

NATIONAL JUDICIAL COUNCIL

ADVERTORIAL

THE POSITION OF THE NJC ON THE RECENT INVASION OF THE RESIDENCES AND ARREST OF JUDICIAL OFFICERS BY THE DEPARTMENT OF STATE SERVICES (DSS)

1. The National Judicial Council (“NJC”) which is the Apex Body for the Nation’s Judiciary, is a creation of the 1999 Constitution of the Federal Republic of Nigeria, as amended, by virtue of Section 153. The powers and functions of NJC are clearly specified in Paragraph 21 of Part One of the Third Schedule whereof. The composition of NJC is provided in Paragraph 20 of Part One of the Third Schedule of the 1999 Constitution of the Federal Republic of Nigeria, as amended.
2. Pursuant to the provisions of Section 160 of the 1999 Constitution, NJC has the power to formulate its Rules and Regulations in the exercise of its Constitutional Powers vis-à-vis recommendation for appointment and removal of Judicial Officers and also disciplinary control over Their Lordships as well as dealing with all other matters relating to broad issues of policy and administration.
3. Section 158 (1) of the 1999 Constitution of the Federal Republic of Nigeria, as amended, has unequivocally provided for independence of the NJC, as it is not subject to control or direction by any authority or person, while exercising its Constitutional powers.

EMERGENCY MEETING OF 11TH OCTOBER, 2016

4. At its Emergency Meeting which was held on 11th October, 2016, the NJC reiterated its absolute confidence in President Muhammadu Buhari Administration and its unwavering determination to uphold the Principles of Democracy, Separation of Powers and the Rule of Law enshrined in the 1999 Constitution of the Federal Republic of Nigeria, as amended, and the United Nations Charter, which Nigeria is a Member. And it shall continue to support the posture of the administration of President Buhari in its fight against corruption in

all its ramifications; and in cleansing the Judiciary of corrupt Judicial Officers.

5. However, NJC at the Meeting expressed grave concern on the recent invasion of the Residences and arrest of some serving Judicial Officers, including those that it had investigated and recommended their removal from office by Their Excellencies, the President and the Governors of Enugu and Kano States, as the case may be; and condemned the action in its entirety.
6. NJC also considered the invasion and arrest of the Judicial Officers by the Department of State Services (“DSS”), as a threat to Independence of the Judiciary, which portends great danger to our democracy; and a clear attempt by the DSS to humiliate, intimidate, denigrate and cow the Judiciary.

7. **BACKGROUND FACTS**

A. **RE: HON. JUSTICE SYLVESTER NGWUTA**

The Public is aware that Hon. Justice Sylvester Ngwuta, a Justice of the Supreme Court of Nigeria, was arrested after his House was invaded by heavily armed and masked operatives of the DSS on Friday 7th October, 2016. The operatives did not leave His Lordship’s Residence until 12.00 noon of the following day, when he was whisked away to the office of DSS.

B. **RE: HON. JUSTICE INYANG OKORO**

The Residence of Hon. Justice Inyang Okoro, a Justice of Supreme Court of Nigeria, was raided in the same manner as that of Hon. Justice Ngwuta and was arrested by the same operatives of the DSS and taken to their office.

Contrary to the claim and as published in the electronic and print media, NJC has never received any petition or complaint against the aforesaid Judicial Officers: Hon. Justices Ngwuta and Okoro of the Supreme Court of Nigeria from the DSS.

C. **RE: HON. JUSTICE MUHAMMED LADAN TSAMIYA FORMERLY OF THE COURT OF APPEAL**

At its Meeting which was held on 29th September, 2016, NJC had found Hon. Justice Tsamiya culpable of corrupt practices and professional misconduct, contrary to the provisions of Section 292 of 1999 Constitution of Federal Republic of Nigeria and Code of Conduct for Judicial Officers of the Federal Republic of Nigeria. Accordingly, Mr President approved his compulsory retirement from office based on the recommendation of the NJC.

The petition against Hon. Justice Tsamiya was written by one Mr Nnamdi Iro Oji for demanding the sum of ₦200, 000,000.00 (Two Hundred Million Naira) bribe. It is to be stressed that contrary to media publication, from the evidence before the Council, Hon. Justice Ladan Tsamiya was not given the ₦200m bribe he demanded from the petitioner.

In the exercise of its power, NJC had suspended Justice Tsamiya from office, even before Mr President approved its recommendation to compulsorily retire His Lordship from office.

D. **RE: HON. JUSTICE I. A. UMEZULIKE, OFR**

Hon. Justice I. A. Umezulike, OFR, Chief Judge, Enugu State, was recommended by NJC for compulsory retirement from office to Enugu State Governor for gross misconduct, pursuant to the petition written against him by one Mr Peter Eze.

In the meantime, the NJC has suspended His Lordship from office, pending when the Governor of Enugu State will act on its recommendation.

E. **RE: HON. JUSTICE A. F. A. ADEMOLA, OF THE FEDERAL HIGH COURT**

Hon. Justice A. F. A. Ademola of the Federal High Court, Abuja Division has been petitioned by Hon. Jenkins Duviegiane Gwebe on allegations bordering on corrupt practices.

Currently, a Committee of the NJC is investigating the allegations. There is no other petition against Hon. Justice Ademola from DSS pending at the NJC.

F. **RE: HON. JUSTICE KABIRU AUTA, KANO STATE HIGH COURT**

Hon. Justice Kabiru Auta was investigated by NJC based on the allegations of corrupt practices and professional misconduct levelled against him in a petition forwarded to NJC by one Alhaji Kabiru Yakassai. His Lordship was recommended to the Governor of Kano State for removal from office by dismissal. Council wrote separately to AIG Zone 1, Kano for Police to prosecute Hon. Justice Auta.

Council has suspended His Lordship from office pending when the Governor will act on its recommendation.

NOTE! Hon. Justice Kabiru Auta was recommended for removal from office by dismissal contrary to the claim that he was recommended by NJC for removal from office by compulsory retirement.

G. **RE: HON. JUSTICE MUAZU PINDIGA OF HIGH COURT, GOMBE STATE**

The DSS petitioned the Hon. Chief Justice of Nigeria and Chairman of the NJC alleging corrupt practices against Hon. Justice Pindiga, inter-alia; viz:

- “i) That the Hon. Judge in a bid to illegally enrich himself, perfected plans through third party proxies/conduits, with a view to influencing the outcome of the Election Tribunal in the governorship polls in favour of the incumbent Governor Nyesom Wike.*
- ii) That further ongoing discreet investigation, Justice Pindiga is observed to have illegally enriched himself through corrupt*

means. Part of the illegitimate proceeds suspected to have accrued to Pindiga includes the underlisted:

- a) Two (2) completed blocks of six (6) units 2 bedroom flats in Federal Low Cost Estate in Gombe metropolis;***
 - b) Four (4) units of bungalow in another part of the Estate;***
 - c) An uncompleted property at GRA in Gombe Metropolis;***
 - d) a Mercedes Benz C300 car in the name of MUBAJJAL;***
 - e) A Toyota Venza-Model SUV.***
- iii) From all indications, it is apparent that Pindiga, who is a very Senior Justice in Gombe State, is highly corrupt. His continuous stay as a Justice in any capacity would likely embarrass the current administration and pervert the cause of justice. In view of the foregoing, it is strongly advised that immediate necessary administrative and judicial measures be taken on him, including appropriate sanctions and trial to set a precedent to others of his like”.***

The complaint containing the allegations of corrupt practices against the Hon. Judge were conveyed in a letter Ref No. DGSS71/3161 and dated 26th February, 2016, written by the DSS to the Hon. Chief Justice of Nigeria and Chairman of the NJC. The petition was not supported by a verifying affidavit deposed to by the DSS, as required by the NJC 2014 Judicial Discipline Regulations. The Petition would have been disregarded for non-compliance with the NJC Regulations, but the NJC exercised some restraint and by a letter Ref. No. NJC/S.15/HC.GM/5/1/128 dated 19th April, 2016, the DSS was notified and requested to comply and depose to a verifying affidavit in support of the allegations of corrupt practices levelled against the Hon. Judge.

In a letter Ref No. LSD.232/4/68 dated 6th May, 2016, to the NJC, the DSS subsequently complied by deposing to a verifying affidavit in

support of the complaint containing the allegations against Justice Pindiga.

On the directive of the NJC, Hon. Justice Mu'azu Pindiga responded to the allegations against him by DSS. Thereafter, a Fact Finding Committee, comprising Members of the NJC, investigated the allegations of corrupt practices.

Both Parties - The DSS and Hon. Justice Mu'azu Pindiga, together with their witnesses and counsel appeared before the Committee set up by NJC to investigate the allegations, in compliance with the NJC 2014 Judicial Discipline Regulations and Section 36 of the 1999 Constitution of the Federal Republic of Nigeria, as amended, on the Right to Fair Hearing.

The DSS was represented by a Director, S. U. Gambo, Esq. who is also a Legal Practitioner in the Department; and Hon Justice Pindiga was represented by Joe Agi, SAN.

At the end of the investigation, the DSS could not substantiate any of the allegations of corrupt practices or professional misconduct, either by documentary or oral evidence against Hon. Justice Pindiga.

Consequently, at its Meeting of 15th July, 2016, NJC decided to exonerate Hon. Justice Pindiga of the allegations of corrupt practices levelled against him by DSS.

The NJC's decision was conveyed to Hon. Justice Mu'azu Pindiga in a letter Ref. No. NJC/HC.GM/5/1/132 of 9th August, 2016 and copied the DSS.

H. **RE: HON. JUSTICE NNAMDI DIMGBA OF FEDERAL HIGH COURT ABUJA DIVISION**

By letter Ref. No. LSD.158/2/31, dated 5th August, 2016, DSS had written a complaint alleging corrupt practices and professional misconduct against Hon. Justice Nnamdi Dimgba.

At its Meeting of 29th September, 2016, NJC constituted a Fact Finding Committee comprising its Members to investigate the allegations.

During the last Emergency Meeting of the NJC, it received a Report from Hon. Justice Nnamdi Dimgba that his Residence was also raided and ransacked; and in the process, his nephew and driver were man-handled, using a search warrant that was not meant for the search of his house.

The Committee set up by NJC had commenced the process to investigate the allegations before the recent unfortunate raid and search of Hon. Justice Dimgba's Residence.

OTHER RECORDS BEFORE NJC

8. NJC meticulously considered the entire unfolding events that led to the arrest of the Judicial Officers and the misinformation and disinformation making the rounds in both Electronic and Print Media that the DSS invaded the Residences of the Judicial Officers and arrested them because the NJC was among other assertions, shielding Judicial Officers from investigation and prosecution for corrupt practices and professional misconduct.
9. It is imperative to inform the general public that from April 2000, when Council held its Inaugural Meeting to October, 2016, 132 Judicial Officers were investigated and sanctioned (suspended or cautioned, or warned or reprimanded), by NJC; and or recommended to the President or Governors, as the case may be, for removal from office by compulsory retirement or removal from office by dismissal; having found the Judicial Officers culpable of professional misconduct and or corrupt practices, after complying diligently with the Rule of Law and Due process.
10. During the period under reference, 808 petitions and complaints against Judicial Officers, including some erstwhile Hon. Chief

Justices of Nigeria, Justices of Supreme Court and Court of Appeal, were received by the respective Honourable, Chief Justices of Nigeria and Chairman of the NJC. Out of the 808 petitions that were attended to by NJC, 45% were not addressed because the issues raised in the allegations were for Appeal Court to consider and not NJC. And the complaints and petitions that had prima-facie grounds of professional misconduct and or corrupt practices, the Parties – Petitioners and the Judicial Officers, including their witnesses and Counsel appeared before the various Fact Finding Committees of the NJC for investigation. After investigation, Eighty-two (82 No.) of the Judicial Officers were sanctioned by reprimand (suspension, caution or warning), in the exercise of NJC’s exclusive Constitutional Disciplinary power of control over Judicial Officers. Thirty-eight (38 No.) of the Judicial Officers were recommended to the President or Governors, where applicable, for their removal from office by compulsory retirement; while twelve (12 No.) were recommended to the President or Governors as the case may be, for removal from office by dismissal. It is to be noted that some of the sanctions were recommended by NJC based on the allegations in the petitions and the responses which had no defence, by the Subject Judges.

11. Given the indictment cast on the NJC that it is shielding corrupt Judicial Officers that have been petitioned from being arrested and prosecuted, the foregoing verifiable records and statistical data are for public consumption.
12. For avoidance of doubt, it is on record that the DSS forwarded only one complaint containing the allegations of Corrupt Practices against Hon. Justice Mu’azu Pindiga; and another one with the allegations of corrupt practices and professional misconduct against Hon. Justice Nnamdi Dimgba.
13. Therefore, the impression created and widely circulated before the public, that the DSS forwarded a number of petitions containing various allegations of corrupt practices and professional misconduct

against some Judicial Officers in the Federation to NJC, and that they were not attended to and or investigated in justification of raiding of the Residences of some Judicial Officers and the arrest of Their Lordships, is not correct. The NJC urges the DSS to make public, the particulars of such petitions to put the records straight.

15. It must be made abundantly clear that one of the Constitutional powers of the NJC is to consider and assess the allegations in any petition or complaint levelled against Judicial Officers; and to establish whether the Judge has committed any misconduct. If there is proof of misconduct before a Fact Finding Committee of the NJC, the Judge will be reprimanded or removed from office, depending on the nature and weight of the professional misconduct and allegations of corrupt practices proved. And the Constitutional process embarked upon by NJC, is without prejudice to any subsequent legal action or investigation of an alleged crime committed or criminal prosecution of a Judge before a Court of competent jurisdiction; like the case of Hon. Justice Kabiru Auta of Kano State High Court that has been referred to Police for prosecution, after he was suspended and recommended by NJC to be removed from office by dismissal.

NOTE! There were instances in the past, when some Judicial Officers were recommended for removal from office, but the Executive did not approve the recommendation immediately, until some years later and the Judges continued to sit in court during that period. NJC had since that experience decided to take a proactive measure by suspending a Judicial Officer found to be culpable of professional misconduct or corrupt practices from office, pending the time that the Executive decides to act on its recommendation to remove the Judge from office. And this has been the position of NJC since year 2001. The suspension is without prejudice to any investigation or criminal proceedings pending in court against the Subject Judge.

GHANAIAAN JUDICIAL COUNCIL

ALLEGATIONS OF CORRUPTION AND BRIBERY AGAINST SOME MAGISTRATES AND JUDGES

16. The Ghana experience is not the same with the recent events in Nigeria between the DSS and the Judicial Officers that were arrested. The events in Ghana unfolded after a painstaking two years undercover investigative journalism by a Ghanaian Journalist, Mr. Anas Aremyau. Mr. Anas gathered evidence, including audio and video, supporting the allegations of corruption and bribery against some Ghanaian Magistrates and Judges. The evidence was turned over to the Ghanaian Judicial Council, equivalent of the NJC. The Hon. Chief Justice of Ghana, Justice Georgina Theodora Wood, took charge of the situation and assured the Ghanaian people that the Judicial Council would take, “*prompt and resolute action to redeem the image of the Judiciary*”. The allegations of corrupt practices and professional misconduct against the High Court Judges were handled by the appropriate impeachment Committee of the Ghanaian Judicial Council. Attempts to obtain injunction to stop the proceedings were dismissed by the Ghanaian High Court. All the Judges found culpable of the allegations, were disciplined appropriately by the Judicial Council of Ghana. The Residences of the Judicial Officers in Ghana were not raided neither were their Lordships arrested by the Police or Ghanaian Secret Services equivalent to Nigeria DSS. Indeed, they were not arraigned before any Law Court nor kept in the Cell of the Ghanaian Secret Services Department.

THE ESO PANEL - CORRUPTION AND DECLINING PRODUCTIVITY IN THE NIGERIAN JUDICIARY: NATIONAL JUDICIAL COUNCIL

17. In 1993, when it was discovered that there was general deterioration in the ethical standard and performance of Judges, the Abacha

Administration set up Eso Panel to probe the conduct of Judges, including Judges of lower Courts, all over the Country; and make recommendations for solution to the problems that gave rise to the bad situation and public outcry. The Panel found 31 Magistrates and some Judges of Superior Courts of record culpable of various offences, ranging from corruption to declining productivity. The Report was accepted by Government in 1994 but was never acted upon; and the Magistrates and Judges recommended to be reprimanded or removed from office remained in office, while some of them died or retired from office.

18. As stated above, NJC held its inaugural Meeting in April, 2000. In 2001, President Olusegun Obasanjo discussed with the then Hon. Chief Justice of Nigeria and Chairman of the NJC the propriety or otherwise of Government considering the Eso Panel Report with a view to sanctioning the affected Magistrates and Judges. Consequently, the Eso Panel's Report was referred to NJC for necessary action. NJC reviewed the Eso Report and recommendations, under a Committee of NJC headed by Hon. Justice B.O. Babalakin, CON who was then a Member. The Committee considered Eso Report and found that 14 Judicial Officers were still in service. At the end of the exercise, six (6 No.) Judicial Officers, including two Hon. Chief Judges were recommended and indeed removed from office by compulsory retirement, while the remaining eight (8 No.) were exonerated by the Committee for lack of proof to sustain the allegations of professional misconduct or corruption. NJC referred the remaining Magistrates and other Judges of lower courts found culpable of various offences and ethical misconduct to their respective Judicial Service Commissions for discipline, as NJC has no Constitutional power to discipline them.
19. As it was the case in Ghana, the Judges recommended by Eso Panel to be sanctioned by Government were not arrested nor arraigned before any court and neither were their houses raided and searched.

IMMUNITY

20. NJC has never claimed that Judicial officers have immunity and therefore cannot be arrested, or their houses searched or investigated or prosecuted for alleged criminal offences such as murder or robbery. However, Judicial Officers globally enjoy special privileges accorded them and their exalted, sacrosanct, noble and honourable offices. And to treat them with disdain will always have a far reaching implication on the body polity and the entire system.

REFORM MEASURES INTRODUCED BY NATIONAL JUDICIAL COUNCIL FROM YEAR 2000 TO 2016

21. Sequel to the Eso Panel findings and recommendations, NJC over the years introduced some Reform measures aimed at enhancing ethical standard, higher performance by Judges, reduce corruption; decline in productivity and delay in hearing and disposing cases; as follows:

Formulated Code of conduct for Judicial officers; Guidelines and Procedural Rules for appointment of Judicial Officers of all Superior Courts of Record; Judicial Discipline Regulations and recently, National Judicial Policy. For the same reasons, NJC also constituted among others, the following Committees:

- i) **Interview Committee on the Appointment of Judicial Officers of Superior Courts of Record:**
To interview candidates nominated for Judicial appointment to Superior Courts of Record in the Federation to inter-alia, ensure that only qualified and competent candidates with good and sound knowledge of the law are appointed to the Bench;
- ii) **Preliminary Complaints Assessment Committee:**
To assess the Complaints and petitions forwarded to Council and advice it on the merit or otherwise of the allegations contained therein.

iii) **Committee on Performance Evaluation of Judicial Officers of Superior Courts of Record:**

Assesses and evaluates the Performance of all Judicial Officers in Nigeria based on their quarterly Returns of Cases submitted to NJC. The Report of the Committee is used inter-alia, to determine the needs of Courts and elevation of Judicial Officers to higher Bench and for other appointments; training programmes, workshops and seminars.

iv) **Judicial Ethics Committee:**

The function of this Committee which is unprecedented, is among others, to conduct periodic surveys on behalf of NJC to measure public perception of the level of compliance with administration of Justice and ethical standards by all Judicial Officers and to monitor and report on laxity by Judicial Officers in the performance of judicial duties; and

v) **Constitution Review Committee:**

The Committee considers and proposes amendments to be effected on the provisions of the Constitution on the Judicature to enhance general administration of Justice.

22. To make the procedures and rules that regulate its functions and powers transparent, NJC published the Code of Conduct for Judicial Officers; Guidelines and Procedural Rules for appointment of Judicial Officers in the Federation and Judicial Discipline Regulations in the Print Media (National Dailies). National Judicial Policy formulated late last year, will be launched on 24th October, 2016. The Policy document provides so many far reaching solutions and platforms for reforms in the Judiciary aimed at curbing corruption in the Judiciary at all levels and improving general administration of Justice.

23. In view of the above Reform measures introduced by Council from year 2001 to date and the number of Judicial Officers that have so far been sanctioned by removal from office or reprimanded and given

the fact that these are not the only Constitutional mandates of NJC, can the public still justifiably say that the NJC has “**always turned a blind eye**”, to the issues of corruption in the Judiciary; provides soft landing to Judges accused of corruption; Hon. Chief Justice of Nigeria has not been proactive on corruption cases or has been shielding Judges accused of corruption? And therefore, “the NJC has served more like a social club for Judicial Officers than a serious clearing house.” See Paragraph 21 of Part One of the Third Schedule of the 1999 Constitution of the Federal Republic of Nigeria, as amended on the other powers and functions of NJC, apart from the aspect of discipline and removal of Judicial Officers from office.

LEGAL PRACTITIONERS GRANTING INTERVIEWS AND FIELDING QUESTIONS FROM JOURNALISTS IN THE ELECTRONIC AND PRINT MEDIA

24. NJC wishes to implore some of the Legal Practitioners that appear before the Electronic Media Houses and stations and also field questions from Journalists working with the Print Media, to express their views on matters of public interest from a clear knowledge of the law and correct facts in respect of the subject matter under discussion. Thus, Lawyers are advised to verify their facts, records and information from the NJC before expressing their views at Television Houses or Radio Stations or fielding questions from Journalists.

NATIONAL JUDICIAL COUNCIL CORRESPONDENCE WITH DEPARTMENT OF STATE SERVICES (DSS)

25. In the last one week, since the unfolding unfortunate events that took place between the DSS and some Judicial Officers; NJC; and the Judiciary, some official correspondence particularly, between the NJC and DSS have been made public, contrary to the oath of secrecy. NJC has it on good authority that a top Political Office Holder met with some proprietors of the Print and Electronic Media in Lagos and made available the privilege and classified correspondence between

DSS and NJC. Indeed, the correspondence under reference has gone viral in the Social Media. This is most unfortunate and unacceptable!

**THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA
AND CHAIRMAN, NATIONAL JUDICIAL COUNCIL**

26. By tradition and professional ethics, the Judiciary does not join issues with anybody or institution, or the public on any issue, no matter how strongly it feels. NJC is however, constrained to respond to some of the unfounded and false allegations levelled against the office of the Hon. The CJN and Chairman of the National Judicial Council on particularly the issue of corruption in the Judiciary. To put the records straight, NJC wishes to allude to a few of the achievements of His Lordship particularly, after becoming the Hon. Chief Justice of Nigeria (“CJN”) and Chairman of NJC in the last two years.
27. Just as his predecessors in office, The Honourable, The CJN and Chairman of the NJC has shown great concern and commitment in the fight against corruption in the Judiciary Arm of Government. As record will show, during the two years of his stewardship, as the Chairman of NJC, eight (8 No.) Judicial Officers were reprimanded and six (6No.) were removed from office on the recommendation of the NJC by Mr. President and or State Governors of the affected Judicial Officers for professional misconduct and or corrupt practices. All the Judges sanctioned were made public in a Press Release by NJC.
28. Under the Chairmanship of the NJC, a National Judicial Policy was formulated; providing a sound and clear foot print for inter-alia, enhancement of Justice delivery and elimination of corrupt practices

in all facets of the judiciary. The Policy document will be launched this month, October, 2016.

29. Further reform measures embarked upon by the Hon. CJN and Chairman of NJC include initiation of repositioning of the NJC, the outcome of which is inter-alia, the establishment of a full-fledged Department of Performance and Evaluation of Judicial Officers of Superior Courts of record in the Federation, which function has since 2003 been under a Committee of the NJC.
30. Out of his concern for speedy dispensation of Justice, the Hon. CJN wrote and personally met the leadership of the 7th and 8th National Assemblies on the importance and urgent need to consider the proposed amendments forwarded by the Judiciary to the 1999 Constitutional Review Committee of the National Assembly on the Judicature, particularly, on the limitation/termination of appellate jurisdiction of certain cases from High Court to Court of Appeal and from Court of Appeal to Supreme Court; which invariably account for the large number of backlog of cases pending on appeal at the Court of Appeal and the Supreme Court today, with their attendant consequences on administration of Justice.
31. The Judiciary Technology Policy Committee which was launched in 2012 made a lot of progress during the tenure of Hon. Justice Mahmud Mohammed, GCON from 2014 to 2016. The development of the Nigeria Case Management System reached an advanced stage with the completion of Supreme Court and Court of Appeal Modules. The Trial Courts version is undergoing User's Acceptance Test. The Case Management System generated so much International interest that His Lordship received four Hon. Chief Justices from the Caribbean that indicated interest in starting a similar project for their region.
32. The new Legal E-Mail Project approved by Hon. Justice Mahmud, GCON meant to provide a trusted means of communication between

Courts and Lawyers, for sending Hearing Notices and generation of proof of Service has successfully registered 25,000 lawyers and out of which 23,000 were approved. His Lordship has also approved the new Supreme Court Rules to allow for only use of the legal e-mail between the Supreme Court and all lawyers wanting to do business with it from a cut-off date, this year.

33. The Court Modernisation (Retrofitting) Project at the Supreme Court in which Court 1 is to be made a modern IT compliant Court, is nearing completion. Hon. Justice Mahmud Mohammed, GCON is expected to commission the Project in early November, 2016 before his retirement.
34. The Hon. CJN has since his assumption of office been expressing concern about the huge backlog of cases and the need for adoption of Alternative Dispute Resolution (ADR) in decongesting our Courts. The NJC has therefore, encouraged Judges to adopt ADR where the parties are willing and the attempt is working well in many jurisdictions.
35. The Nigerian Judiciary under the leadership of the incumbent CJN stabilised the body polity and the Nigerian democracy, following the myriad of Constitutional cases that were filed in the Courts, aimed at truncating the last political process that otherwise gave birth to this administration.
36. In view of the foregoing, the general public may wish to note that the Honourable CJN and Chairman of the NJC, has been very committed in his fight against corruption in the Judiciary during his tenure, aware that his Constitutional mandate is towards the general administration of Justice in the Federation. Apart from being the CJN and Head of the Nigerian Judiciary, he is the Chairman NJC, Federal Judicial Service Commission and the Board of Governors of the National Judicial Institute; and each of the Institutions has its separate core mandates.

CONCLUSION

- i) The NJC maintains its earlier decision that it is not amenable to Judicial Officers being invited by any Institution, including the DSS, without complying with the Rule of Law and Due Process. That explains why when the DSS wrote to the Council by letter Ref. No. LSC.960/4 dated 14th September, 2016, to direct Hon. Justice Mu'azu Pindiga to appear before it, The Hon. The Chief Justice of Nigeria and Chairman of the NJC, directed the Hon. Chief Judge of Gombe State to ask Hon. Justice Mu'azu Pindiga to report to DSS, which His Lordship did.
- ii) NJC has never shielded nor will it shield any Judicial Officer who has been investigated by it and found to be guilty of misconduct and or being investigated by the Police or EFCC or ICPC or DSS on a matter bordering on State security, so long as the process is in compliance with the Rule of Law and Due Process. If the misconduct is also criminal in nature, NJC has not and will not stop the Judicial Officer from being prosecuted by the Police or EFCC or ICPC, so long as the mechanism is in line with the Rule of Law and due process.
- iii) In performing its Constitutional functions and powers, by virtue of Section 158 of the 1999 Constitution of the Federal Republic of Nigeria as amended, NJC shall not be subject to the direction or control of any other authority or person.
- iv) NJC considered the action of the DSS as a denigration of the entire Judiciary, as an institution.
- v) That by the act of the DSS, Judicial Officers now feel insecure, as criminals might take advantage of the recent incidents to invade their residences as security agents.
- vi) NJC vehemently denounces a situation whereby the Psyche of Judicial Officers in the Federation will be subjected to a level where they would be afraid of discharging their Constitutional duties, without fear or favour, intimidation, victimization or suppression.

- vii) NJC will not compromise the integrity and impartiality of the Judiciary.
- viii) NJC wishes to reassure the public that any person who has a genuine complaint and or petition against any Judicial Officer and brings it to the Council, it will be considered in accordance with the Rule of Law and due process, vide its Constitutional power and Judicial Discipline Regulations.
- ix) The Judiciary is an Arm of Government just as the Executive and the Legislature. Therefore, the war against corruption should be by all and encompassing. The Nigerian Public should appreciate the painstaking efforts being made to cleanse the Judiciary Arm of Government of Judicial Officers found to be involved in professional misconducts and corrupt practices. All the Judges that have been removed from office and reprimanded in that regard by NJC have been made public through Press Releases.
- x) Aware of the Ghanaian Judicial Council, Eso Panel and NJC experiences highlighted above, NJC is not unaware that Judicial Officers in Nigeria do not have immunity. However, acceptable international privileges accorded them must be maintained, without prejudice to the Rule of Law and Due Process.
- xi) At the end of the Emergency Meeting, NJC unanimously agreed to recommend Hon. Justice W. S. N. Onnoghen, CFR, as the most senior, suitable and competent Justice of the Supreme Court to President Muhammadu Buhari, GCFR, for appointment as the next Chief Justice of Nigeria to succeed Hon. Justice Mahmud Mohammed GCON who retires from office on 10th November, 2016.
- xii) Contrary to the impression created, the Emergency Meeting was held for only one day being 11th October, 2016 and the decision of the NJC on the subject matter was unanimous.

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