

**ADDRESS BY THE CHIEF JUDGE OF THE FEDERAL
CAPITAL TERRITORY(FCT) AND CHAIRMAN FCT
JUDICIAL SERVICE COMMISSION(FCT,JSC)HON.
JUSTICE I.M. BUKAR DELIVERED AT THE
COMMENCEMENT OF THE 2014/2015 LEGAL YEAR**

In the name of Allah, the most gracious, the most merciful. On behalf of the Federal Capital Territory Judiciary, I would like to extend a very warm welcome to all our distinguished invited guests and to thank you most sincerely for honouring our invitation to grace this occasion which marks the opening of the 2014/2015 Legal Year. I wish also to acknowledge the presence of all the personalities amongst us, and to express our deep appreciation and sincere gratitude. Apart from its solemn nature, the opening ceremony of a Legal Year provides an opportunity to bring together stakeholders in the administration of justice, the court users, political officers of the state and indeed the larger legal family across the nation. More importantly the occasion also provides an opportunity to take stock of the activities of the court for the last legal year and make its projections for the year ahead.

I have been a party to this all important annual event for twenty years. I thought and indeed believed that, having been on the bench for all these years, I have finished knowing the Federal Capital Territory Judiciary; at least as regards the High Court of Justice. But in my 21st year, when I came on stage, I realized how wrong my assumptions were. I saw the difference between being in the organization and being on stage to steer its affairs. The appreciation of this reality necessitated my decision to pay a courtesy visit to the Customary Court of Appeal and the Sharia Court of Appeal where I informed both heads of court of my mission and vision and solicited for their cooperation and support to build a united Federal Capital Territory judicial family. I note with sincere appreciation the humbling response I received from that venture. Next, I called for a maiden meeting with my brother Judges and they graciously gave a listening ear and an equally supportive response. The management staff came after that, followed by the Magistrates and then the support staff. Armed with what I got from all these groups , I now embarked on a familiarization tour of all the court houses to see for myself the problems on the ground and to listen to

the Judges and Magistrates in their offices and also to take a comprehensive list of our staff. It was during that visit that I came face to face with the reality of our problems. I saw what I did not know and heard what I never heard before. Upon completion of the tour I quickly drew my priorities in solving those problems.

I shall return to those priorities in a moment but not before I seize the good fortune of this moment to specially thank all of you who one way or the other have remained a faithful partner in the administration of justice. I appreciate the role each and every one of you has played in our justice system particularly, since I became the Chief Judge of the FCT. Our system of justice is made up of many partners and the part each of you play is of vital importance and our modest successes in the FCT Judiciary so far, is the result of our joint efforts, and for these I remain eternally grateful.

We in the judiciary recognize that justice is the foundation of society and that, a strong system of justice makes for a strong society. Consequently we have every reason to continue to strive to ensure that all those who access our courts are confident in the system of justice. Abuja is a hub

not just for Nigerians but also for people from all over the world who converge for various reasons including the knowledge that as they build their lives, provide for their families, and realize their dreams, their rights will be protected in the same way as in all other civilized climes. It is therefore our duty to ensure that this confidence does not wane but is rather taken to a higher level in the year ahead and in fact beyond. As I continue in this charge, I must single out those of you who are privileged to be called lawyers because on you lies a special duty as the gatekeepers of justice to participate in preserving all those tenets of civilized societies that we hold so dear.

Coming back to priorities set to meet some of the challenges on ground, we are not unmindful that the public must have confidence in our courts and that essential to that confidence, is the role of the judiciary in maintaining the highest standards of public service in delivering justice according to the law and dealing with all necessary fallouts of litigation and that was why the first issue on my priority list was the one concerning attached properties. They were packed in all our warehouses and occupied every available space of almost all

the court premises. To deal with this sordid situation, a committee on disposal of attached properties headed by Hon. Justice M.N. Oniyangi (now JCA) was constituted. At the expense of repeating myself, I am prepared to reproduce what I told the members in my inauguration speech as it will give a clear picture of the situation. I had this to say:

"What we are witnessing this morning is the direct result of the familiarization tour I embarked upon when I assumed duties as the Ag. Chief Judge of the Federal Capital Territory. If you recall, I had the opportunity to share my thoughts and my vision for the judiciary when I met with the Judges, the management staff, the Magistrates and the support staff. I told each of these groups the need for me to go around the courts and all other places under the organization with the sole aim of seeing for myself the problems on the ground, listen to the Judges, the Magistrates and the support staff on their peculiar needs and possible suggestions on

the way forward. During the visit I have also taken a comprehensive staff list. Each member of staff giving his/her name, date of first appointment and that of his/her last promotion. With this list, I intend to know the total number of our staff, understand cadre by cadre when each staff took up appointment, determine seniority within each cadre and ensure that their progressions are taken together except if there is a reason to the contrary. Again, it is this list that we will use in the preparation of our budget as it relates to personnel by identifying the officers in any cadre who will be due for promotion and have their provisions funded before the time will be due. More importantly also, it will check cases of ghost workers.

The tour afforded me the opportunity to realize how our entire premises are filled up with attached properties of various types. Our warehouses were all packed to their brim. I

was told in Kado Magistrate Court, that due to this disturbingly worrisome situation, they killed more than 30 snakes in the year 2012 alone. Some of these properties have lost their value completely. I was told that some of the properties were exhibits but there was nothing to show which of them were exhibits and which were those attached. They were just clumped up and dumped together and no attention was given to them. One could see a copy of Writ of Attachment displayed on few, most however bore nothing to show and /or determine their status. This situation attracted my attention above all the other problems hence my decision to set up this committee to find solution and dispose of what is now on the ground and also, to suggest ways to put a stop to future occurrence of such abuse and or negligence in the judgment enforcement process."

As an urgent measure, we have since excised the Enforcement Unit from the Litigation Department and it is now a department of its own to be headed by a Director who is answerable to the Deputy Sheriff. Officers who are mostly qualified Legal Practitioners with many years of experience and possessed of high moral character have been posted to the new department to assist the Head of Department in ensuring positive change and gaining the much needed confidence of the court users.

The office is also assigned with designated officers who will liaise with the Department and the Courts until their judgments are fully enforced. Henceforth, no interlocutory application by way of Motion for Stay will be entertained in the Enforcement Department. All processes, both originating and interlocutory, are the business of the Litigation Department and the Courts. A practice direction to guide the department in addition to the Sheriffs and Civil Process Act in the discharge of their duties has since been issued.

ADMINISTRATION OF CRIMINAL JUSTICE

Following my interaction with the members of the FCT Administration of Justice Committee and PRAWA, noticeable efforts in identifying all the knotty areas in the speedy trial of criminal cases was made through meetings with virtually all relevant stakeholders. While surmounting the challenges may need legislative intervention in some instances or huge budgetary requirements in others, I found the need to take some positive interim measures in an attempt to respond to the problem of delay in trials which sometimes was occasioned by the inability of the prison authorities to transport all awaiting trial inmates to court. Cases of these inmates are scattered all over the courts of the FCT but the prison authorities lacked sufficient serviceable vehicles to ensure that they keep up with court dates in all the locations. As a stop gap, we have since designated all the court houses in Apo to attend to criminal cases consequently, moving inmates around the FCT has become needless as with one stop all inmates can be before their court. We have also posted one judge to Kuje. We are not oblivious of the security implications of this move which has seen the designation of a large number of Judges handling criminal cases in one

location. As a security measure therefore, we requested the Commissioner of Police to ensure a more noticeable presence of police security in that place and indeed in all our court houses. I am glad to note that the FCT Police Command has acted positively to that request.

Also in the course of the year under review, it was suggested by my brothers and agreed at the Administration of Justice Committee that the court set aside a period of two (2) weeks to attend to cases of awaiting trial men who have been standing trial for more than five years. This exercise has yielded a positive result and it shall continue each time the need arises.

FAMILY COURTS

The need for strengthening our family court is equally at the tip of our priorities. Lack of a functional family court system has for long exposed minors and young persons to some of the vagaries of our criminal justice system at an age when the reverse would have been a preferred option. So far, we have started work on reforms in family courts and as part of that effort, we have designated seven Judges as Family Court

Judges and have since posted them all to the Jabi High Court Complex. A Family Court Rule has been drawn and will soon be made operational. I have met with the Hon. Minister of the FCT and intend to meet other government departments concerned to ensure the provision of other requirements of that institution to make them fully operational. I am glad to mention that the Hon. Minister of the FCT has committed to the building of a Mothers' Center and Child Care Center here in the FCT which is one of the requirements for the full implementation of the Rules.

CREATION OF ADDITIONAL DEPARTMENTS AND UNITS

Another area which was of great concern is the number of petitions and complaints that we receive from court users on a daily basis. In addition to the high volume, they are centered mostly in the area of attitude of the Court Registrars and our enforcement officials. In order to provide for a responsive and more user friendly court and to restore public confidence in the FCT judiciary, an Ombudsman Unit has been created. The unit will provide a platform for the general

public and in particular, the court users, to effectively participate in the confidence building process and to redress the problems of petition and complaints when they occur. I have appointed the officers to be designated as the Ombudsman and ensured that they got the necessary international exposure by sending them on an internship with the Superior Court of New Jersey USA where I first saw the concept. They are to be a separate unit within the judiciary and are clothed with necessary protective measures to enable them discharge their duties effectively. I have since drawn up the unit's Practice Direction and it has started functioning. Incidentally, the first petition received by the Ombudsman was made against me and I subjected myself to their jurisdiction in order to give them the necessary impetus to do their duty and gave them full powers to investigate the allegation of "***ethnic cleansing***" that was made against me. By that action I sought to demonstrate my resolve to show that no member of staff is above their jurisdiction. I urge the maximum cooperation for the ombudsman and encourage our court users to make use of that facility to seek redress on issues bordering on administrative abuse and the like.

In addition to the above, I have also, with the approval of the FCT Judicial Service Committee (JSC), created Five (5) additional Departments and they include, Departments of Special Duties, Procurement, Pensions, Reforms and Internal Audit. These departments are specialized in nature and will in addition to addressing the challenge of stagnation of our senior staff, position the High Court properly for effective service delivery.

STAFF MATTERS

My interaction with the staff exposed me to certain realities that were hitherto unknown. While the staff were generally poised to work and gave me assurances of their maximum cooperation, there were feelings of discontent in some quarters. I discovered to my chagrin that the records of staff were sometimes incorrect or incomplete. This has created a situation where it is easy to manipulate records to the advantage of a few.

If there is anything I want to be remembered for, it is that I created a system that is entirely merit based. We must create a system that entails the best people for the job made

through recruitment or promotion based on explicit rules that are open to the public and that are liable to challenge in case of a breach. I am convinced that such a system improves workers commitment to service and dedication to duty. In this bid, the secretariat of the FCT JSC was mandated to carry out a comprehensive staff audit so that we can have a complete data of all our staff. I see no reason why staff who were employed on the same level years down the line appear on different levels with some leaving others behind for no justifiable reason. This situation has the capacity to breed discontent and discourages workers from giving their best. I am happy to say that the Secretariat has successfully completed its assignment. I am also pleased to announce that all backlog of pending promotions have been addressed at the last meeting of the JSC.

Infrastructure

The place of infrastructure and good facilities can never be over emphasized. Lack of adequate facilities for work is a key constraint to the achievement of any goals we may set for ourselves. Our desire to see that we improve on what we

have on ground is frontally challenged at a time when we are, in practical terms, still adjusting to the realities of reduced funding for the judiciary and shrinking budgets. Yet, as our returns will show, more and more people find themselves turning to the courts as the courts are now the emergency rooms of our society, the most intractable social problems find their way to our doors and their numbers are increasing exponentially while our budget is reduced drastically. In his speech which marked the commencement of the 2013/2014 legal year, the Chief justice of Nigeria aptly captured the situation when he said:

"Over the years, funding of the courts has remained a challenge as evidenced in the conditions of many courts in Nigeria today. Statistics have shown that funding from the Federal government has witnessed a steady decline since 2010 from ₦95 Billion in that year to ₦85Billion in 2011, then ₦75Billion in 2012 and dropped again in the 2013 budget to ₦67Billion.....the resultant effect of a slim budget

on the judiciary is that a number of courts in Nigeria today evince decay and neglect of infrastructural amenities particularly at the state level...”

Having said it all, I can only add my voice to that of My Lord the Chief Justice for an increased funding of the judiciary to enable it properly deliver on its mandate without putting any additional financial strain on court users. Be that as it may, we have tried to ensure that our facilities remain as comfortable and as user friendly as possible so that they will continue to bear the semblance of the hollowed temples which they are. We have therefore within the means of our resources carried out extensive renovation works on the courts at Apo, Bwari, Gwagwalada, Karu, Kubwa and Nyanya. We have also made some practical attempts to set the process of completing the abandoned construction work of the Official Residence of the Chief Judge. In this venture, we held discussions with the contractors and we intimated the Hon. Minister of the FCT and the Senate Committee on

Judiciary. All options are on the table and it is our intention to do our level best within the means of available resources.

JUDGES

To my brother judges, I must continue to thank you all for the support and cooperation I have received so far since I assumed office. The credibility of our noble institution and the confidence reposed by court users in the justice delivery system depends largely on the way and manner you conduct yourselves both in and out of your courts. I am happy to note that at the moment, there is no serious reason for concern as your work and character spoke for you even in your absence. It is on this note that I congratulate our colleagues who were elevated to the Court of Appeal bench in the course of the year and wish them best of luck in their future endeavor. I am not in doubt that they will be our worthy ambassadors. I must add with humility that this is the first time that three judges of this court got elevated at the same time. It is my hope that this feat will be maintained to attract the judicial leadership in all future exercises.

It is essential for judges to continuously update their knowledge in order to enable them discharge their onerous judicial duties to the satisfaction of all. We are thus not sparing anything to ensure that our judges get the best training. It is to the credit of this resolve and determination that I can inform you that in this year, all our Judges had the benefit of attending at least one international training in various aspects of law. This across board training for all Judges is also a first in our history and we hope that the fruit of this investment shall manifest to the betterment of our society.

MAGISTRATES

The magistracy is another important link in this machinery that produces justice and our magistrates must be commended for the industry they have shown so far.

Due to the very high inflow of cases being recorded at the High Court, we found it necessary to increase the jurisdiction of our Magistrate and District Courts. The jurisdiction of the District Court was last increased in 1996 while that of the Magistrates had never been increased at all even though over

the years, Abuja had grown to become a monolithic city. These laws not only became archaic but were obviously incapable of serving the yearning needs of those who ran to us daily with the belief that the judiciary is the bastion of hope. Consequently the jurisdiction of the District Court now ranges between N1,000,000 –N5,000,000 as against N100,000-N250,000 prior to the increase. Our Magistrates, can now pass terms of imprisonment ranging from 6 months – 10 years and award fines from N20,000.00 – N50,000.00. Furthermore, their powers to conduct trial under section 157 (2) of the Criminal Procedure Code has equally been increased. This exercise was last done in 1986. I must place on record that the Hon. Minister of the Federal Capital Territory has by agreeing with my proposal to increase the jurisdiction of our Magistrate and District Courts placed himself and his administration on the positive side of history. Related to the increase in jurisdiction, we have also designated a portion of the High Court's website (www.fcthighcourt.gov.ng) to report online, judgments of the Appeal Cases from Magistrates. It is our belief that the innovation will help our Magistrates improve by giving them

access to the reasoning of the High Court so that they can in turn develop a more robust and in-depth appreciation of the law and associated legal principles.

Finally, we have also commenced the process of performance evaluation of our Magistrates. This evaluation is carried out by a Committee headed by Hon. Justice O. O. Goodluck and is saddled with the responsibility of ensuring that our Magistrates meet minimum standards of work under set and regulated guidelines. In addition to all the above listed efforts, we have upgraded the post of Chief Magistrate Grade 1 to GL.17 to bring them at par with Directors. This move was taken to professionalise the Magistracy and encourage those who intend to build a career in that line.

RETURN OF CASES

In the area of our primary duties, the High Court has recorded for the year 2013/2014, a total of 26,575 cases. Out of which, 6,946 were brought forward from the preceding year. Out of this number, 14,969 were disposed while 11,606 are pending.

In the Magistrate Courts, a total of 21,693 cases were registered. Out of which 12,570 were disposed while 9,123 are pending.

In the probate Department, a total of 2,490 applications were received. Out of this number, 2,152 were disposed while 338 are pending.

MULTI-DOOR COURT HOUSE

In this Department, the return shows that only 60 cases were registered in the year under review. This is a clear indication that the Department is under-utilized. Alternative Dispute Resolution (ADR) as a supplement to formal litigation process is fast becoming a worldwide norm due to its many positive sides such as reduced costs, timeous disposal of cases and active participation of parties. I therefore, urge our legal Practitioners and other court users to make better use of the facility.

Conclusion

My Lords, ladies and gentlemen, we live in times that can be best described as increasingly challenging. At times such as this, we take pride in the fact that the rule of law remains an indefatigable pillar of our society. If we are able to continue our sustained struggle to see that justice does not elude anyone, then we would have been able to do all that the society expects from us. Thus, with solid steps in a forward march coupled with an unwavering commitment to the rule of law, I am confident that the FCT Judiciary is well-placed to address the justice needs of our society.

On behalf of the FCT Judiciary, I take this opportunity to extend our good wishes to you as we pray for good health and more successes in the coming year.

Thank you for your patience.