

ADDRESS AT THE SPECIAL COURT SITTING TO MARK THE COMMENCEMENT OF THE 2022/2023 LEGAL YEAR OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA, ON MONDAY, OCTOBER 17, 2022

BY

HON. JUSTICE HUSSEINI BABA YUSUF, THE HONOURABLE, THE CHIEF JUDGE AND CHAIRMAN, JUDICIAL SERVICE COMMITTEE OF THE FEDERAL CAPITAL TERRITORY

My Lord, The Honourable, the Chief Justice of Nigeria, Hon. Justice Olukayode Ariwoola, GCON;

The Hon. Minister, FCT, Alhaji Muhammad Musa Bello;

My Lord, the Hon. President, Court of Appeal, Hon. Justice Monica B. Dongban-Mense, CFR;

The Hon. Attorney-General of the Federation and Minister of Justice, Mr. Abubakar Malami, CON, SAN;

All Heads of Court here present,

The Hon. Grand Khadi, FCT Sharia Court of Appeal, Alhaji Ibrahim Rufai Imam, ably represented;

The Acting President, FCT Customary Court of Appeal, Hon. Justice Stanley Adekunle Lawal;

My brother Judges;

Former Hon. Chief Judges of the FCT High Court;

Royal Fathers here present;

The Permanent Secretary, FCT, Mr. Adesola Olusade;

The President, Nigerian Bar Association, Mr. Yakubu C. Maikyau,
SAN;

The Chairman, Body of Senior Advocates of Nigeria (BOSAN);

Learned Senior Advocates of Nigeria here present;

Branch Chairmen of the Nigerian Bar Association;

Learned Magistrates;

Learned members of the Bar;

Members of the Fourth Estate of the Realm;

Ladies and Gentlemen.

1. It is indeed a rare honour and privilege for me to preside over the Opening of the Legal Year Ceremony for the year 2022/2023.

On behalf of the Judiciary of the Federal Capital Territory, Abuja I extend a warm welcome to everyone present here. I thank you for your support in attending.

The Opening of the Legal Year is an important occasion for the Judiciary all over common law jurisdictions. The ancient tradition dates to the Middle Ages and it involves the religious practice of

Judges praying for guidance at the start of the Legal Year. It is an acknowledgment and recognition of God as the Judge of all Judges.

An occasion of this nature also provides an opportunity for Judicial Officers to renew their resolve to uphold the integrity of the Bench and to do justice to all men without fear or favour, affection, or ill will. Whereas no one doubts that our judicial officers conduct themselves in strict compliance not only with the judicial oath they took but also by the dictates of their individual beliefs in the discharge of their duties, it is still considered that judicial officers, being imperfect human beings, are just as much prone to character weaknesses like other human beings, despite their resolve to always act by their judicial oath. That is the basis for seeking the face of God at the commencement of each Legal Year.

The opening of the Legal Year is a very significant occasion for the Judiciary as well as our society, as it beams light and public attention on the administration of justice and the rule of law, and in particular the challenges we face. Of the three Arms of Government, it is only the Judiciary that is saddled with the task of

safeguarding the Constitution that binds us together as a nation. This is what we strive to achieve every year in terms of quick and qualitative justice delivery. It is for this reason we have all gathered here today to take stock of the modest progress we have accomplished so far; and also have a peep into the strides and necessary improvements we hope to attain in the year ahead.

2. I am therefore greatly delighted to host this milestone Special Court Sitting, the very first I shall preside over since I assumed office as the substantive Chief Judge of the FCT.

3. The FCT Judiciary was unable to host this ceremony, as it is customary, for the **2021/2022 Legal Year**. Upon assumption of office as Acting Chief Judge on **August 16, 2021**, there were a myriad of issues affecting the general well-being of the Court that I had to grapple with. Coupled with the lean resources of the Court, it became unfeasible to hold the Legal Year Ceremony in 2021 by the time my appointment was confirmed as the substantive Chief Judge on **October 26, 2021**.

4. It would also be recalled that the year 2021 was also a particularly trying year for Nigeria and indeed the entire world. The effects and fallout of the **Covid-19 pandemic** on our national life and economy was inestimable. The Judiciary and its operations were not spared, as the pandemic largely affected justice-delivery turnover. I must commend my learned Brothers, the Magistrates and the entire Judiciary workforce who have had to work under such difficult and uncertain circumstances in the past two years of the pandemic scourge, to keep the operations of the Court afloat. I am optimistic that this new year shall usher in a renewed vista of hope and stability, as the FCT Judiciary continues to deliver on its core mandate of an efficient and functional Court system and environment.

5. As part of the activities lined up to kick-start the Legal Year, the FCT Bench engaged the Bar in a Football Tournament on Thursday, October 13, 2022, which saw the Bench trouncing the Bar with three (3) unreplied goals. Kudos to the formidable Bench team. Also, a special Jumat Service was held on Friday, October 14, 2022 at Al-Nur Mosque where the Chief Imam led other Muslim faithful to pray

for the peace and progress of the FCT Judiciary. In a related development, an interdenominational service held this morning at the Saint Matthew's Anglican Church where similar prayers were offered for the advancement of the FCT Judiciary.

6. Taking into account that this is my first Legal Year Ceremony, I would, therefore, like to outline the fundamentals of the Judiciary that my leadership is committed to. It is uppermost in our mind that we aspire to build a strong, virile, and enviable Judiciary. I also envision a Judiciary that shall strive for excellence, with leadership by example.

The basic duty of the Judiciary is to deliver justice to all who seek justice. We are committed to this task. We acknowledge that we are bound to face many challenges along the way. We envisage that the journey will be tedious and arduous but we are determined to stay on course. Necessary reforms and interventions will be undertaken to improve the quality of our justice delivery system in the years ahead. Timeliness will be our top priority and efficiency will also become the norm in the administration of our courts.

We shall work towards bringing about a change in the work culture and promote a new mindset. Steps would be taken to ensure that hearings of cases start on time, the number of adjournments in the course of a trial is reduced, active case management is practised, and timelines for the delivery of judgments are met. These are some of the ways that I believe an efficient and effective judicial system that is necessary to promote a sustainable environment of economic and social stability and the rule of law, in which other development initiatives (including poverty reduction, education, and gender equality) can flourish.

In the pursuit of efficiency, we will seek to find the right balance to maintain public trust and confidence in the administration of justice. As the old adage goes: justice delayed and justice hurried can cause injustice. On the one hand, cases should be disposed of promptly and Judges should not delay justice as the cost to litigants may be loss of liberty or property. On the other hand, no one should leave the court with the grievance of having been deprived of a full and fair hearing because the Judge was impatient. It is axiomatic that justice must not only be done but seen to be done.

7. In the past two years, the FCT Judiciary had witnessed an increase in its workforce by the appointment of new Judges and Magistrates. Shortly after my appointment and confirmation as the substantive Chief Judge of the FCT, I successfully defended, before the National Judicial Council, the appointment of **Twenty-Two (22)** additional Judges, which exercise had hitherto been stalled for sundry reasons. The period of settling down of the new Judges may have been unusually prolonged, due largely to the paucity of funds at the disposal of the Court to provide them the required facilities and comfortable environment to function. I am however gratified that our Judges have now been fully integrated and have earnestly settled down to work. I use this occasion to appreciate my learned Brothers for their patience and understanding during the period of inconvenience.

8. It will be stating the obvious that the Federal Capital Territory has continued to witness a steady exponential population increase even as it continues to develop to becoming a major cosmopolitan entity. As such, as a Judiciary saddled with the constitutional mandate to provide judicial and related services within the Federal

Capital Territory, we have continued to strive to respond to the need to make justice readily and easily accessible to justice-seekers in the FCT. In this connection, in the last one year, we have been able to improve on our structural facilities in terms of giving our existing Court environments a befitting facelift. We have also endeavoured to create additional judicial division in **Garki** District and established four (04) Courtrooms in **Jikwoyi**. In a related development, we have built additional Courtrooms to boost the existing structures in the **Gwagwalada** and **Bwari** Divisions.

9. For an effective functioning of the Judiciary, we appreciate that our judicial officers and staff must be adequately trained and equipped to meet the ever-increasing demands of access to justice. In keeping faith with this realization, we have continued to prioritize the need to expose all our judicial officers to high level International Training Programmes to aid capacity building for better work-efficiency. One of such trainings for our Judges (**Court 1-36**) on **Case Flow Management Strategies** was held in Dubai in **July, 2022**; whilst the second batch of our Judges (**Court 37-58**) shall embark on the same training in November, 2022.

10. The Magistracy is not left out. In conjunction with the **African House, London**, the Court organized an international capacity-building training programme for our Magistrates sometimes in **February, 2022**. The training was anchored by **Judge Rachel Karp, Head of International Training, Judicial College of England and Wales**. Details of other capacity-building programmes undertaken by our Magistrates and the Court staff in the year under review are set out in the **Annual Report**.

11. Within the limits of our resources, we shall continue to strive to improve upon the welfare of our Judges, Magistrates and indeed the entire workforce of the Court.

12. My Lords, ladies and gentlemen, as part of our modest efforts at transforming this Court into a modern-day Judiciary, we undertook significant changes and improvement in all the Departments of the Court. We also ensured that our departments are manned by seasoned and well-trained staff who appreciates the vision of the Court to provide excellent services with impeccable integrity. Activities undertaken by all the Departments of the Court

and the achievements recorded in the past year have been captured in detail in the **Annual Reports**.

13. It is however worthy to mention a major innovation we undertook by the creation of the **Commissioner for Oaths Department** in December, 2021. Prior to this time, the Department was a Unit under the **Enforcement Department**. Chief among the responsibilities of the Unit, as it was, was for the preparation and issuance of Affidavits, verification of Affidavits sent by Government Agencies and International Organizations. Prior to this time, my office had been inundated by reports of Affidavit racketeering by touts, resulting in issuance of fake Affidavits. This affected the image of the Court. To stem the tide, we created the **Commissioner for Oaths Department**, manned by a seasoned Chief Magistrate, **Mrs. Mabel Segun-Bello** (now a Judge of the Federal High Court). Before long, the department witnessed a huge turnaround. We introduced and launched a system of digitalization of our Affidavits called **Affidavit Registry Management Systems (ARMS)**. The system placed all forms of Affidavits in an electronic format, i. e. **e-affidavit**, which could be accessed online by members of the public.

The introduction of ARMS has made the process of obtaining Affidavits in the Court more seamless and time efficient thereby eliminating the incidence of touting that marred the manual issuance of Affidavits. More significant is that the fidelity and authenticity of Affidavits issued by this Court are now guaranteed.

14. It is gratifying to recall that in a speech delivered by the Permanent Secretary of the FCTA, on behalf of the Minister of the FCT, at the Opening of the Garki Division of the Court on **October 6, 2022**, the Hon. Minister publicly acknowledged how the electronic Affidavit system has greatly enhanced the work at the Federal Capital Territory Administration (FCTA) and indeed the image of the FCT as a whole.

15. It is also worthy of mention that, in order to preserve and safeguard physical and monetary value of attached properties in the custody of the Court, and guide against avoidable loss, I inaugurated a committee for the **Decongestion of the Court's Warehouses**. The Committee, chaired by **Hon. Justice S. C. Oriji**, has since submitted its Report and implementation is in progress.

16. In our avowed drive to ensure speedy dispensation of justice in the FCT, we have embarked on steady revamp of some of our Statutes and Rules. On **November 12, 2021**, I appended my signature to our new **District Court Rules**. In the same connection, we have also prepared a draft **District/Magistrate Courts Act**, the first of its kind in the FCT, which has been sent to the National Assembly for legislative approval.

17. We have equally commenced the process of revamping our **High Court (Civil Procedure) Rules, 2018**. I recently inaugurated a committee chaired by **Hon. Justice O. A. Adeniyi**, and composed of experienced Judges, respected Professors of Law and seasoned practicing lawyers, to undertake this assignment with the mandate of delivering a new Civil Procedure Rules that conforms with modern-day justice system, making way for easier access to justice and quicker disposal of civil suits. I have no doubts in my mind that before the end of this Legal Year, our new Civil Procedure Rules would have become operational.

18. As part of our avowed efforts at promoting access to justice and speedy disposal of inexpensive, simple and small liquidated claims, the Court, in collaboration with the **Presidential Enabling Business Environment Council (PEBEC)**, constituted a Steering Committee, led by **Hon. Justice M. A. Anenih**, to facilitate the establishment of the **Small Claims Court** in our Magistracy System. I am delighted to let you know that the Committee had since concluded its assignment and the **Small Claims Court**, to be manned by fifteen (15) designated Magistrates, shall take off this Legal Year. As part of the Legal Year Ceremonies, I shall this morning append my signature to the **PRACTICE DIRECTIONS ON SMALL CLAIMS 2022**.

19. As part of the Legal Year ceremonies, I shall also this morning append my signature to the newly published **PRACTICE DIRECTION AND GUIDELINES ON TRIAL OF SEXUAL AND GENDER-BASED VIOLENCE CASES AND ANCILLARY PROCEDURE** and the **PRACTICE DIRECTION AND GUIDELINES ON APPLICATION FOR PROTECTION ORDER UNDER THE VIOLENCE AGAINST PERSONS (PROHIBITION) ACT, 2015**. These

are carefully thought-out practice directions to enable and enhance the workability of the **VAPP Act** and other related Statutes.

20. In the past one year, the Court has witnessed an upsurge in the number of cases filed in our Registries. This is understandably so, considering the fast pace at which the Federal Capital Territory has continued to develop; and movement of people into the Federal Capital as a result of insecurity in some parts of the country. As a result, in the last one year, we have witnessed an increase in the number of civil and criminal cases filed in the High Court, the Magistrate Courts and the Customary Court of Appeal. Details of the return of cases of each of these Courts have been tabulated in the **Annual Report** except to remark that our disposal rates have marginally increased, compared with the previous years.

21. As an institution, we shall continue to strive to meet the demands of Court users and the general public. As I salute my Brother Judges and Magistrates for rising to the occasion, toiling tirelessly in attending to cases assigned to them, despite the prevailing conditions under which they work; I continue to enjoin us to remain

steadfast in the discharge of our duties of adjudication in meeting with the expectations of the society.

22. That today's world and tomorrow's world will be regulated by Information and Communication Technology (ICT) is *res ipsa loquitur*. It is therefore needless to restate that the time is now for the FCT Judiciary to fully embrace the electronic Court system in order to align our operations with contemporary international best practices and trends. I do recognize the efforts of my predecessors in office at setting up a system whereby litigants are enabled to file cases online; and for our Courts to be digitalized. However, in order to avoid the identified pitfalls of the past efforts at achieving this goal, we have begun collaborations with the **International Certification for Digital Literacy (ICDL)**, represented in Nigeria by the respected **A. U. Mustapha, SAN**, in order to engender a sustainable digitalization of the FCT Judiciary. I am optimistic that with the active support of the **Judicial Information Technology Policy Committee (JITPCO)** of the **National Judicial Council, (NJC)**, the year ahead shall witness a significant transformation of the operations of the Court in the area of digitalization.

23. Considering that we require a healthy workforce for improved work-output and greater efficiency in the administration of justice, we are making plans, in collaboration with the **National Judicial Council (NJC)**, to revamp the medical facilities in the Courts and to also provide a modern-day gymnasium where Judges can undertake regular workouts. After all, a healthy and able workforce is a productive workforce.

24. Let me at this point recognize the significant role the Bar plays in the justice delivery sector. As it is said, the Bar and the Bench are like Siamese twins, co-joined with the same purpose of promoting the rule of law, civil liberties and good governance. I appreciate the numerous efforts of the Bar in the FCT towards ensuring the smooth dispensation of justice; and in the pursuit and defence of the rights of the citizenry. I charge you to continue to remain vigilante, fearless and courageous in the pursuit of justice for all and the betterment of the society.

25. Going by the large volume of Litigation in our Courts, I take the opportunity of this Legal Year Ceremony to urge the legal practitioners in this jurisdiction (I am happy you are here in a large

number), to embrace mediation and other related Alternative Dispute Resolution (ADR) platforms in resolving disputes. Mediation offers a non-confrontational and more harmonious way of resolving disputes. The benefits of mediation are considerable. It is much more cost-effective than most other modes of dispute resolution. Mediation is also not burdened with the procedural formalities and technicalities in litigation and quicker closure can be achieved with a reduction in professional charges and opportunity costs for the parties in dispute. Furthermore, mediation allows the parties to directly participate in the resolution of their dispute and to determine the outcome. Indeed, Mediation is an effective method of dispute resolution. I am happy that our **Uwais Dispute Resolution Centre** (formerly known as **Abuja Multidoor Court House**) is opened to Lawyers and Litigants who wants to take advantage of ADR platforms.

26. I must place on record the role played by the immediate past President of the Nigerian Bar Association, **Mr. Olumide Akpata**, in the creation of the Garki Branch of the NBA. As a Judiciary, we assure the Bar of our continued cooperation and support in the

discharge of your professional duties, recognizing that at the end of the day, both the Bar and the Bench pursue common purpose of promoting an egalitarian society where the rights of every man is seen to be preserved.

27. As we approach another general election year, it is expected that there will be heightened activities within the precincts of the Courts. It is therefore imperative for us as Law Practitioners (both the Bar and the Bench) to brace up for the challenges ahead. The Nigerian society looks unto us to continue to provide legal services that seek to stabilize the polity. The Chief Justice of **Hong Kong, Mr. Andrew Cheung Kui-nung**, in his speech at the opening of the **2021 Legal Year** of the Apex Court of **Hong Kong**, aptly captured the essence of the expectation of the general public of the judiciary, when he posited thus:

“A judge must decide cases objectively and professionally, independent of his own personal views or beliefs, political or otherwise. A judge must put them aside and apply only the law to decide cases. By his words and conduct, he must treat everyone

that comes before the court equally and fairly. In this regard, perception is as important as reality. The public's expectation of the impartiality of our judges is very high, and rightly so. A judge must therefore exercise self-restraint. When dealing with high profile cases or cases with political flavour, judges must be particularly careful with their appearance of impartiality in terms of what they say in court or write in their judgments, or how they treat the parties, their lawyers or the witnesses. Any lapses in this regard, given the potentially polarizing nature of these cases, could lead to suspicion of partiality, which is not conducive to maintaining public confidence in our judicial system."

28. As Judges, we must bear in mind that as we hear such cases, we will be put under intense public scrutiny in the traditional media and social media. Our decisions in these cases are most likely to be subjected to partisan criticisms. Comments and criticisms, sometimes

extreme and harsh ones, are unavoidable. We must be ready for them.

29. While the freedom of speech of everyone in our society must be fully respected, I must, however, urge here that there must not be any attempt to crucify the judges in the discharge of their judicial functions. Unfounded allegations against judges would only risk undermining public confidence in the Judiciary. The appropriate way to question a decision is by utilizing an appeal or review. Our appellate courts exist precisely to correct mistakes made in the lower courts, ironing out discrepancies in decisions and sentences among different trial courts, and where appropriate, clarifying the law and laying down principles. Admittedly, appeals and reviews take time, and patience is required. Nonetheless, we must have faith in our system and allow the appeals process to run its course. The positive and authoritative role played by our appellate courts can simply not be replaced with media trials.

30. In the same vein, the Bar, as the bastion of the rule of law, must continue to recognize the leading and sensitive role it plays in nation building. As Ministers in the Temple of Justice and custodians

of the law, lawyers must join hands with the Bench in ensuring the preservation of the sanctity of our laws, without which our nation cannot survive. The Bar must rise against any attempts from any quarters to subvert the rule of law. The Bar must continue to be the harbinger of the hope of a more egalitarian society.

31. As I wrap up this address, I, on behalf of the Judiciary of the FCT, assure the community that we shall remain committed to meeting the expectations of modern-day administration of justice and the rule of law without fear or favour, ill will, affection or self-interest.

32. In drawing my address to a close, I express gratitude to my learned Brothers, Khadis and Magistrates for the support and conviviality you all have extended to me since I assumed the mantle of leadership of the FCT Judiciary. I appreciate your sacrifices, team spirit, dedication, courage and singleness of purpose at ensuring steady sustenance of the momentum of justice delivery in the FCT.

33. I equally extend appreciation and gratitude to the entire management and staff of the Judiciary for working assiduously to maintain and sustain the ideals and vision of the FCT Judiciary. I continue to count on your cooperation and support as we pursue the transformation agenda of the Judiciary.

34. Permit me to also extend appreciation and good wishes to our teeming stakeholders in the justice delivery sector, starting from our landlords, the Federal Capital Territory Ministry under the able leadership of Alhaji Muhammad Musa Bello, the Nigeria Police Force, the Nigerian Security and Civil Defence Corps, the Nigerian Correctional Services, the Federal Ministry of Justice, the Legal Aid Council and more particular the Hon. Minister of Works and Housing for his dedicated support to this court. We remain eternally grateful to you. I also extend my appreciation to the numerous International Organizations and donor Agencies who have identified with us at different levels, for your collaborative efforts at advancing the pursuit of speedy administration and dispensation of justice in the FCT. We assure you of our readiness to continue to engage with

you with a view to achieving the common goal of achieving a more robust and effective justice delivery system in the FCT.

35. In conclusion, it is my bounden duty here to pay tributes to all the past Chief Judges of this Court, beginning with Hon. Justice Dahiru Saleh (of blessed memory), through His Royal Majesty, Hon. Justice Hassan Lawal Gummi, OFR (The Emir of Gummi), to Hon. Justice Ibrahim Bukar, Hon. Justice (Dr.) Ishaq Bello, OFR., and Hon. Justice Salisu Garba Abdullahi (The current Administrator of the National Judicial Institute, Abuja), for their great and dedicated contributions to the development of the FCT Judiciary. They laid a sure foundation and built a well-grounded edifice for the FCT Judiciary upon which the rule of law continues to flourish. They maintained the independence of the Judiciary and led by example in the due administration of the law and justice. The legacies they have left are rich and substantial. I have had the good fortune of working under the leadership of all of them. Like many of my colleagues, I am grateful for their leadership and guidance all these years.

36. Lastly, I take this auspicious opportunity to congratulate and felicitate with our brand-new Chief Justice of Nigeria, **Hon. Justice Olukayode Ariwoola, GCON**, on His Lordship's appointment and assumption of leadership of the Judiciary in Nigeria. The FCT Judiciary assures His Lordship of our support and cooperation in charting new waters of reforms for the transformation of the Nigerian Judiciary in our collective quest for a better Nigeria.

37. It only remains for me to wish you all and your families good health, well-being and prosperity in the new year.

38. Thank you for listening.

HON. JUSTICE HUSSEINI BABA YUSUF
(CHIEF JUDGE, FCT-ABUJA)