



**KEYNOTE ADDRESS DELIVERED BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA AND CHAIRMAN, BOARD OF GOVERNORS, NATIONAL JUDICIAL INSTITUTE, HON. JUSTICE MAHMUD MOHAMMED, GCON, *FNJI*, AT THE 2016 REFRESHER COURSE FOR MAGISTRATES ON CURRENT TRENDS IN LAW AND ADMINISTRATION OF JUSTICE, HELD AT THE ANDREWS OTUTU OBASEKI AUDITORIUM, NATIONAL JUDICIAL INSTITUTE, ABUJA, ON 18 APRIL 2016.**

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## **PROTOCOL**

I am delighted to welcome you all to the **2016 Refresher Course for Magistrates on Current Trends in Law and Administration of Justice**, which is the first of its kind, organized by the National Judicial Institute in fulfillment of its mandate of continuing judicial education for all categories of judicial officers.

This Course is positive proof of the Judiciary's recognition of the pivotal role Magistrates play in the administration of justice, particularly in relation to criminal trials. Having been appointed a Chief Magistrate Grade I in 1984, I can say without fear of contradiction that Magistrates Courts are not only closer to the average citizen, but also handle an overwhelming, and dare I say, frightening number of cases. Statistics have repeatedly shown that out of the total cases filed before the Courts, more than 90% of criminal

cases are commenced in the Magistrates Court. Suffice it to say, your roles in the administration of justice cannot be overemphasized or indeed taken lightly, hence the need for capacity building and further skills acquisition.

The theme of this maiden Course, “**PROMOTING JUDICIAL PERFORMANCE THROUGH INNOVATIONS AND REFORMS**” captures our efforts to ensure better justice delivery in Nigeria through innovation and reform. While acknowledging the competence of our Magistrates and their undoubted knowledge of the law, this Course is an avenue to build your capacity, strengthen your integrity and expand your knowledge for excellence. This Course is not only critical, but also timely in view of calls from both within and outside the Judiciary for judicial reform and transformation especially in the Magistrates Courts. It is therefore essential for participants to ensure that they imbibe the best practices, which will make certain that you are better equipped to handle the rudiments of your office.

I am sure you will all agree with me that the Magistrates Courts, perhaps more than any other court, have been confronted with lots of challenges, which hinder the smooth administration of justice. These challenges range from inadequate funding, increased costs associated with the performance of one’s duty, dilapidated infrastructure, inadequate facilities, increased caseload, to the more serious ills of corrupt practices and most significantly, delays in the administration of justice.

Trial delays remain a major challenge and black mark upon the sanctity of our courts. More often than not, trial delays are caused by the antics of parties and to some extent the Court, which result in

unnecessary adjournments. Often, prosecutors or defence counsel are unable to present their cases or witnesses and Investigating Police Officers are often unavailable or transferred; there is sometimes a lack of diligent rendering of legal advice on whether there is a *prima facie* case to prosecute, an increased use of preliminary objections and unconscionable legal devices for delaying trials and a myriad of others too numerous to mention here. It is therefore imperative to develop lasting solutions that will improve the administration of justice and reduce delays in our courts, thus inspiring public confidence, trust and improved judicial performance.

It is instructive to note that the Nigerian Judiciary has been active in developing innovative tools and implementing various reforms in recent times, so as to better deliver a speedy and efficient justice system. Similarly, your worships are no doubt aware that in recent years, a raft of legislation has been enacted prominent among which is the Administration of Criminal Justice Act 2015. The purpose of the Act is to promote the efficient management of criminal justice institutions, ensure speedy dispensation of justice, protect society from crime, and protect the rights and interests of suspects, defendants and victims of crime.

This Act represents a merger of the various criminal procedure statutes into a single, all encompassing principal Act, which applies uniformly across the federal judicature, with a deliberate shift from retribution to restorative justice. Some of the remarkable innovations introduced by the Act are in the areas of non custodial sentences, compensation for victims of crime, and establishment of the Administration of Criminal Justice Monitoring Committee, which is expected to ensure that criminal matters are expeditiously heard,

congestion in prisons reduced to the barest minimum and persons awaiting trial are not inordinately detained without cause.

I must also mention an area which is very dear to me: the need to reduce the huge backlog of cases. This Course provides the avenue for us to devise ways of achieving this, especially in criminal matters that have contributed to the congestion of our Prisons. I find it distressing that many criminal trials are not given the attention that they deserve. I urge you to accord criminal matters priority as had been the legal tradition and not to unduly delay proceedings. For emphasis, I wish to draw your attention to sections 35(4) and 36 (4) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which have the combined effect of underlining the need to expeditiously try criminal matters in view of the various fundamental rights that an accused is deprived of, especially when in custody or detention.

On our part, the Nigerian Judiciary continues to actively pursue lasting structural and ethical reforms that will better position it to meet the aspirations of the average court user for a speedy, affordable and transparent system of administration of justice. A key aspect of this endeavour has been the harmonization of appropriate Information and Communication Technology (ICT) into the process of administration of justice. As we are all aware, no serious jurisdiction can expect to make progress without the use of ICT. ICT promotes efficiency and transparency in the administration of justice through simplification of court processes, the effective dissemination of information, the use of such tools as e-filing, access to electronic legal reference materials online and the opportunity to imbibe current case management techniques for better justice delivery.

In 2015, the Nigerian Judiciary launched the Nigerian Case Management System (NCMS) in order to bridge the gap between cutting edge court automation and our traditional justice delivery system. The NCMS is specifically aimed at eliminating the time consuming manual based procedures currently being used. It further monitors key case events and actions from the time the case is filed to its determination. Upon its rollout to all jurisdictions, the NCMS will further integrate with a verifiable e-mail system for the Judiciary so as to guarantee that service to parties is effected without delay.

On Friday 15 April, 2016, the Supreme Court entered a “Pilot Transition”, which means that we have begun the implementation phase of the Nigerian Case Management System and the system has gone “Live”. Henceforth, cases filed at the Supreme Court will be scanned into the System and the “Old” manual method will run parallel with the “New” technology. This is a great first step for the Nigerian Judiciary which we all must be proud of. The future is here and now and we must seize this success as we anticipate a ripple effect in other jurisdictions and the various levels of the Judiciary. Once fully operational, all cases, regardless of the status of litigants will be administered more expeditiously and efficiently in our courts, using e-tools that will speed up justice delivery immensely.

I make bold to state that the Nigerian Case Management System (NCMS) is the subject of attention and collaboration from other commonwealth judiciaries around the world. In February 2016, the National Judicial Council signed a Memorandum of Understanding with three judiciaries of the Caribbean region and the National Centre for States Courts. They are Eastern Caribbean, Barbados and Trinidad and Tobago. These judiciaries, despite boasting about fifteen years’

experience of using a Case Management System (CMS), have decided to abandon same in order to adopt the Nigerian model. I believe that with the development and deployment of such technologies and the building of our capacities, through Courses such as this, the Nigerian Judiciary will benefit immensely and positively.

Another innovation, which I had mentioned earlier, is the Nigerian Legal Email System (NILES). This initiative, which is being undertaken by the Supreme Court in conjunction with the Nigerian Bar Association, aims to create an official e-mail, which is verifiable and allows Legal Practitioners to communicate securely with the Court and with each other. These are examples of innovations which are currently being rolled out and I urge participants to get “on board” by actively embracing same in order to improve justice delivery in your respective jurisdictions.

One must also give credit to whom it is due, as I pay particular compliment to the Lagos State Judiciary for the innovations that it is currently utilizing to decongest its courts and facilitate justice delivery within its jurisdiction. These include the introduction of the Bail Information System (BIMS), to curtail the abuse of the bail system by unscrupulous professional sureties, as well as the introduction of Judicial Information System (JIS), which allows for online filing and assignment of cases. While commending the efforts of the Lagos State Judiciary, I wish to acknowledge the efforts of other jurisdictions that are also making efforts to introduce various innovations and initiatives aimed at enhancing the administration of justice in their courts. I urge other States to follow suit.

Dear participants, it is pertinent at this juncture to re-emphasize your importance as Judicial Officers. Your Worships are regarded as an integral part of the Judiciary whose welfare cannot be neglected and I am committed to the pursuit of improved welfare and service conditions for Magistrates across the Federation as an independent, strong and responsible judiciary is indispensable to the administration of justice. However, to have such an institution, we as Ministers in the Temple of Justice must adhere to the Oaths of Office as contained in the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Code of Conduct for Judicial Officers. I therefore advise that we remain impartial as arbiters without fear or favour, affection or ill will. We must dispense justice to parties according to the law while shunning corrupt practices, promptly dispensing justice and discountenancing any attempt by counsel or any other person to delay the dispensation of cases while upholding the Rule of Law.

Having had the privilege of going through the programme for the 2016 Refresher Course for Magistrates, I am certain that the topics slated for discussion are relevant and insightful in this regard. Participants will be taken through sessions on ***“Access to Justice: Exploiting the use of Alternative Dispute Resolution (ADR) Systems”***, ***“An overview of the Administration of Criminal Justice Act, 2015”***, ***“Considerations of Application for Bail and No Case Submission in the Magistrates’ Courts”***, ***“Commitment to Excel as Judicial Officers: Transparency, Ethics and Code of Conduct”***, among others.

It is my hope that this Course will generate robust discourse and interventions that will serve as a pathway to achieving the much desired upgrade required for a smooth and effective administration of

justice. I therefore urge you to pay rapt attention to the erudite and eminently capable Resource Persons and Chairmen of Session.

At this juncture, permit me to express my gratitude to the experienced and learned personalities nominated as Chairmen of Sessions and Resource Persons, for agreeing to share their wealth of knowledge and experience with us. I must also appreciate our invited guests and members of the press for accepting our invitation and finding the time to be part of the Opening Ceremony of the 2016 Refresher Course for Magistrates.

My lords, your worships the distinguished participants, ladies and gentlemen, I wish to place on record my gratitude to the Administrator of the National Judicial Institute, Hon. Justice R.P.I. Bozimo, *OFR*, as well as the Management and the Staff of the Institute for organizing this very important Course.

It is now my honour and privilege to formally declare the 2016 Refresher Course for Magistrates on Current Trends in Law and Administration of Justice, open.

Thank you and May God bless all of us.

**Mahmud Mohammed, *GCON, FNJI***  
***Chief Justice of Nigeria and Chairman,***  
***Board of Governors, National Judicial Institute***