

9th June, 2017

PRESS RELEASE

PUTTING THE RECORDS STRAIGHT

The attention of the National Judicial Council has been drawn to reactions of some members of public, particularly Legal Practitioners, Jurists, Academics and Public Office holders on the recall of the Judicial Officers that had been earlier directed to recuse themselves from performing Judicial duties pending the conclusion of investigation or determination of the cases filed against them.

Council is particularly concerned about the Press statement issued by Okoi Obono-Obla, Esq, Special Assistant to the President on Prosecution on 8th June, 2017; that the Office of the Attorney-General of the Federation filed a Notice of Appeal against the Ruling of Hon. Justice Jude Okeke of the High Court of the Federal Capital Territory, Abuja, for discharging and acquitting Hon. Justice A. F. A. Ademola and 2 ORS on 7th April, 2017.

Contrary to the above statement, the Registry of the High Court of the FCT, Abuja, informed the Department of Information of the National Judicial Council that the Office of the Attorney-General of the Federation filed two Notices of Appeal in the Court; the first one on 7th April, 2017, against Hon Justice A. F. A. Ademola, his wife, Olabowale Ademola and Joe Agi, SAN. The second one was filed on 6th of June, 2017, two days after the Press Release was issued by the National Judicial Council, with additional grounds of appeal against only Hon. Justice A.F.A. Ademola.

It is on record that when the Parties were invited by High Court of the FCT for settlement of records to be transmitted to the Court of Appeal on 18th April, 2017, the Appellant failed to turn up. The Registrar of the Court further adjourned the settlement of records to 21st April, 2017, and invited all the Parties, but the Appellant again did not come to Court.

The total number of 45 days allowed for compilation of record in all circumstances expired on 7th May, 2017, for the Registrar of the Lower Court and 22nd May, 2017, for the Appellant.

Council noted that the Office of the Honourable Attorney-General of the Federation and Minister of Justice only filed additional grounds of appeal in the Court on Tuesday 6th June, 2017, three days after the Press Release by the Council that the Judicial Officers have been directed to resume their Judicial duties.

It was on 6th June, 2017, that letters were again issued by the Registrar to the Parties for settlement of records against 14th June, 2017.

For avoidance of doubt, by the Rules of the Court of Appeal, there cannot be a proper appeal before the Court until Parties have agreed and settled records before the Lower Court and transmit copies of such records to the Court of Appeal before an appeal number is given. It is only after an appeal number is given that an appeal is said to be entered in the Court of Appeal.

The Council confirmed from Registry of the Court of Appeal that there is no such Appeal till date. The only matter that is pending is a Motion with Number CA/A/371M/CR/2019 filed by Joe Odey Agi, SAN, against the Federal Republic of Nigeria seeking the dismissal of Appellant/Respondent appeal between the Federal Government of

Nigeria Vs Joe Odey Agi for failure to transmit the Records from the Lower Court within 45 days.

Council is aware that at the Code of Conduct Tribunal, the Federal Government filed Suits against Hon. Justices N. S. Ngwuta and Inyang Okoro of the Supreme Court and A. F. A. Ademola of the Federal High Court on 8th February, 2017.

However, the Federal Ministry of Justice later withdrew the files pertaining the Suits against Hon. Justices Inyang Okoro and A. F. A. Ademola, with the intention of filing additional evidence against them.

In the case of Hon. Justice Ngwuta, he has since been arraigned before the Code of Conduct Tribunal for non-declaration of his assets.

In effect, there is currently no Suit filed against Hon. Justices Inyang Okoro and A. F. A. Ademola J. at the Tribunal.

Contrary to the allegations by Professor Itse Sagay, SAN, Chairman, Presidential Advisory Committee Against Corruption, that Judiciary took a hasty decision to recall the Judges, and that it is not on board with anti-graft war of the Federal Government, the number of Judicial

Officers that have been removed from office for misconduct particularly for corrupt practices since President Buhari administration came on board, that has been made public by National Judicial Council in October and November, 2016, speaks for itself in that vein. Some of the Judicial Officers were removed from office by dismissal or compulsory retirement by the President or Governors on the recommendation of the National Judicial Council. While a number of the Judicial Officers were reprimanded by Council in the exercise of its Constitutional powers to exercise disciplinary control over Judges of Superior Courts of record in the Federation.

Council is constrained to say that some of the Judicial Officers that have been recommended for dismissal or compulsory retirement from Office by the presidency or Governors, have not to date been removed from Office. But for suspension of the affected Judicial Officers from Office by National Judicial Council, they would have to date been still performing their Judicial duties. And these are Officers that have been found culpable of gross misconduct by National Judicial Council after due process and diligent fact finding investigation by Council based on the Rule of Law enshrined in the 1999 Constitution of Federal

Republic of Nigeria, as amended, National Judicial Council Judicial Discipline Regulations and Code of Conduct for Judicial Officers of the Federal Republic of Nigeria. The National Judicial Council will soon issue an advertorial on the foregoing and list out the number of Judicial Officers that have since April, 2000 when it held its inaugural Meeting to date, been dismissed or compulsorily retired by the President or Governors for gross misconduct or corrupt practices, on its recommendation; and also reprimanded by council by suspension or warning/caution.

Council is not oblivious of the fact that some major Stakeholders in the Judiciary and Justice Delivery Sector in conjunction with the Nigerian Bar Association, met with the Honourable Attorney-General of the Federation and Anti-Graft and Security Agencies before the Judicial Officers were recalled, to discuss the subject matter and in particular the fate of the Judicial Officers that have not been charged and arraigned. When no progress was made, the National Judicial Council, which is the only Constitutional Institution empowered to exercise disciplinary control over Judicial Officers for misconduct, decided to recall the Judicial Officers.

It is to be stressed that our criminal justice is also predicated on accusatorial system and NOT inquisitorial. Thus, every accused person is presumed to be innocent until his guilt is proved beyond reasonable doubt by the prosecution. On the foregoing, Council is compelled to inform the public that the decision it took to direct the affected Justices/Judges to recuse themselves from performing their judicial duties, was borne out of respect for the office of the Attorney-General of the Federation and Minister of Justice; and in order to maintain the integrity and sanctity of the Judiciary and sustain public confidence. However, the recent decision of the Council to recall the Judicial Officers was based on the Principles of Rule of Law and fairness.

Council reiterates that it shall continue to support the President Buhari Administration posture in its fight against corruption in all its ramifications in the Federation; and in cleansing the Judiciary of corrupt Judicial Officers, under the purview of the 1999 Constitution of the Federal Republic of Nigeria and the principles of the Rule of Law enshrined therein.

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