

## **PRESS RELEASE**

### **THE REACTION OF THE NATIONAL JUDICIAL COUNCIL TO THE RECENT POSITION OF NIGERIAN BAR ASSOCIATION (NBA) ON THE STATE OF THE JUDICIARY AND THE DEPARTMENT OF STATE SERVICES (DSS)**

The National Judicial Council (“NJC”) is not unaware of the judgment of the Court of public opinion on the recent events between the Department of State Services (“DSS”) and the Judiciary; and the various views expressed by Legal Practitioners, Academics, Politicians and the general public, particularly the current position of the President of the Nigerian Bar Association to wit:- *“We therefore strongly recommend that, without prejudice to the innocence or otherwise of the Judges involved in the ongoing investigations, they should recuse themselves from further judicial functions or required to proceed on compulsory leave until their innocence is fully and completely established or until the conclusion of all judicial or disciplinary proceedings”.*

NJC is constrained to inform the general public that its Constitutional mandate is to process and recommend to the Executive at the Federal and State levels, the appointment, and or the removal of Judicial Officers from office, including exercise of its disciplinary control of suspending and or warning Judicial Officers; after complying with due process and the Rule of Law.

Since the creation of NJC vide the 1999 Constitution of the Federal Republic of Nigeria, as amended, it has exercised its powers and performed its functions within its Constitutional limitations.

Thus, the current position of the Nigerian Bar Association vis-à-vis its recommendation that the affected Judicial Officers involved in the on-going investigation of Judicial Officers by the DSS, be requested to proceed on compulsory

leave until the conclusion of all disciplinary proceedings against them, is unacceptable to the NJC; as it breaches the 2014 Revised Judicial Discipline Regulations formulated by NJC pursuant to Section 160 of the 1999 Constitution of the Federal Republic of Nigeria, as amended.

It is to be reiterated also that by the provisions 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 while exercising its disciplinary power of control over Judicial Officers in the Federation.

The Members of the public are hereby informed that the mechanism that will determine a Judicial Officer to be directed or requested to proceed on compulsory leave or be suspended from office, is a disciplinary power that NJC can only exercise after initiating disciplinary proceeding on the complaint or petition forwarded against the Judge, after he has been found culpable. Therefore, to act on the recommendation of the NBA, it is not only contrary to the provisions of Section 158 of the 1999 Constitution of the Federal Republic of Nigeria, as amended, but it means NJC will direct any Judicial Officer that has been petitioned even if the allegations contained therein are frivolous and baseless, to proceed on compulsory leave or be suspended from office without complying with the Rule of Law.

That is not the understanding of NJC of the intention of the framers of the 1999 Constitution of the Federal Republic of Nigeria, as amended vis-à-vis its Constitutional powers and functions on initiation of disciplinary proceedings culminating in suspension of Judicial Officers. Thus, to act on the request of the Departments of Government and the recommendation of the NBA, the 808 Judicial Officers that had been petitioned and accused of professional misconduct and or corrupt practices, without investigation by NJC, would have all been suspended or sent on compulsory leave and the Courts would have been deserted.

NJC is not unmindful of the concern of the public on a situation whereby a Judicial Officer is being investigated and or prosecuted for commission of a criminal offence such as Murder or Robbery; and whether he is not supposed to be requested or

directed to proceed on compulsory leave or be suspended from office. In the circumstance, unless the Subject Judge accused of commission of the offence of Murder or Robbery is petitioned to NJC, it shall not assume the disciplinary power of control over Judicial Officers to suspend or direct the Subject Judge to proceed on compulsory leave. Thus, NJC can only direct any Judge alleged of committing such criminal offences, to go on compulsory leave or be suspended from office if he has been investigated and found by NJC culpable of misconduct.

The participation of NBA Members in the Emergency Meeting of NJC was necessitated by the unfolding events between the DSS and the Judiciary, bordering on administration of Justice.

Suffice it to say that the decision of NJC in respect of the recent events and the current state of the Judiciary, particularly in condemning the invasion and arrest of the Judicial Officers by the DSS which was considered as a threat to Independence of the Judiciary, portends great danger to our democracy; and a clear attempt by the DSS to humiliate, intimidate, denigrate and cow the Judiciary, was unanimously taken by the Members of the Council present, including the President and other Members of the Nigerian Bar Association at its last Emergency Meeting which was held on 11<sup>th</sup> October, 2016. The List of NJC Members present at the Meeting is as follows:-

<u>S/N</u>	<u>NAME</u>	<u>GEO-POLITICAL ZONE</u>	<u>POSITION</u>
1.	Hon. Justice Mahmud Mohammed, GCON <b>Chief Justice of Nigeria</b>	North-East	Chairman
2.	Hon. Justice W.S.N. Onnoghen, CFR <b>Justice of Supreme Court</b>	South-South	Deputy Chairman
3.	Hon. Justice Zainab Bulkachuwa, CFR <b>President, Court of Appeal</b>	North-East	Member
4.	Hon. Justice E. O. Ayoola, CON <b>Retired Justice, Supreme Court</b>	South-West	Member
5.	Hon. Justice Umaru Abdullahi, CON <b>Former President, Court of Appeal</b>	North-West	Member

6.	Hon. Justice V.O.A. Omage, OFR <b>Retired Justice, Court of Appeal</b>	South-South	Member
7.	Hon. Justice I.N. Auta, OFR <b>Chief Judge, Federal High Court</b>	North-East	Member
<b>S/N</b>	<b>NAME</b>	<b>GEO-POLITICAL ZONE</b>	<b>POSITION</b>
8.	Hon. Justice B. A. Adejumo, OFR <b>President, National Industrial Court</b>	South West	Member
9.	Hon. Justice H.Y. Heman, CON <b>Chief Judge, Gombe State</b>	North-East	Member
10.	Hon. Justice A.N. Nwankwo, CON <b>Chief Judge, Ebonyi State</b>	South-East	Member
11.	Hon. Justice Okoi Ikpi Itam <b>Chief Judge, Cross River State</b>	South-South	Member
12.	Hon. Kadi Mukhtar Imam Jega <b>Grand Kadi, Sharia Court of Appeal, Kebbi State</b>	North-West	Member
13.	Abubakar Balarabe Mahmoud, SAN, OON <b>President, Nigerian Bar Association</b>	North-West	Member
14.	Dr. Garba Tetengi, SAN, mni Member, Nigerian Bar Association	North-Central	Member
15.	Mrs. Debbi Obodoukwu <b>Member, Nigerian Bar Association</b>	South-East	Member
16.	Tijjani Inuwa-Dutse, Esq., mni <b>Member, Nigerian Bar Association</b>	North-West	Member
17.	Hajjiya Rakiya Sarki Ibrahim, MON <b>Retired Public Servant</b>	North-West	Member
18.	Mr. R. I. Inga <b>Retired Permanent Secretary</b>	North-Central	Member

Other Members of NJC (full complement), that were absent from the Meeting but sent their apologies, are as follows:-

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| 19. | Hon. Justice S. A. Akintan, CON<br><b>Retired Justice of Supreme Court</b>                | South West    | Member |
| 20. | Hon. Justice I. F. Ogbuagu, CON<br><b>Retired Justice of Supreme Court</b>                | South East    | Member |
| 21. | Hon. Justice Nasir Ajanah, CON<br><b>Chief Judge, Kogi State</b>                          | North Central | Member |
| 22. | Hon. Justice M. L. Abimbola<br><b>Chief Judge, Oyo State</b>                              | South West    | Member |
| 23. | Hon. Justice D. A. Ayah<br><b>President, Customary Court of Appeal,<br/>Bayelsa State</b> | South South   | Member |
| 24. | Augustine Alegeh, SAN<br><b>Former President, NBA</b>                                     | South South   | Member |

SIGNED  
Soji Oye, Esq.  
**Ag. Director (Information)**