

KEYNOTE ADDRESS DELIVERED BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA AND CHAIRMAN, BOARD OF GOVERNORS OF NATIONAL JUDICIAL INSTITUTE, HON. JUSTICE MAHMUD MOHAMMED, GCON, AT THE OPENING CEREMONY OF THE INDUCTION COURSE FOR NEWLY APPOINTED JUDGES AND KADIS HELD AT THE SEMINAR HALL OF ALOYSIUS KATSINA-ALU BLOCK, NATIONAL JUDICIAL INSTITUTE, MOHAMMED BELLO CENTRE, ABUJA ON 15TH JUNE, 2015

PROTOCOL

I am delighted for this honour and privilege to deliver this keynote address at the 2015 Induction Course for Newly Appointed Judges and Kadis. I most heartily congratulate you on your new appointments as Judicial Officers. To be appointed as Judges and Kadis, meant that you have been found to be men and women with integrity worthy of being occupants of the exalted office of judicial officer. I must let you know that this appointment is a mark of

honour on you and, as such, you must brace up for the challenges ahead.

Your overall performance on the Bench is hugely dependent on your commitment and continuous self-development in the art of adjudication, knowledge and practice of the law and strict observance of judicial ethics and code of conduct for judicial officers.

Induction Course for Newly Appointed Judges and Kadis is organised annually by the National Judicial Institute in furtherance of its mandate to facilitate the continuing judicial education for judicial officers and their staff. The benefits of this course are immense. It is intended to expose you to some practical aspects of judicial functions. It is also expected that you use this great opportunity to interact with colleagues on the Bench, make new friends, share ideas, opinions and experiences.

The theme of this year's Induction Course is **Inculcating Judicial Values in Newly Appointed Judicial Officers**. The theme captures the whole essence of the Course which is to acquaint all of you with the Core Attributes of a good and eminent

Judicial Officer.

What are these attributes? one may ask. The qualities and Core values of a good and eminent Judicial Officer includes:

(i) **Independence:** In this context, independence means being free of any loyalties, duties or interests that might inappropriately influence the performance of a judicial officer's functions. Judicial independence is not a privilege but a right to every Court user in Nigeria that his or her cases are dealt with by a Court whose independence is guaranteed in both qualification, nature and character. Independence is therefore a core quality of an astute and eminent judicial officer.

(ii) **Impartiality:** The next important attribute of a good and eminent judicial officer is impartiality which is closely aligned to independence. It lies at the heart of judicial function and it is reflected in the oath of office. All litigants must be treated equally without regard to wealth, influence, circumstances of birth or any other factor whatsoever. Impartiality guarantees the existence of rule of law. If a judicial officer

compromises his functions so as to carry favour from the rich and powerful, or in order to receive positive media coverage, he or she would cease to be impartial and would certainly undermine and truncate the rule of law.

(iii) **Patience:** It is commonly said that patience is a virtue. It is an important attribute of a sound judicial officer. A judicial officer needs to be patient particularly when listening to evidence that is implausible or to submissions that are dubious and unattainable. Natural justice requires that the parties be given fair opportunity to present their cases before a decision is made. If a judicial officer acts impetuously by expressing fixed views prematurely or by cutting off a party before his case is completed an appellate Court may order a retrial and in the process, other unpleasant consequences may arise. Even in situation where a litigant is not represented by counsel, a judge should be patient enough not to be put off by the inability or unwillingness of the litigant to comply with normal Court processes and judicial directions. He has the constitutional right to

choose not to be represented by counsel except in serious criminal trials.

(iv) **Humility:** Humility is not out of place in the judiciary. Where a judicial officer is assisted by counsel in the course of trial, it is appropriate to acknowledge this at that time or at the end of the trial. Likewise, where a judge is under a misapprehension in a case, it is not inappropriate to acknowledge the error and to thank the party that clarified the position. Such respect and cooperation strengthens the relationship between the Bar and the Bench and instils a sense of confidence in the humanity and integrity of the judiciary in the eyes of Court users.

(v) **Communication Skills:** Good communication skill is an essential requirement for a sound and erudite judicial officer. As judicial officers, you are constitutionally required to make rulings in the course of a trial and to give directions to litigants and witnesses. These rulings or judgments must be done in a manner and language that can be quickly understood by those who are expected to comply with them. You are required to give written

reasons for your decisions. Sometimes, the cases may involve complex factual and legal issues. The reasons must therefore, be clear, succinct and unambiguous so that the parties and other interested persons can understand them. Lack of good communication skills can be dangerous and devastating. Avoid too much Latin maxims that have no bearing on the positive Nigerian jurisprudence.

(vi) **Courtesy:** This is not only a basic human quality but an important attribute for a judicial officer. In the past, some judges regarded aloofness and gruffness as adding to judicial authority and to the mystique of the office. Those days are gone. Everyone who comes before the Court is entitled to be treated with courtesy and respect, even those who are accused of heinous or despicable crimes deserve some respect. If litigants or counsel are throwing barbs at each other in offensive or disruptive manner, you must order them to stop. If a counsel is shouting at a witness in a humiliating manner, you must order him to desist from doing that. After all, courtesy is not incompatible with effective advocacy or

effective adjudication. Judicial Courtesy bolsters the authority of the Court, and earns the respect of the society it serves.

(vii) **Cultural and Community Engagement:** Nigeria is a multi ethnic nation. Most states of the Federation are made up of diverse ethnicities, languages, religions and cultures. The success of such society depends on mutual understanding and respect. Equality before the law and respect for other people's rights are important elements of rule of law. As you move from one judicial division to another, you must treat all Court users with equal respect regardless of how different they are or how unpopular their cause may be. In the interpretation and application of customary and native laws, avoid assumptions that are based on cultural stereotypes. Negative cultural stereotypes strain harmony within the community and cause serious security breaches. Except where the adduced native law and custom is barbaric or offends the repugnancy test, every litigant is entitled to have his or her case decided based on the evidence that has been adduced and tested in open Court

in the Course of trial rather than on any other extraneous considerations. For the Kadis of the Sharia Court of Appeal, Your applicable law is the Sharia. For the Judges of the Customary Court of Appeal, Your applicable law is the prevailing customary laws of the litigants that come before you not the biblical or koranic injunctions. Your religious inclinations should not be brought to bear in your judicial decisions as a judge of the Customary Court of Appeal. No matter how you feel about the religious implications of such alleged customs, so long as they comply with requisite legal and judicial tests prescribed, you must apply them in relevant cases.

(viii) **Sense of Humour:** The administration of justice is a serious business, with important obligations and responsibilities. Court cases involve tremendous stress for Court users and therefore the courtroom is not a place for judicial officers to try their hands at being comedians. That does not mean, however, that judicial officers must be perennially uptight and unhappy. No, the Courtroom is not a grave yard. A balanced life style,

interests outside the law, a down-to-earth personality and a good sense of humour can increase a judicial officer's enjoyment of his judicial work. This can assist in ensuring that the mood in the courtroom is positive which, in turn, can ensure that the hearing is conducted in an efficient and harmonious manner.

(ix) **Abiding by the Code of Conduct and Judicial Ethics:** This is the most important requirement of a judicial officer. Every judicial officer must abide by the Code of Conduct for Judicial Officers of the Federal Republic of Nigeria, and Judicial Ethics as expounded in the Bangalore principles of Judicial Conduct. Any judicial officer that does not abide by the Code of Conduct is on his way out of the Nigerian Judiciary. The Nigerian Judiciary is now more prepared and more poised than ever before to rid itself of all the ugly dirt's inflicted on it by unscrupulous persons occupying judicial offices in Nigeria. The National Judicial Council and the respective States' Judicial Service Commissions are adequately empowered to remove, with ignominy, any judicial officer or judicial staff

that has chosen the path of dishonour to be lazy or refuse to abide by judicial ethics and Judicial Code of Conduct. The Code of Conduct covers all aspects of a judicial officer's life both in and out of Court. It must be studied, digested and imbibed by all judicial officers in Nigeria.

As new judicial officers you are advised in your own best interests, to make the Code of Conduct your constant companion and an ever ready guide.

(x) **Prompt Disposal of Cases:** This is a constitutional requirement. A good judicial officer must dispose of matters before him promptly, efficiently and diligently. You must demonstrate due regard for the rights of the parties to have their cases heard and disposed off without unnecessary delay. You must be in control of Your Courts to eliminate dilatory practices, avoidable delays and unnecessary adjournments. You must devote adequate time for Court duties, be punctual in attending Court and expeditious in determining matters before you.

My Lords, Distinguished Ladies and gentlemen, permit me at this stage, to salute the vision, drive and commitment of

the Administrator of the Institute, Hon. Justice R. P. I. Bozimo, OFR. Her indefatigability and intellectual capacity has been brought to bear on the programmes. I must say that the Institute is presently experiencing some form of intellectual transformation. Courses are now tailored to meet the ever changing legal demands. This transformation is going on smoothly due to the invaluable assistance the Administrator is receiving from the energetic staff of the Institute. I thank both the Administrator and Staff of the Institute for successfully organising this Induction Course. I have gone through the programmes for this Induction Course. The topics for discussion are very relevant, enlightening and enriching. The Chairmen of Session and Resource Persons are the best around and are sure to make this Course very educative and memorable. I thank them for accepting to share their wealth of experience and expertise with us.

I therefore urge you all, my lords to make the best use of this Course by paying attention and participating actively in all the deliberations.

I thank the members of the Press for being with us. You have become an inseparable partner with the Judiciary in the enthronement of modern, transparent and robust judicial system in Nigeria.

I thank all our Distinguished guests. Your presence has added value and essence to this Course.

My Lords, Distinguished Ladies and Gentlemen, it is now my honour and privilege to, on behalf of the Nigerian Judiciary, welcome the Participants to the noble and eminent Nigerian Judiciary Family as I declare the 2015 Induction Course for Newly Appointed Judges and Kadis Open.

I wish you all a very successful and fruitful Course.

God bless all of us!

God bless Nigeria!!

**Hon. Justice Mahmud Mohammed,
GCON**

Chief Justice of Nigeria and Chairman, Board of Governors of National Judicial Institute