



# NIGERIAN BAR ASSOCIATION

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## ADDRESS OF THE 31<sup>ST</sup> PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MR YAKUBU CHONOKO MAIKYAU, OON, SAN, AT THE SPECIAL SESSION OF THE SUPREME COURT OF NIGERIA HELD ON MONDAY, 28 NOVEMBER 2022, TO MARK THE OPENING OF THE 2022/2023 LEGAL YEAR AND THE CONFERMENT OF THE RANK OF THE SENIOR ADVOCATES OF NIGERIA

### PROTOCOLS

#### Introduction

1. I am particularly delighted and feel greatly honoured that the Honourable, the Chief Justice of Nigeria, **Honourable Justice Olukayode Ariwoola, GCON** extended an invitation to me as President of the Nigerian Bar Association (NBA) to attend and deliver an address at this special Court session to mark the commencement of the **2022/2023** Legal year of this Court and the conferment on **sixty-two (62) Legal practitioners** with the rank of Senior Advocate of Nigeria. May I on behalf of the NBA express our profound gratitude to my Lord, the CJN and all the Justices of this Court for this invitation. May I, on behalf of the NBA, express my profound gratitude to My Lord, the CJN and all the Justices of this Court for the invitation. May I use this opportunity to again congratulate my Lord, the Honourable, the Chief Justice of Nigeria on your Lordships well deserved appointment. I pray that God Almighty will equip your Lordship with what you need to succeed in your leadership of the apex Court and the judiciary.
2. The new legal year ceremony is a practice in many common law jurisdictions all over the world. It dates back to the medieval England, when judges, in the new year celebrations, would adorn their ceremonial attire and take a two-mile walk from Temple Bar to Westminster Abbey for a solemn assembly to seek divine guidance and strength for the new year. **This is quite instructive – Judges/Justices are representatives of God on earth and need to be constantly reminded of this fact.** This ceremony serves the additional purpose of bringing the judges/justices closer to laymen and affording both the opportunity to observe each other in a semi-formal setting.
3. The ceremony is also a time for stock-taking; today we listened to the CJN apprise the Bar, as well as the public, of the activities of the court in the previous legal year; the challenges, achievements, and the agenda for the new legal year. The Bar is particularly interested in this because it provides the necessary enlightenment that will foster understanding in our interactions with the Court in the coming year and beyond.
4. It is no longer news that this Honourable Court is the most overloaded and your Lordships, the most overworked Justices of an apex Court anywhere in the world. That is why your Lordships are most deserving of the annual vacation of the Court, the appreciation of Nigerians and the Bar for the sacrifices which your Lordships make in the discharge of the enormous responsibilities thrust on the shoulders of your Lordships by the **Constitution of the Federal Republic of Nigeria, 1999 (as amended)**.
5. I therefore on behalf of the NBA welcome your Lordships from vacation, as we usher your Lordships with prayers to God Almighty for strength, wisdom, and courage, into another

#### NATIONAL OFFICERS:

Yakubu Chonoko Maikyau, OON, SAN President

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cycle of election season in our Nation. This no doubt has created additional workload by way of preelection appeals, to the already over-congested dockets of your Lordships. In addition to such appeals being handled by the Court, statistics show that over **600 pre-election matters** have already been filed and are being heard by the Federal High Courts across the nation. These are excepting those filed at the various High Courts of the States and the Federal Capital Territory, Abuja.

6. All of these matters are more likely than not going to end up before your Lordships and they would as often be attended to at the expense of other equally if not more important matters that have direct impact in several respects to the growth and sustenance of our economy. Understandably, the election-related matters must be given priority because of the time limit imposed by the constitution within which these matters must be determined. More disturbing my Lords, is the fate that befalls other matters before this Honourable Court in view of the obvious possible additional traffic of appeals to this Court that may arise from conduct of Presidential and Governorship elections in **February** and **March 2023** respectively, unless the political gladiators see reason to embrace the outcome of the elections.
7. My Lords, I have mentioned all these to underscore the absolute need for prayers to be said for your Lordships and the NBA will not only pray for wisdom, courage, boldness and uncommon discerning ability, but shall within the remit of the responsibility of the NBA to the judiciary and the people of Nigeria, support your Lordships and indeed all the Courts in undertaking these onerous tasks. In my inaugural address, I said:

*Besides the need to guarantee the security of the lives and properties of Nigerians as they troop out to vote in the 2023 general elections, the ultimate outcome of the election will largely depend on the interface between the Bench, the Bar and the Political gladiators. As members of the Legal Profession, serving either on the Bench or at the Bar, we owe Nigerians sincere and honest participation in the process. We must do all that is legitimately within our abilities, motivated by the desire to serve the course of justice, to ensure that the relevant laws and rules, properly interpreted and applied, remain the guiding principles for our involvement in the process.*

*While we shall stand with the Courts and do everything legal to protect the integrity of the Bench against any form of intimidation by the political class, any person or group of persons, we will not hesitate to call out and pursue disciplinary action(s) against erring judicial officials. Similarly, members of the Bar who misconduct themselves while participating in the resolution of electoral disputes will face disciplinary action at the Legal Practitioners' Disciplinary Committee (LPDC) and the Legal Practitioners' Privileges Committee (LPPC), where Senior Advocates of Nigeria (SAN) are involved.*

8. My Lords, this remains my call to members of the legal profession – Bench and Bar and the unflinching commitment of the NBA under my leadership.
9. Permit me my Lords to turn to the second reason for this special Court session; the investiture/swearing-in of the sixty-two new Senior Advocates of Nigeria, and thereafter I shall return to other matters.

10. It has been the tradition to swear-in the Legal Practitioners who are privileged to be conferred with the Rank of Senior Advocate of Nigeria at the occasion of the commencement of the legal year of the Court. Needless to say that the rank is conferred on a legal practitioner who has distinguished himself in the practice of law and has *inter alia* exhibited high regard for honesty, integrity and professionalism. I therefore congratulate each and every one of the **sixty-two (62) SANs** for attaining this great feat in their respective careers as legal practitioners. I must add very quickly that to succeed in the use of this rank in discharging the call of your office as a legal practitioner, a necessary trait upon which you must anchor all other requirements you had to satisfy to get to this height is, **“humility”**. It is humility that will continue to make the rank relevant, productive and keep you within professional bounds. You sure need the Grace if God to stay humble and it has never been a scarce commodity. The scripture in James 4:6 says **“But He gives more grace. Therefore, He says: “God resists the proud, But gives grace to the humble.”** I therefore commend you to the Grace of God Almighty which is able to keep you humble and deliver to you the benefit of the rank of the SAN.

### **Legal Profession and Public Perception**

11. As I congratulate you learned colleagues, I must remind you all, that you are taking this responsibility at a time when public confidence in the legal profession in Nigeria is abysmal and this is largely due to the actions of legal practitioners in the comments and remarks we make ever so often, about members of the legal profession, Bench and the Bar. I am doing this because in my inaugural speech, I did make the commitment that **“We will boldly confront all the issues that have bedevilled our profession and our nation; from bad governance to insecurity, corruption and impunity; and to dwindling national pride. We will join hands, speak truth to self (the NBA) and to power, and where necessary commence actions and do whatever it takes to change our trajectory and reverse our fortunes.”**
12. Only recently (October 2022), a Senior Advocate of Nigeria, **Mr Adejuyigbe** was reported to have made the following remarks in reaction to the back and forth amongst other Senior Advocates on the process of the conferment of the rank of SAN. The comment was indeed in the course of the exercise by the **Legal Practitioners Privileges Committee (LPPC)** that led to your conferment. Let me say without any equivocation that, I have absolute confidence in the integrity of the process of the conferment of this privilege by the LPPC and everyone including **the 62**, who successfully goes through the process must have met the requirements of the guidelines for the conferment of the privilege. This is what **Adejuyigbe, SAN** said:

***“It is bewildering that precious time and energy have been dissipated on a banal topic that leads nowhere. A cart-pusher on the streets knows that the rank of SAN is in the same league of devaluation like the Naira. In Nigeria, distinction just like beauty is in the eye of the beholder. These days anyone who is well trained in the art of Rankadede can get the rank. It’s a pity that Late Sikiru Ayinde Barrister never applied for the coveted rank.***

***It is only in this our own dear native land that those who should be behind bars are celebrated as leaders of the Bar. It is an open secret that many of those who have been conferred with the rank as Advocates either snatched, borrowed or purchased cases in the Appellate Courts in the bid***

*to meet the requirements. Many of those who took up some criminal cases pro bono before their elevation to the inner bar abandoned such cases thereafter.”*

Mr Adejuyigbe, SAN was reported to have

*“accused Senior members of the Bar of complicity in the dwindling prestige of the rank by circumventing the guidelines for the award of the rank.”*

and went on to say that

*“The fault is not in the guidelines but in us. Many Advocates who have gained mastery in circumventing the guidelines are following the footprints of their seniors in the inner bar. In the days of yore, a good Maths teacher was interested in the workings that led to an answer and not just the correct answer. But that’s not what we do. Just pile up your cases, do your runs and you’ll get a boarding pass.”*

*He continued, “When you read pleadings, written addresses and briefs of arguments authored by some “giants” in the inner bar you will come to terms with our prevailing Ichabod and seek solace in the Book of Lamentations.”*

13. In **December 2016** at the opening of the Enugu Branch of the Nigerian Bar Association Law week activities, **Mr Femi Falana SAN** was reported to have said that Nigerian Courts had become *“supermarkets where only the rich do their shopping”*. Following this statement, it was also reported that a judge before whom **Mr. Falana SAN** had a matter, adjourned the case and directed **Mr. Falana** to appear personally in Court to explain *“if he obtained the Judgment by purchase from the judicial supermarket and for how much”*. The learned trial Judge insisted that Falana must appear in Court to say how much he paid for the judgment which he sought to enforce.
14. On the **15 October 2022**, the social media was agog with the news of the statement credited to the Minister of Women Affairs, who described the Judgment of the Federal High Court sitting in Yola as *“a Kangaroo Judgment”*. I made attempts to reach the Minister to confirm if indeed that statement was made by her. When I did not get any response or acknowledgement, I wrote a letter to the Minister and requested her to withdraw the statement and apologise to the Court because the statement was contemptuous of the Court and an affront to the Rule of Law. I added that, if the Minister fails to withdraw the statement as requested, the NBA will approach the Court and seek for declarations that the Minister is unfit to hold public office. **My Lords, 7 days have lapsed, the Minister has not recanted and the NBA will definitely seek redress in Court.**
15. Now, the reaction that followed my letter to the Minister was a publication credited to one **John Egbeazien Oshodi**, who cited previous statements credited to **Mr. Mike Ozekhome SAN** and **Femi Falana SAN**, to justify his (Oshodi) support for the Minister’s remarks, insisting that the minister properly described the ways in which Nigerian Courts conduct themselves. The title of the publication read **“In Nigerian Courts, Kangaroo and perverted methods abound Maikyua (sic), why are you requesting Mrs. Tallen’s**

**Apology Over Human Rights Concerns? As Ozekhome and Falana Voiced the same concerns**". The said **Oshodi** was *inter alia* introduced as an American based Police/Prison Scientist and Forensic/Clinical/Legal Psychologist.

16. In my inaugural speech on **26 August 2022**, I referenced the email by **Adekunbi Ogunde** which clearly portrayed the entire Legal Profession - Bench and the Bar, as susceptible to manipulations. This email led to several derogatory remarks about the Courts, the administration of Justice in Nigeria with cartoons, making a caricature of the Legal Profession.
17. My Lords, all these are matters within the public domain. The psyche of Nigerians have been fed with these information and we are being watched every day, every step of the way. The Judge who sought to have **Mr. Falana** explain if he obtained the judgment from his Court as a commodity from a supermarket was summoned before the **National Judicial Council (NJC)** on a petition that he was intimidating and harassing Counsel. Beyond this effort by the trial Court to challenge such sweeping derogatory reference to the Courts which was short-lived or truncated by the conversion of the Judge to a respondent to the petition (which I must admit was within the purview of the NJC to look into), Judges and Justices cannot speak for themselves and nothing to my knowledge was done by either the NJC or the Bar to challenge this statement and deal with the negative narrative created in the minds of Nigerians. The reaction to all these was a complete silence.
18. Lest we be misunderstood, the NBA does not and will never support any form of corrupt practice amongst members of the Bench or Bar or in way condone any professional misconduct no matter the age or status of the legal practitioner involved; for there are no separate rules of professional conduct for the old and for the young. The standard is and remains the same for all legal practitioners and ditto the code of ethics for all judicial officers from the apex court to the lowest court in the land.
19. My concern has to do with how members of the Bar will make far-reaching sweeping remarks about members of the Bench and the Bar without any proof of the allegations so made. If any Judge or Justice is alleged to have been compromised, the most patriotic thing that anyone would do is to provide the evidence to the law enforcement agencies – **ICPC, EFCC** or the **Police** and insist they proceed against such a Judge or Justice based on concrete evidence.
20. But where sweeping allegations are made, negative and damaging impressions are created of the judiciary and the entire legal profession in the minds of the public, the necessary confidence which the justice system must command in order to deliver justice to the people will be completely eroded and the inevitable result will be chaos and anarchy.
21. While those who have continually found delight in making such far reaching but unsubstantiated statements to the applause of some Nigerians, appear to have been firmly set in their ways, it is important to let them know that any spurious, sweeping and unsubstantiated allegations against judicial officers, legal practitioners or any member of the society, only goes to hurt the nation and rocks the foundation of its existence. For where the Nigerian public loses confidence in the judicial system, there will not be a country for even those who make the accusations to live in.

22. When we talk this way, we as legal practitioners are doing the greatest disservice to the Nigerian people. What we are saying to the Nigerian Public is ***“don’t believe what we are doing whenever we say we are ministers in the temple of justice, it is a charade, it is false, we are for the highest bidder and the only option open to you (Nigerians) is self-help”***. These comments are simply inciting the public against the system and institutions that deliver justice which is the only means by which a nation or a people can exist and survive. This always reminds the statement by **Sheikh Usman Bin Fodio**, the founder of the **18<sup>th</sup> century Sokoto Caliphate**, who had stated that: ***“a people can exist without religion, but they cannot exist without justice”***.
23. Apart from sitting at the top of the thinking class, we are the conscience of this nation and the only legal profession that is positioned by reason of the privilege we have as those instructed, schooled and trained on the subject Justice to administer same and uphold the rule of law in Nigeria. As such, we must at all times take the lead by not only delivering justice to the people, but also by avoiding any act or omission that can derogate from the confidence of the people in the legal profession. To talk about the institutions of justice in derogatory manner; as corrupt and fraudulent, as supermarkets and kangaroos, without stepping out with concrete evidence to punish the erring members of the legal profession allegedly involved in these practices, is self-incriminating, if not worse than the alleged corrupt practices. Let us shun cowardice and be bold in our service to Nigerians for the recovery, reformation and repositioning that we all desire.
24. But my Lords, what those who make these comments (lawyers and non-lawyers) say or do to bring dispute to the Legal profession - the Bench and the Bar, and erode public confidence in the justice system, is not as colossal in its destruction of the Nation as the silence of many members of the profession, who should speak up to negate the false narrative that is being fed into the psyche of Nigerians on a daily basis. It is not so much about the action of those who abuse and disparage the justice system without substantiating their allegations, as it is about the reaction to what is being done or said; ***our collective silence***.
25. When the process of the conferment of Senior Advocates was attacked and the rank was likened to what Ayinde Barrister could have received, that insult to the legal profession was never rebuffed, but the minds of Nigerians have been fed with that information (false as it is) with the attendant consequence of inciting the public against the legal profession including the maker of the statement.
26. When the impression was given to Nigerians that the entire legal profession can be manipulated by one individual or group of persons, we know that was not true but we all kept quiet. That silence could only have meant that it was true and that is what has been fed to the psyche of Nigerians, who look up to the legal profession for guidance. For if the legal profession accepts that it can be manipulated, then what we are telling Nigerians like I said earlier is that when we come together to dispense justice, we should not be taken seriously and definitely we are telling Nigerians not to accept the outcome of the process. This is why we must speak up to say that the Nigerian Courts are not supermarkets where only the rich do their shopping, we must rise up to say that as lawyers, we do not engage in untoward practices to get conferred with the Rank of Senior Advocate of Nigeria; we must rise and defend the judgments of the Courts and never to allow anyone describe them as Kangaroo Judgments. And as we do this, we must with that same vigour, identify and call out anyone who is found wanting, while seeing to it that such persons are made to face the wrath of the law. I challenge those who accuse

the judges of receiving bribe to be bold and patriotic enough to give details of who they gave bribes to and how much they gave.

27. In my inaugural speech, I did say that unless issues of professional misconduct in the legal profession are dealt with decisively, the silence over such issues will hurt the profession and the Nigerian public. It is our responsibility as lawyers to always speak-up and we must not shirk to provide this leadership. The Secretary General of the Commonwealth, **Rt. Hon. Patricia Scotland QC**, said:

*“We lawyers are a dangerous breed; we challenge, we refuse to let anarchy and unfairness and inequity reign. We stand in the gap. We refuse to be silent. We fight. Not with arms, but with words. We use the law as our weapon, and we wield it with skill and determination. We must teach the next generation to do the same... you play a central role in setting the parameters for the next generation of lawyers who will have the formidable task of safeguarding the rule of law in the new and challenging context in which we now live.”*

28. **Martin Luther King Jr.** also said – *There comes a time when silence is betrayal.*
29. It is time for us to speak and chart the course for the younger generation of lawyers and provide leadership to the people of Nigeria, otherwise the rule of law will be jeopardised and anarchy will be inevitable. We cannot afford to betray Nigerians!! This is my charge to all members of the legal profession - on the Bench and the Bar, and more particularly the **62 new Senior Advocates of Nigeria** - your job as senior members of the profession is clearly cut out.
30. My Lord, the Hon, the CJN, in the past couple of days, members of the legal profession and other Nigerians have expressed concern over the statements credited to your Lordship to the effect that the Hon, the CJN endorsed the membership of the Governor of Oyo State of the G-5 Governors and that the CJN was partisan. My Lord, I was equally concerned not because of the reasons given in the reports in the social media but the impression the reports were capable of creating if the alleged statements were left as published. The statement by my Lord, the Honourable, the CJN was in my view misconstrued and exaggerated. I know my Lord, the CJN. I had in previous fora acknowledged my Lord as a man of honour and integrity. The negative comments, insinuations and reports in the media do not represent your Lordship.
31. We must consciously and deliberately shape the mindset and psyche of the Nigerian public with honest and sincere information that will keep their confidence in the Justice that we serve. My Lord, the CJN, we thank you for providing leadership in this regard.
32. My Lords, closely related to the need to sustain the confidence of the Nigerian public in the justice system is the challenge of the **2023 General elections**. Already, as stated earlier, the preelection matters have taken over the attention of the Courts. We must as members of the Legal profession ensure that, we participate honestly and sincerely on the process of the election. We have a collective duty to not only ensure that justice is done to the people but that justice be seen to have been done.
33. Implicit in the reference to Courts as Citadel of Justice, is a direct reference to the function of members of the legal profession on the Bench and the Bar as ministers in the temple of justice; a function that must be performed with integrity and circumspection. In the

case of **R v. Sussex Justices, ex parte McCarthy (1924) 1 KB 256**, the English High Court of Justice, following a long line of cases, established the principle that the mere appearance of bias is sufficient to overturn a judicial decision. There the Court held:

***“...it is not merely of some importance but is of fundamental importance that justice should not only be done but should manifestly and undoubtedly be seen to be done. ... Nothing is to be done which creates even a suspicion that there has been an improper interference with the course of justice.”***

34. Putting forth this point from a deeper perspective in my view, the former Chief Judge of the United States District of Columbia, in her address to the Bar Association of St Louise titled *Law and the Laymen*, stated that:

***“There should be two cardinal objectives of courts in a democracy. One is obvious: courts must accomplish justice. The second, often neglected, is: courts must convince those whom they serve that justice is being accomplished.”***

35. We have a duty to convince Nigerians that justice is being accomplished in the discharge of our duties as ministers in the temple of justice conscious of the fact that without justice Nigeria cannot exist.
36. My Lords, in the context of convincing Nigerians that Justice is being accomplished, I must draw your Lordships’ attention to the code of conduct for judicial officers which calls for propriety and the appearance of propriety in your Lordships’ personal and professional relationships. The Code also requires their Lordships, in exercising the freedoms of expression, belief, association and assembly, to exercise restraint and ***adhere strictly to political silence*** for the purpose of maintaining your Lordships’ independence; not undermining the confidence in your Lordships’ impartiality and exposing your Lordships to political attacks inconsistent with the dignity of judicial officers.
37. For the judiciary to truly be the last hope of the common man, and indeed all men, and if the Legal profession is responsible for dispensing justice to the people (and it is only the legal profession that can do so), it then becomes imperative if not an absolute necessity, for the Bench and the Bar to come together and ensure that public confidence in the justice system grows significantly. This is the only way to sustain any nation and grow its socio-economic and political potential.
38. Whenever public confidence in the other arms of government begins to wane, the legal profession in particular the judiciary, must rise to the occasion by delivering justice with such courage and precision to provide succour to the people. Honourable Justice A. M. Ahmadi, the former Chief Justice of the Supreme Court of India, had this to say on the role of the Court in such situations:

***“...in recent years, as the incumbent of Parliament have become less representative of the will of the people, there has been a growing sense of public frustration with the democratic process. This is the reason why the (Supreme) court had to expand its jurisdiction by, at times, issuing novel directions to the executive.”***

### **NBA and Review of the Welfare of Judges/Justices**



39. At the inception of the current administration of the NBA, we set out to remind the Government on the need to make deliberate investment in the legal profession generally and the judiciary in particular, if we are to realise the desired recovery and growth we need as a nation. We embarked on a sustained campaign/advocacy for the improvement of the welfare of Judges/Justices in Nigeria. It is rewarding, refreshing and comforting to note that, **15 years** since the last review of the salaries and allowances of judicial officers in 2007, the **Revenue Mobilisation Allocation and Fiscal Commission (RMAFC)** on the instruction of the President and Commander-in-Chief of the Federal Republic of Nigeria, **President Muhammadu Buhari, GCFR**, has begun the process of the upward review of the salaries and allowances of judicial officers. The NBA has been invited to make contribution to the process and members have been requested to submit memoranda in order to enrich our engagement with the commission. I must acknowledge the efforts of the Hon. Attorney General and Minister of Justice who has remained relentless in ensuring that the review of the welfare of judges and justices becomes a reality. We are aware that the **2018** has been adopted as the base document for the exercise subject to current economic realities.
40. My Lords, I have earlier touched on the congested dockets of this Court and the need to seriously consider the fate of equally very important matters which suffer as a result of the election matters that have inundated the Courts and the urgency foisted on the courts on these matters given the constitutional time limits for the hearing and determination of these cases. As a result commercial matters that have bearing on the economy of the nation suffer delay. This in a great way has affected investor confidence in our justice system and has caused investor to begin to look elsewhere. Many Nigerians who have matters before the Court decry the seeming neglect of their matters in preference for political cases. This is also affecting the confidence of the public in the Court system and many have become disillusioned. We therefore call on your Lordship to consider initiating the reforms in the Court system that will address these issues, not the least the need for constitutional amendment to increase the number of justices of the Court in order to deal with the number of cases which come to the Court or limit the cases that come to the Supreme Court on appeal.
41. I commend to My Lord, the Chief Justice of Nigeria, the recommendations for the reform of the judiciary made at the Justice Sector Summit organized by the NBA and the Justice Research Institute, on **25 January 2022**, in collaboration with **National Judicial Council (NJC)**; the **Konrad Adenauer Foundation**; the **United Nations Office on Drugs and Crime (UNODC)** and the recommendations revolve around three broad themes –
- (1) Overhauling the judicial appointment process, by making it strictly merit based. Poor knowledge of the law and compromise have the same appearance, and neither is good for the Bench;*
  - (2) Reviewing the administration, budgeting, and funding of the judiciary. There is a need for increased funding for the Judiciary and the basis must be established through proper accountability and budgeting; and*
  - (3) Courts administration – separation of the administration of Court from handling of judicial functions while designing clear guidelines for close oversight of the role of Court registrars to attain efficient case management to address inefficiency and delays that characterize the justice sector.*

42. In response to our continuous advocacy for better working conditions and respect for the Nigerian judiciary, I respectfully invite your Lordships, to do everything within the ambit of the law to rise above reproach and leave the public with no possible reason to suspect compromise, resulting in unsubstantiated accusations about the conduct of the judicial officers.

### **State of Security**

43. Permit me my Lords to state the unfortunate incidents that have befallen the NBA in the last **10 days**, within the context of the security situation in our nation. We are witnesses to the alarm raised by the western world which led to the travel advice issued to their nationals and the eventual evacuation of their consular and embassy officials out of Nigeria. Activities in many of the embassies were shut down as a result. This caused serious panic in the country and Nigerians became even more agitated given our experience from the rampaging activities of bandits, terrorists, unknown gunmen, kidnapers, armed robbers and other criminal elements all over the country. While it appears that the reason for the security alarm raised as afforested has been contained by our security agencies for which we commend them, there is still so much to be desired in terms of dealing with our security situation as nation.
44. On **21 November 2022**, a member of the **Ahoada Branch** of the NBA, **Mr. Nathan Akatakpo** was reportedly killed by yet to be identified assailant leaving behind a young family. Earlier on **18 November 2022**, another member of **Nyanya-Karu Branch** of the NBA, **Mr. Stephen Eke** was reportedly killed in broad day light in the presence of his son at his wife's shop at Karu. I have since reached out to the elder brother and wife respectively, of the deceased members of the NBA and efforts are being made to ensure that the killers are identified, arrested and brought to book.
45. Information available to us is that in the case of the later, his life could have been saved, had Doctors accepted him for treatment. Unfortunately, he bled to death because the three hospitals he was allegedly taken to rejected him for treatment because he had gunshot wounds. This was callous to say the least. We call on the Federal Government to intensify efforts in providing security for the lives and properties of Nigerians. The spate of killings has become alarming and totally unacceptable. We equally call on the **Nigerian Medical Association (NMA)** to remind its members of their Hippocratic Oath to save life in all circumstances. The Police should also review their approach to the handling of hospitals and Doctors where persons with gun shots are treated. It is not in all cases that persons with gunshot wounds are the assailants. In the case of Steve Eke, he was the victim and lost his life on account of this inhumane stance adopted by hospitals and Doctors because of the actions of the Police notwithstanding the clear provisions of the **Compulsory Treatment and Care for Victims of Gunshot Act 2017**. Doctors in Hospitals/Clinics should treat all manner of cases brought to them and in appreciate cases, incident complaint with the Police while life is saved as a priority. May the souls of our dear colleagues Rest in Peace as we pray to God to comfort their respective families.

### **Conclusion**

46. Finally my Lords, at the reception organised in my honour by my classmates and colleagues for which I am very grateful to them, (8 of us are being conferred with the rank today to the glory of God), my Lord, Honourable Justice Augie, observed that, your Lordship and I, came into office as CJN and NBA President in the same year, about the

same period and we both have 2 years to serve and before exiting the office. My Lord, Honourable Justice Augie, observed that this was not a coincidence, it is divine. My Lord also added that, in 2 years from thence, we will be assessed of our stewardship to the legal profession and Nigerians. My Lord, I do not make light of this observation and I pray that when we shall exit our respective offices we would have used our God given opportunities to serve the cause of justice for the benefit of Nigerians together with all members of the legal profession and other stakeholders in this regard.

47. As I conclude, I wish your Lordships God's strength and wisdom. It is my prayers that none of us will at the end of our careers look back and cry or lament *mea culpa, mea culpa, mea maxima culpa* because God gave us the opportunity in our life time to make a difference in the life of our nation but we failed to do so.
48. I wish the court a fruitful year ahead and on-behalf of the NBA, I reiterate our commitment to maintain a robust Bench and Bar relationship from the understanding that we are both agents of the same principal (Justice) performing different functions to serve the cause of Justice.

Long live the Judiciary!

Long Live the NBA!!

Long live the Legal Profession!!!

Long Live the Federal Republic of Nigeria!!!!



***Yakubu Chonoko Maikyau, OON, SAN.***

President