financial support and counselling to ex-inmates represented by the NBA Pro Bono Centre, aiding their reintegration into society. Many of them have acquired educational or vocational skills in detention and deserve a fighting chance to start again. I urge NEC to consider this proposal as a further testament to our profession's commitment to restorative justice. We propose that the Fund be headed by Hon. Justice Ejembi Eko (rtd).
- 107.** Let us not relent. Let us not regress. Let us lead, always with integrity, with courage, and with the vision that the Nigerian Bar Association must always be the conscience of the nation.
God bless the NBA.
God bless the Federal Republic of Nigeria.

Mazi Afam Osigwe, SAN
President, Nigerian Bar Association