

**ADDRESS BY THE CHIEF JUDGE OF THE FEDERAL CAPITAL TERRITORY (FCT) AND CHAIRMAN FCT JUDICIAL SERVICE COMMITTEE HON. JUSTICE I. U. BELLO DELIVERED AT THE COMMENCEMENT OF THE 2018/2019 LEGAL YEAR HELD ON THE 29<sup>TH</sup> OCTOBER, 2018.**

Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals (Martin Luther King Jnr). With these words and with pleasure I welcome you to this occasion marking the opening of the 2018/2019 Legal Year. On behalf of the FCT judiciary, on this day, I make a firm statement of accountability by presenting before you, the balance sheet indicating how we fared in the past one year and, even more importantly, accounting for how we put to use, the resources and trust our fellow citizens invested in the administration of justice within the period as well as, what we will be doing to ensure justice

for all in 2018/2019. For us, that is the main ingredient for the broth because, it is what we do that builds public confidence in the independence of the courts, in the integrity and impartiality of judicial officers, and its processes that sustain the judicial system of a country (Bangalore 29). It is therefore a great honor for me and my brothers and indeed the entire FCT judiciary to wish you all a happy and prosperous year ahead.

Before I delve into other matters, let me restate that our society draws heavily on the work of the court. It is the court that strengthens the rule of law, protects the rights of citizens and ensures that society is safe and conducive for businesses to thrive. In effect, we have served the country by contributing our own quota to Nigeria's success over the years and continue to remain a vital institution to the continuing success and progress of the country.

In the past year; and in our characteristic tradition, we used the judicial powers vested on us with determination and a sense of purpose. We have used the power conferred to apply the law and determine all disputes to the best of our ability. Within our constitutional limits, we delivered enforceable rulings and judgments which, with their resounding effect made essential orders such as those for payments of money, declaration on the existence or otherwise of rights and liabilities and in some occasions, declaring acts of public bodies and institutions unconstitutional and consequently void. In criminal matters, this court rose up to the occasion by making the necessary orders including imprisonment for all classes of persons from minor offenders, to those we consider as politically exposed. The enforcement of the law carries with it, the power of imposing sanctions and we didn't hesitate to use it where necessary.

It has been said that throughout history, it has been the inaction of those who could have acted; the indifference of those who should have known better; the silence of the voice of justice when it mattered most; that has made it possible for evil to triumph. On behalf of my brothers and myself, I can beat my chest to say, we acted when we should, we have refused to be indifferent and we spoke loud and clear through the instrument of law and as such, evil has been suppressed though not permanently but at least, it did not triumph over good and justice. The temporal suppression of evil energises us to continue along the path of justice, of truth and the zeal to do what is right at all times, and to all manners of persons so that it would remain in the placid state to which it has been sent. That is our pledge and commitment in this New Year and beyond.

## **PROMISES KEPT**

Let me at this juncture say, that our word is a bond and we give it only because we desire to keep it. During this interaction about a year ago, I hinted on the creation of the Nyanya Judicial Division. As part of our determination to keep our promises, that division is now fully operational with two judges and other operational staff. Abuja is one of the fastest growing cities in Africa, and with the spiralling growth are the challenges that come with an increase in population including rapid expansion of businesses and economic activities and security challenges. In my remarks at the commissioning, I stated that as an institution, it might not lie in our hands to reverse this trend, but that, we are doing the best we can to meet up with the challenges that, population explosion poses. Some of those challenges referred to are increased number of court cases in both criminal and civil causes, and demand to access the available

appurtenances of a working justice system. With this division now, litigants within that axis are spared the necessity of coming into center to transact court business.

Also last year, the strategic importance of having the commercial courts in Gudu was emphasized. The idea was to have it located proximate to the Abuja Multi-Door Courthouse (AMDC) so as to underscore the importance of Alternative Dispute Resolution (ADR) in the resolution of commercial disputes. The motivation is for parties to complex commercial disputes to have greater say in the resolution of such disputes. We were equally not unmindful that returns from the AMDC were not reflective of the high expectations that greeted its establishment primarily due to challenges that arose from the sudden movement of the center from the Wuse Zone 5 headquarters. Today, I am glad to inform you that the AMDC has undergone some revolutionary changes that have now repositioned it to better meet the needs of

ADR. The entire building has been remodelled and renamed Hon. Justice M. L. Uwais, GCON Dispute Resolution Center, after a foremost Nigerian jurist and former Chief Justice Nigeria. It houses a fully functional amphitheater fitted with ultra-modern audio-visual training equipment. The center is fitted with two main hearing rooms, rooms for break out session, a plea bargain unit and places for neutrals and parties' recess. We are beefing up the capacity of the center by the admission of qualified neutrals in divers fields of ADR and, it is now open to the public for use.

The practitioner who is on the cutting edge of a 21st century legal practice must expand the frontier of that practice to include ADR. What we have done with the Hon. Justice M. L. Uwais, Dispute Resolution Center is to create a platform as well as a conducive atmosphere for the practice and business of ADR to thrive. May I therefore make a call to all court users to always consider

the ADR options available at the Centre first before resorting to litigation where it is necessary. Furthermore, I will encourage that, in the draft of agreements, the Hon. Justice M. L. Uwais, Dispute Resolution Center should be made a preferred destination for resolving disputes when they arise.

## **2018/2019**

As we retrospectively analyse our past and look to the future with fortitude, the words of Roscoe Pound, comes to mind. He it was who said that “in the house of jurisprudence there are many mansions. There is more than enough room for all of us and more than enough work.” this is as true today as it was then. I can say with some certainty that considerable progress had been made towards improving the FCT judiciary, but we are still thoughtfully perturbed that much more can still be done,



and that, we are determined to do. We are determined to institutionalize reforms that will completely wipe out mediocrity from our system at all levels. I therefore take this opportunity to call on my brother judges, magistrates, lawyers and prosecutors to recommit themselves to having a better year all round and to do all that is necessary to uphold the noble dictates of our honorable profession. The court shall continue to build upon the foundations that have so far been laid to ensure that our constitutional mandates are met swiftly.

Firstly, the need to rid the court dockets of cases that have swelled up our numbers, and projected the judiciary in negative light has become imperative. In a conscious effort to reduce the number of cases, we have inaugurated the De-clogging panels and the sifters committee. As the former contends with criminal matters, the later shall deal with civil causes.

The de-clogging panels were setup pursuant to Order 13 of the Practice Direction on the implementation of the Administration of Criminal Justice Act 2015. The Practice Direction was particularly instructive in the face of the various allegations made against the judiciary as being the primary cause of delays. The panels which have already been inaugurated include Judges and Magistrates. They are to review criminal cases pending before courts with a view to deal with them expeditiously. What the panels are required to do when cases of interest have been identified is to set up very strict timelines for hearing. Let it be noted that the cases must be heard within the time allotted failure of which, may lead to a dismissal, discharge or the making of any other order justifiable in the circumstance. At the inauguration, I assured you of the availability of our judges and magistrates to do this work and specially solicited the cooperation and support of the office of the DPP, and all

prosecutorial agencies to ensure the success of this exercise.

Within this year, we shall hold our first settlement week. The idea of a settlement week is one of the innovations in our new Civil Procedure Rules. It is envisioned to designate a period when the court will bring litigants and mediators together to resolve their disputes by the instrumentality of ADR, thereby saving valuable time and money for the parties, and for the court. The cases that will be engaged in this pioneer edition of the settlement week have been carefully selected from the dockets of our judges who have either been elevated or retired. In the first instance, over 300 cases have already been identified and contact will soon be made with the parties. Also, counsel and parties who are interested in having their cases resolved during the week can approach the committee to have the case(s) listed for settlement. ADR has proven to be an effective tool for resolving cases, and this initiative will

hopefully assist us in our constant struggle to keep up with the increasing caseload.

We are constantly trying to find innovative ways of improving efficiency and reduce backlogs and we hope that these initiatives work for the benefit of all.

I expect that within this year, we shall have detailed rules made pursuant to section 490 of the Administration of Criminal Justice Act (ACJA 2015) as I have already set up a committee to work on the rules. On this project, we are collaborating with the Nigerian Institute of Advanced Legal Studies and we remain grateful for their help and support. This committee which I chair is saddled with the responsibility of developing rules for effective implementation of certain aspects of the ACJA (2015) and hopefully, before this year ends, the rule will be operational.

The existence of a well-respected judiciary that truly indurates as the hope of all is what ensures that no one resorts to extra-legal means to resolve disputes. We live in a world that is constantly changing and the judiciary is not immune from these changes. Nigeria is deeply integrating with the world in this era of globalization and rapid advancement in technology being made. Judges of both the higher and lower bench and staff of this court will have to be equipped to respond to new and emerging areas of law and the use of technology. As such, we shall continue to train and retrain staff at all levels to increase their knowledge and skill and to ensure that they keep up to date so that in the end, there will be no excuse to warrant unnecessary delays in the disposal of cases.

## RETURN OF CASES

	<b>Cases Filed 2017/2018</b>	<b>Cases Brought Forward 2016/2017</b>	<b>Total</b>	<b>Cases Disposed</b>	<b>Cases Pending</b>
<b>High Court</b>	12,693	12,795	25,488	11,302	14,186
<b>Sharia Court of Appeal</b>	164	48	212	136	76
<b>Customary Court of Appeal</b>	338			236	102
<b>Magistrate Court</b>	10,931	7,610	18,541	10,396	8,145
<b>Area Courts</b>	5,615	6,907	12,522	5,789	6,733
<b>AMDC</b>	71	6	77	24	53
<b>Customary Court</b>	1030			953	77

We are proud to publish results of the hard work that is done on a daily basis by our courts with the support of lawyers. If compared to the previous year, the results show an increased disposal rate. For instance, while the High Court disposed a total of 8,969 during the 2016/2017 legal year, in the 2017/2018 period, 11,302 cases were cleared. In the same vein, the magistracy disposed of 2,786 more than in the previous year. The Sharia Court of Appeal and the customary courts also bear the same testimony.

From feedback we have received, we are happy to note as well that in addition to the above, the quality of judgments delivered has improved. We are working also with some of our partners on court observation projects and I hope to share some of their findings with you in this coming year.

It must be noted that in 2017/2018 at a point, we had to contend with fewer judicial officers due to the elevation and retirement of some of our judges and magistrates and the unfortunate demise of our Brother Hon. Justice M. M. Kolo. I guess at this point, it is not out of place to appreciate all my brother judges and Kadis and our colleagues of the lower bench for the work done so far. I am proud of our performance. I have always said, and I say it publicly, it is in your invaluable work that I draw my strength. It is because of you I can beat my chest to say; this court is working. Please don't rest on your oars. Let us strive yet again to surpass in this year what we have done in the last. The assurance I can give is that nothing will be spared within the limits of our resources to make your work atmosphere as conducive as it can possibly be.

This is also a good time to appreciate our friends, the venerated lawyers who attend our courtrooms daily. I am not unmindful of the task my brothers and I put before you



and sometimes, the altercations that arise. But, even the tongue and the teeth that share the same abode sometimes have their own squabbles too. We cannot untie the cord that binds us together. I can only appeal that the Bar and the bench should continue in the universal brotherhood as we continue together, to ensure that no one is deprived of justice. Together we form the gatekeepers of this great institution and with the cordiality we enjoy so far I can say there are indeed better days ahead. Therefore, I congratulate you for always rising to the challenge when the occasion demanded both in and out of the courts. The commitment you have shown to the course of your clients is indeed unwavering and I ask that we do it again this year.

During 2017/2018 year we were delighted by the elevation of three of our judges to the Court of Appeal. This to me is an indication that the bench of this court is a repository of judicial talents and we shall miss the Hon.

Justice A. S. Umar, Hon. Justice A. M. Talba and Hon. Justice F. A. Ojo all of whom are now serving at various divisions of the Court of Appeal. Hon. Justice M. Balami and Hon. Justice M. M. Dodo both retired in the course of the year and while we miss their tenacity and the flare they brought to our jurisprudence, we have since bade them farewell and a happy life in retirement. Hon. Justice U. Musale had been called up to the Gambian judiciary and we hope he will return to join us sometime in the future.

So, you can see that even with the appointment of seven additional judges, we are working with a depleted workforce. Our new judges hopefully though, will begin to man their courts in various judicial divisions within the first week of November.

## **APPRECIATIONS**

It has been a challenging year for us, but the support we received from various quarters made our burdens lighter. I appreciate the support from other arms of government and hope that the cordiality continues in this New Year. I must also mention that we have engaged effectively with the Ministry of Justice through the office of the Hon. Attorney General and the office of the Minister of the FCT both opened their doors to us and their interventions in some instances were not only timely but critical as well.

Other agencies of government also played vital parts in our success story as such, on behalf of the court I say thank you to the Police, The Inspector General, and his men and all other prosecutorial agencies including the EFCC, ICPC and NAPTIP. We remain grateful for your vigilance and the way you conducted yourselves in our courtrooms

I wish to specially recognize our development partners, who have been very helpful in funding some of the reforms we have embarked upon. Of particular note is the Office of the Rule of Law Advisor to the Vice President, ROLAC which is jointly funded by the European Union and the British council, Partners West Africa, the Center for Socio-Legal Studies and the Nigerian Institute of Advanced Legal studies. I thank you all for the unwavering support and for forging partnerships with us that has given rise to some of the significant outputs and milestones we have achieved.

To the staff and management of the FCT judiciary, I must say that it is impossible to have come this far without your help. Just like the human body has many parts each performing a vital function in the overall interest of the whole, so also, you have all individually in your own little way ensured that you consistently with diligence and a sense of purpose, one day at a time, one file at a time

and one client at a time moved towards the mark. Though we had earlier today appreciated some of you who distinguished yourselves, all your labours are not in vain. This I can assure you.

## **CONCLUSION**

This is the 2018/2019 legal year. It is a new year and it hold for us, new hopes and possibilities if we all strive to be the best in our individual little corners. I hope that this year for all of us will be better than the last. I hope that we witness improvements and achievements in all that we do that will translate to valuable outcomes for the court and the society we serve. I hope above all, that people will appreciate the work that we do more and criticize us less.

Finally, I hope that everyone who enters our court rich or poor, young or old, citizen or foreigner leaves it, not necessarily happy but satisfied that justice has been done

for, that is the ultimate goal of what we do on a daily basis; justice. It is in justice that the Judiciary finds its purpose and assurances that it remains an independent check on the other branches of government and the ultimate upholder of the rule of law and defender of the constitution. In this year, we shall serve all and sundry as best as we possibly can. I know for certain that my brother judges and all the other staff are totally committed to this because, it is in everyone's interest that the rule of law remains the bulwark of society.

I wish you all and your families, friends and well-wishers good health, happiness and fulfilment in 2018/2019.

Thank you.