



NIGERIAN BAR ASSOCIATION

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JUDGES MUST NOT BULLY LAWYERS OR ABUSE POWER TO PUNISH FOR CONTEMPT AS A TOOL FOR INTIMIDATION OF LAWYERS

The Nigerian Bar Association (NBA) has received with utmost shock reports about judges not only bullying lawyers but also unlawfully ordering their detention. The first report emanated from proceedings in **Suit No. PHC/301 2016, Mr. Bodiseowei Zidougha v. The Chief of Naval Staff & 2 Ors** before the High Court of Rivers State presided by **Hon. Justice Chinwendu Nwogu**. According to the report, the trial judge convicted and ordered the detention of Defendants' counsel after delivering judgment in the matter. His Lordship purported to have convicted the counsel for the Defendants (Chief of Naval Staff and the Nigerian Navy), **Mrs. Lovinah Ugbana Benjamin**, of contempt of court for allegedly making false statements and imputations against the Court in a written address she filed in the matter.

The second report related to the summary order of **Honourable Justice Rita Ofili-Ajumogobia** of the Federal High Court, Abuja, for the detention of **Martin Anyanwu**, a legal officer in the employ of Federal Medical Center, Keffi, in the Court's holding facility on March 25, 2026.

There have been recent reports of lawyers being subjected to degrading and demeaning treatment in courtrooms, including being asked to kneel or stand facing the wall under threat of contempt. Such conduct undermines the dignity of the legal profession and erodes the mutual respect that must define the relationship between the Bench and the Bar. Indeed, resort to the exercise of power in these manners degrades lawyers and demeans the legal profession. These reports are not only frightening but appear to show an increasing intolerance and penchant for abusing judicial powers by some judges.

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These actions of the learned trial judges are not only unfair but are exceedingly high-handed. We hereby deprecate them. The actions as well as the procedures adopted by the judges fly in the face of the rationale for punishment for contempt, which is the need to vindicate the dignity of the court and thereby protect due administration of justice. The actions appear to have been taken rather to bolster the power and dignity of each of the Judges as an individual.

We wish to remind the judges that in **Okoduwa & 6 Others v The State (1986) 2 NWLR (Pt 76) 333 at 335 ratio 1** warned that *a judge's invocation of his power to punish for contempt of his court is an unwarranted exhibition of naked judicial power which put counsel and their clients in fear of the court and erode an important trammel of fair trial.*

In deprecating these actions, we must also remind judges of *Lord Tucker's statement in Izuora v. The Queen (1953) 13 WACA 313 at page 346*, that *"It is not every act of discourtesy to the Court by Counsel that amounts to contempt, nor any conduct which involves a breach by Counsel of his duty to his client. Our courts must try to distinguish between acts of discourtesy/ incivility, uncouth behaviour, acts of rudeness, etc."*

While these acts may be annoying, they are not necessarily acts of contempt of Court. Contempt must not be equated with conduct which will inevitably obstruct or disrupt the proceedings of the court or which is not to the liking of the judge. A distinction must be drawn between what may annoy a Judge and what amounts to contempt. It cannot be said that whatever implied 'criticism of the court as happened in the Port Harcourt case or the earlier for transfer, was not fair and was not conveyed in civil and temperate language. Put differently, it is not a contempt of court to criticize the conduct of a Judge or the conduct of a court, even if such criticism is strongly worded, provided that the criticism is fair, temperate, and made in good faith.

In our view, the power to punish for contempt was abused in these circumstances as the remand orders appear to have been used to assuage the

injured feelings of the presiding judge. It is not contempt of court when a judge does not agree with Learned Counsel's method of advocacy or with the facts as narrated by counsel. A lawyer has a constitutional right of audience in court and should neither be intimidated nor detained for carrying out this duty. How a lawyer chooses to present his case is his own style. It would be unconstitutional and an abuse of office for a Judge to abridge Counsel's right of audience by dangling or invoking his powers of contempt or for carrying out this duty. As stated by Oputa (JSC) as he then was, *"The test whether or not a judge takes himself, too seriously or thinks too much of himself is in his attitude towards contempt of his court"*.

The administration of justice rests on a delicate but enduring partnership between the Bench and the Bar, one built not on fear but on mutual respect, restraint, and a shared commitment to the rule of law. The Judge presides with authority; the lawyer appears with courage. Each is indispensable, and neither is subordinate to the other in dignity. These incidents across our courts reveal a troubling departure from this balance, one that threatens to erode the very foundation of justice. When judicial authority is exercised in a manner that intimidates, humiliates, or suppresses counsel, the courtroom ceases to be a temple of justice and risks becoming a theatre of fear.

While courts possess inherent powers to protect their authority and dignity, such powers must be exercised within the bounds of the law and in accordance with the principles of fair hearing and due process. A legal practitioner is entitled to present a client's case fearlessly and within the confines of the law. Where a court considers counsel's conduct improper, the proper course is to invoke recognised disciplinary mechanisms, including referring counsel to the Legal Practitioners Disciplinary Committee (LPDC), rather than resorting to summary punitive measures.

Even where a court believes that counsel has misrepresented facts in an affidavit, written address, or any process filed before it, the appropriate step is to refer the matter to the LPDC for investigation and possible disciplinary

action. Summary remand in such circumstances is disproportionate and amounts to a denial of fair hearing.

The power to punish for contempt is an extraordinary jurisdiction that must be exercised sparingly and only in clear cases where the administration of justice is under immediate threat. The Judge, by virtue of office, is the more powerful actor in the courtroom. The use of contempt powers in circumstances that do not clearly amount to obstruction of justice creates an atmosphere of intimidation and amounts to judicial bullying. The contempt jurisdiction exists to protect the court, not to silence counsel or penalise advocacy undertaken in the discharge of professional duty.

In light of the foregoing, the NBA demands as follows:

1. The immediate release of the affected counsel.
2. That the Honourable Chief Judge of Rivers State immediately investigate the circumstances surrounding this incident and take appropriate administrative action.
3. That appropriate disciplinary steps be taken by the National Judicial Council where necessary.
4. That the remand of Mrs. Lovina under the circumstances be condemned and set aside.
5. That all NBA branches in Port Harcourt and its environs, and all legal practitioners, boycott proceedings before the Court of Hon. Justice Nwogu for a period of seven days if Mrs. Lovina is not released within 24 hours.

The NBA hereby directs the NBA Human Rights Institute to monitor the situation immediately, liaise with relevant authorities, and take all necessary steps to ensure the prompt release of our colleague and the protection of her fundamental rights.

We will also engage the National Judicial Council and the National Judicial Institute to address the emerging pattern of judicial overreach, reinforce

standards of judicial temperament, and strengthen the institutional relationship between the Bench and the Bar.

The courtroom must remain a forum of law, not intimidation; of reason, not fear. The authority of the court is best preserved through fairness, restraint, and fidelity to the rule of law.



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