



NIGERIAN BAR ASSOCIATION

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PURPORTED REMOVAL OF CHIEF JUDGE OF BENUE STATE: A BRAZEN ASSAULT ON THE CONSTITUTION

The Nigerian Bar Association views with contempt the purported resolution passed by the Benue State House of Assembly directing Governor Hyacinth Alia to remove the Chief Judge, Honourable Justice Maurice Ikpambwese, from office. The resolution is not only unjustifiable but violates the spirit and intendment of the Constitution of the Federal Republic of Nigeria. The removal of a judicial officer, especially one occupying the esteemed position of Chief Judge, must adhere strictly to due process as outlined in our Constitution. Any deviation from this process is a direct affront to the rule of law and poses a significant threat to our democracy.

It is laughable for the House of Assembly of any State to purport to have the power to discuss much less recommend the removal of the Chief Judge of a State without the involvement of the National Judicial Council (NJC). The judiciary must operate free from external pressures and threats to maintain its impartiality and effectiveness. We remind all arms of government that respect for constitutional provisions is not optional but mandatory. Upholding the rule of law is the bedrock of a just and equitable society, and any actions to the contrary are tantamount to a mockery of the oaths of office sworn to by our public officials.

The 1999 Constitution clearly stipulates the processes for appointing and removing judicial officers. Specifically, Sections 153 and 271 establish the

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NJC as the body responsible for recommending the appointment and removal of state Chief Judges. The Constitution gives the NJC the exclusive power of exercising disciplinary control over judicial officers, by ensuring that any allegation of misconduct is thoroughly investigated and decided to maintain the integrity and independence of the judiciary.

By purporting to have power to consider allegations of financial impropriety and abuse of office against the Chief Judge as well as recommending his removal, the Benue State House of Assembly exhibited crass knowledge of the provisions of the Constitution in that regard and clearly evinced an intention to trample on the Constitutional guardrails against such bad behaviour. It is disheartening that the Benue State House of Assembly does not know or pretends not to know that the process for the removal of a Chief Judge of a state is expressly provided for under Section 292(1)(a)(ii) of the Constitution. The lawful procedure requires:

1. The NJC must first investigate any allegations against the Chief Judge and, where necessary, make a formal recommendation for removal to the Governor.
2. Upon receiving a valid recommendation from the NJC, the Governor may act on the recommendation.
3. The removal must be confirmed by a resolution of at least two-thirds of the members of the State House of Assembly.

The absence of an investigation, hearing and recommendation from the NJC renders the purported removal of Hon. Justice Maurice Ikpembese unconstitutional, null, and void. It is indeed, sad that assuming that the Benue State House of Assembly has power to remove or recommend the removal of the Chief Judge, it would purport to do so without affording him an opportunity to defend himself against the weighty allegations against him.

The Benue State House of Assembly has not only contravened constitutional provisions but has undermined the foundational principles of judicial independence and the rule of law. Such actions set a dangerous precedent, eroding public confidence in our legal institutions and threaten the separation of powers enshrined in our Constitution.

NBA urgently calls upon all elected officials to desist from arbitrary and unconstitutional actions that jeopardize the sanctity of our judiciary. We also call upon all law enforcement agencies, particularly the Nigeria Police Force and Department of Security Services, to ensure that the Chief Judge, Honourable Justice Maurice Ikpambwese, is not in any way prevented from discharging the powers and functions of his office. It is imperative that the Chief Judge is protected from any form of harassment, intimidation or hindrance that may impede his ability to perform his constitutional duties.

We strongly advise all judges of the High Court of Benue State to resist any temptation to accept any filthy offer to act as Chief Judge of the State as no vacancy exists in that office. The Branches of NBA in Benue State and all lawyers are hereby directed to boycott the court of any judge of the Benue State High Court who accepts to act as the Chief Judge of the State.

NBA also calls on the National Judicial Council to sanction any judge of the Benue State High Court who accepts to be made the acting Chief Judge of Benue State.

NBA stands firm in its commitment to defend the integrity and independence of the Nigerian judiciary. We will not relent in our efforts to ensure that the rule of law prevails and that all actions by governmental bodies are conducted within the ambit of the Constitution. The arbitrary removal of judicial officers without adherence to due process is unacceptable and will be met with unwavering opposition from the legal

community. Therefore, we call on the Benue State House of Assembly to immediately rescind its unconstitutional decision and follow the proper channels through the NJC for any grievances or allegations against judicial officers. The show of shame must stop.



Mazi Afam Osigwe, SAN
President



Dr. Mobolaji Ojibara
General Secretary

