

KEYNOTE ADDRESS DELIVERED BY THE HONOURABLE THE CHIEF JUSTICE OF NIGERIA AND CHAIRMAN, BOARD OF GOVERNORS, NATIONAL JUDICIAL INSTITUTE, HON. JUSTICE MAHMUD MOHAMMED, *GCON*, AT THE OPENING CEREMONY OF THE REFRESHER COURSE FOR JUDGES ON ALTERNATIVE DISPUTE RESOLUTION AND CRIMINAL JUSTICE REFORM, HELD AT THE ANDREWS OTUTU OBASEKI AUDITORIUM OF THE NATIONAL JUDICIAL INSTITUTE, ABUJA ON 16 MARCH 2015, AT 10:00 A.M.

PROTOCOL

I am indeed delighted to address you all on this auspicious occasion of the **2015 Refresher Course for Judicial Officers**, organized by the National Judicial Institute, Abuja. This is the first in the schedule of programmes lined up for the year 2015 designed by the Education Committee of the National Judicial Institute and aimed at building the capacity of Judicial Officers in Nigeria.

The Refresher Course is traditionally designed to create an avenue for Judicial Officers from different jurisdictions to exchange ideas and strategize on solutions to recondite areas of the law, whilst illuminating each other's experiences and lessons learnt, in order to enrich and enhance their professional skill. This enables our Judges reposition themselves for optimum performance of their judicial duties.

The theme for this year's Course **"Entrenchment of Speedy Dispensation of Justice in Nigerian Courts"** is indeed germane and immensely relevant as it captures the rationale behind our efforts to ensure better justice delivery in Nigeria. The focus of this year's Course is on Alternative Dispute Resolution (ADR), and Criminal Justice Reform. These are two areas of reform, which are integral to the achievement of efficient, fast, and transparent justice delivery.

My lords, Ladies and Gentlemen, as you are all aware, much of the criticisms leveled against the justice delivery system in Nigeria is about incessant delays in the

administration of justice. We now witness interlocutory appeals at the Supreme Court as regularly as any other form of appeal. Lawyers are adamant on pursuing cases regardless of the length of time or the expense involved ignoring any possible detriment to their clients.

The ever increasing case load of most courts, frustrating long delays in the adjudication of cases, increased litigation costs both in terms of finance and the acrimony often associated with litigation advises the need to recommend the greater use of alternatives to disputes resolution in our courts.

Alternative Dispute Resolution (ADR) systems, as your Lordships are doubtless aware, cover a wide range of dispute resolution processes and techniques that serve as alternatives to the traditional courtroom trials.

The concept of court-connected ADR facilities is now institutionalized in many jurisdictions. These courts assist the parties in choosing the most appropriate dispute resolution system in order to achieve effective resolution of their disputes.

It is in this wise that I must commend the President of the National Industrial Court of Nigeria (NICN), Hon. Justice B. A. Adejumo, for the introduction of the NIC ADR centre within the courts' premises for the settlement of labour and trade disputes, utilising ADR. Such purposeful policy must now be a more common feature of our courts if we are to say resolutely that our justice system is becoming more efficient.

Judges must similarly re-orient themselves to adopt the use of ADR as a tool for justice. In the light of this, as the Chief Justice of Nigeria and Chairman of the National Judicial Council (NJC), I have directed that matters disposed of by Judges utilizing **Alternative Dispute Resolution (ADR)** will now form part of your Judicial Performance Evaluation score at the NJC.

Permit me to use this opportunity to highlight some other challenges to the administration of justice particularly as it affects the criminal justice system. We face prolonged delays in the trial of criminal cases leading to an increase in detainees awaiting trial and the congestion

of the prisons. I believe we are well aware of these and other problems. The situation is made more precarious due to the archaic and obsolete nature of the laws regulating the criminal justice system.

The Administration of Criminal Justice Bill is a seminal Bill which, when passed, will hopefully institutionalize several innovative measures that will significantly improve the delivery of criminal justice in the country. Permit me to highlight a few of these innovations.

The Bill among its major provisions seeks to abolish the dichotomy between the Criminal Procedure Code and Criminal Procedure Act, by repealing both Acts.

The Bill, via the provisions of Part 2, Section 16 establishes a central criminal records registry system as a veritable database of offenders and also provides a snapshot to courts and prosecutors as to whether an accused person is already on the registry, thus aiding in the administration of criminal justice.

Part 44 of that Bill introduces Nigeria to non-custodial sentences including community sentence orders and probation

for minor offences. These offer a means of punishment, without being unduly draconian, as the aim of our justice system is to rehabilitate as well as punish.

The Bill, in Part 30, also limits the time spent for the remand of suspects in custody, without arraignment, to a maximum of 14 days before a review of such case by a Magistrate. This also limits the number of times that the detention order of 14 days can be obtained. Where, on the third occasion, the detaining authority cannot show why the suspect should be detained without cause, then the suspect may be released from custody, with or without application from the suspect or his counsel. This novel initiative will reduce the length of time spent in custody awaiting trial.

These initiatives allow a court to dispose of cases and where appropriate, punish the offender quicker than would occur with the usual detention and trial, which as we all know, results in clogged prisons and delays in trial due to logistical difficulties occasioned in bringing accused person to trial.

I have only cherry picked a few of the many new initiatives contained in a very comprehensive Bill. It is however important to note that the Administration of Criminal Justice Bill also holds each key stakeholder in criminal justice administration to be accountable to the public while striving to eradicate delay and congestion in the criminal justice system. I therefore call upon the National Assembly to see to its speedy passage within the life of this parliament.

My lords, Ladies and Gentlemen, this year is certainly an important one for our democracy as we once again hold elections to political offices nationwide. Some of you have been privileged to be appointed to Election Petitions Tribunals around the country. I urge you to remember that while you are on the Tribunals, you will be looked upon as the embodiment of Justice. To that end, you must dispense Justice regardless of fear or favour, position or standing, stamping the hallmark of legality on the conduct of our Nation's elections.

I am committed to a Judiciary that is efficient, speedy, and just. That is why I have continued to stress the importance of timeliness in the conduct of court proceedings. Allow me to once again re-iterate the time honoured truism that ***Justice delayed is Justice denied.***

My lords, having shared a few thoughts with you all, I must now get back to the business of the day, so to speak.

I have gone through the programme for this Course and I am satisfied with the choice of topics slated for discussion. I am impressed by the caliber of individuals assembled as Chairmen of Sessions and Resource Persons. Indeed one would be hard pressed to find better choices anywhere. I must say that the participants will find this a very rewarding Refresher Course.

I therefore urge you to pay rapt attention, take keen interest and participate actively in all the deliberations. I must also emphasize that the participants are expected to make immediate use of all the skills and lessons acquired during this Course.

I also call on the Heads of Court to issue the necessary Practice Directions, where needed, so as to fully achieve and reap the benefits of the goal of this Course.

I thank the amiable, industrious Administrator of the National Judicial Institute, Hon. Justice R. P. I. Bozimo, OFR, and the reinvigoration of the drive for optimum judicial performance and excellence.

I thank the Management of Dispute Resolution Associates Limited (DRAL) for collaborating with the National Judicial Institute in the organization of this innovative Course.

I also extend my gratitude to our Chairmen of Sessions and Resource Persons for honouring the Institute's invitations to share their knowledge and expertise with us in this Refresher Course.

My lords, distinguished Ladies and Gentlemen, it is now my singular honour to declare the 2015 Refresher Course for Judges on Alternative Dispute Resolution and Criminal Justice Reforms open. I wish you all very successful and fruitful deliberations.

Thank you and God bless Nigeria.

Mahmud Mohammed, GCON

Chief Justice of Nigeria and Chairman,

***Board of Governors of the National
Judicial Institute***