

**ADDRESS BY THE CHIEF JUDGE OF THE FEDERAL
CAPITAL TERRITORY(FCT) AND CHAIRMAN FCT
JUDICIAL SERVICE COMMITTEE HON. JUSTICE
I.U.BELLO, FNIALS DELIVERED AT THE
COMMENCEMENT OF THE 2019/2020 LEGAL YEAR
HELD ON THE 14thOCTOBER 2019**

On behalf of the judiciary, it is my pleasure to extend a warm welcome to all of you to the opening of the 2019/2020 Legal Year. As always, this occasion is an important one because it gives me the rare opportunity yet again, to deliver an address on matters concerning the FCT judiciary and, the extent of our engagement with other stakeholders. I am very grateful that you have taken off time from your busy schedules to join us. I also recognise with appreciation, the presence of my brother heads of courts, distinguished representatives of the

various institutions engaged in various ways in the promotion of the rule of law, enhancing access to justice and the sustenance of democracy. Your presence is an eloquent statement of our interdependence and the cordial relationship the judiciary maintains with all stakeholders. We do not take this for granted but rather, commit to taking this engagement to the next level with the hope that the product of this friendship will be the judiciary of our dreams.

In this address, I will put before you our scorecard that itemizes our most significant milestones achieved this year, those things we accomplished, the challenges we encountered as an institution and our projections for the future.

Before I review the past year, I am confident to make the commitment of a sustained tempo in judicial activism in

this 2019/2020 legal year. On behalf of my brothers, I want to assure those who plead before the courts of the FCT and those who appear as litigants that all determinations will be according to merits and supported by law. As you approach the court, come with the assurance that nothing will influence the outcome of a case, and when I say nothing, it includes political, social, economic and any other unwholesome consideration that has no place in our understanding of adjudication and jurisprudence.

The court has a core constitutional mandate to adjudicate on all matters presented before her according to law. In reaching our decisions, we will solely and exclusively apply legal principles to the relevant facts presented. It is appropriate to emphasize the need of engendering confidence in the work of the court for it is our duty to

demonstrate with certainty that we operate a society of rules and laws where no sacred cows exist.

This is a new year for us. As it is with a new era, we shall face it briskly and with the necessary vitality and energy.

We will ensure that nothing is left out as we make all the effort as a judiciary to discharge our obligations to all and sundry. We appreciate that injustice anywhere is a threat to justice everywhere as we are all the same part of “one garment of destiny”. As such, we’ll strive to do our best to uphold the rule of law; enforce rights and freedoms; see to the sanctity of agreements to uphold the dictates of commerce; and overall, do all that is needful according to law to ensure a peaceful and ordered society for the benefit of all. In addition to our avowed determination to do the needful, we have girded our loins in readiness

for the challenges of this year and I hope that you all have too.

Bearing great relevance to the duty of adjudication is the quality and quantity of our work as judges. Thus as our disposal rates increase, so should the quality of our judgments. By any standards, the caseload of the judges you see here today is among the heaviest and the most complex across many jurisdictions in the country. This is understandable as litigants prefer to litigate in the FCT on grounds of the confidence we have built overtime. Workload at times put pressure on our human and material resources. You should therefore understand with us where your expectations are not completely met. An assurance you can leave here with, is that we will always do our best. I am bold to make that commitment on behalf of my brothers anywhere, anytime.

The task ahead of us needs all hands on deck. The administration of justice stands like a trivet on the Bar, the Bench and the public with the Bar acting as the hinge and pivot. This is a good time to appreciate the Bar for the cordial relationship we enjoy; one that is built on mutual trust and respect. So far, there is no history of animosity and, I must commend the Bar and its leadership for the conviviality of our engagement. Our interaction in the last one year and the years before that has been candid, open and sincere. Please, let's do it again this year and in the years ahead. We need to build and consolidate on our successes working together so that we may contrive with the task of forging a judiciary on the ethos of peace and unity, indeed one that represents the ideals of justice which are equality and fairness; the central pillars of justice.

At this point, I would like to highlight a key initiative which I will personally be undertaking this year with the Bar. The need for legal services is overwhelming, yet, there are those who are not able to afford the services of a lawyer. I intend therefore, to take an active step to encourage lawyers to cultivate the spirit of *pro-bono* services. Pro Bono services can help the marginalized and underserved that are often denied access to justice due to lack of income to pay for legal services. Pro Bono service can be rendered at different levels including taking up cases free, charging significantly reduced fees or, providing such service to certain organizations that promote social causes.

To encourage this, commencing this legal year, I will introduce a special service or merit award for lawyers that engage in such selfless services in the FCT. In furtherance of this objective also, I will ensure that in

giving my recommendation for lawyers seeking appointment as Senior Advocates or any other courtesies from the court will also be based on their commitment to *pro-bono* services among other considerations.

TAKING STOCK 2018/2019 IN REVIEW

I am starting the review of the past year on a rather sad note. Death is a destination we all share and in the course of this legal year, some of our colleagues departed for the destination ahead of us. To the cold hands of death, we lost the Hon. Jus. V.B. Ashi and Hon. Justice C.U. Ndukwe. We thus had our own fair share of sorrows but we are content at this time to recollect our fond memories of these gallant ministers who both died right in the midst of battle. I am proud to state that the work they did while with us bears an

everlasting testimony of their dedication to the course of justice and burning zeal to advance the rule of law. We will surely miss them. Once again, on behalf of the court I extend our profound condolence to their families and those of you who worked closely with them.

The goal isn't to live forever, but rather, to create something that will, and that is why we are putting our best foot forward in the building of the High Court into an institution of legacy; one that will outlive us and that, we will proudly bequeath to our successors. In our quest to do this, it has not been a bed of roses. There are challenges and, we face them squarely within the limits of our resources and ability.

One of such challenges was with the number of judges. Recall, I noted at this event last year that even with the appointment of seven additional judges, we were working

with a depleted workforce and in the course of the year we lost two more. To make up for the shortfall in number, we are in the process of appointing 15 additional judges. There is a saying that “you shoot an arrow into a far-distant future, when you appoint a judge”. It is an appointment that must be gotten right so, it might be slow but, at the end, the appointment will speed up the hearing of cases and reduce delays. We will also appoint additional magistrates for the same purpose this year.

As part of the additional efforts to continually improve on the system, it was indicated last year that we shall be working on producing rules to properly focus and tailor criminal proceedings pursuant to Section 490 of the Administration of Criminal Justice Act (ACJA) 2015. With support from the Institute of Advanced Legal Studies and the MacArthur Foundation, a committee made up of

various stakeholders under my chairmanship was setup to work on actualizing this desired objective. The Section empowers me to make rules on matters pertaining to, fees, costs or compensations to be paid under the Act, forms to be used for the processes and procedure of the courts; accounts to be rendered of monies received by any person under the Act, the method of issue of processes under the Act and regulation and management of non-custodial punishments provided under the Act. The Committee has been working tirelessly and I am pleased to inform you that the ACJA Rules for the High Court of the FCT is ready to be signed today. Needless to say this is the first of its kind and as usual, the FCT is blazing the trail.

On the aspect of civil matters, I will today sign a Practice Direction on Civil Causes. This direction is presented as a

supplementary protocol to the Civil Procedure Rules specifically to regulate the referral of cases to Alternative Dispute Resolution (ADR). As this Practice Direction comes into force, all cases filed in the High Court will be screened to determine their suitability for ADR. Where it is determined to be suitable, the matter shall be referred to the Uwais Dispute Resolution Center (UDRS) where the parties are expected to explore the possibility of settlement in good faith through any of the "Doors" available. I seize this opportunity to encourage all, especially counsel to support this process. Our Civil Procedure Rules in Order 2 Rule 7 has already made provision for this. What we seek to achieve by the issued direction is to create a seamless procedure.

ADR in the modern era is the way to go. I have said it before, and I say it again. The lawyer who intends to be

on the cutting edge of modern legal practice must incorporate ADR as the nucleus of his legal practice. Further to this, the Rules of Practice at the UDRC has also been reviewed to synchronize with the Center's new focus. Copies are available for sale at the Center.

The Practice Direction and the Rules are designed to accommodate amongst others modern procedures and techniques that encourage court-annexed ADR and the speedy disposal of criminal cases. It is not sufficient to make rules for practice and procedure. Making is only the first part. The most important part is our collective resolve to ensure that these Rules are not mere "paper tigers" but, power tools in our quest to get things right and to set our courts on a path for permanent and sustained progress. It therefore behooves on all our

stakeholders especially the Bar to lead the charge by ensuring that we make the best use of them.

Furthermore, in keeping with our projections last year, we held the first settlement week of this court. The settlement week which is now part of our Rules was held in December 2018. The week brought litigants and mediators into the UDRC to resolve their disputes, saving valuable time and money for the parties, and for the court. During the two week-long event, approximately 300 cases were referred for possible resolution. In the first instance, we targeted cases on the dockets of the judges who retired or were elevated. We got the assistance of trained mediators, working closely with the Institute of Chattered Mediators and Conciliators (ICMC). On the same tangent, the de-clogging panels swung into action with 18 Judges and 18 Magistrates working in

panels of three each sitting over stale criminal matters during the period.

A thorough evaluation of both activities will be held to determine how to better proceed in the future now that we have a clear roadmap of what we intend to achieve.

Activities at the Judicial Research Centre (JRC) of the FCT High Court have been quite engaging. In the last one year, the center perfected the case management system that enables litigants track all on-going cases in the FCT High Court. Thus at the press of a button, the number of cases running in the FCT High Court becomes available.

In line with the National Anti-Corruption survey project, the centre keeps track and monitors anti-corruption cases as prosecuted by different agencies in our Courts. Equally, a database of all the cases and judicial decisions has been developed at the centre. Owing to this, the Judgments of the FCT High Court can be access online through our website www.fcthighcourt.gov.ng

To enhance service delivery, the daily cause list of some pilots Courts are now accessible through the same website and we hope in a couple of months to make the case management system web based so that court users can access the assignment of cases and on-going cases online also.

Also in the year, we stepped up the level of Magistrate inspection of detention centers as required by Section 34 of the ACJA. This section imposes an obligation on Magistrates and Judges to, on a monthly basis, conduct an inspection on places of detention other than the prison. Furthermore, uniform reporting templates were developed with support from the Rule of Law and Anti-Corruption Programme of the British Council. It is worthy to note that the reporting model of the FCT Judiciary has been a case study for various other states desiring to also enhance their level of compliance. From this template, we are able to tell the level of cooperation

received from individual detention centers. Though the compliance by reporting centers has been fair, there are still pockets of challenges particularly from some police stations. This is however already being addressed at the appropriate quarter.

STAFF MATTERS

The professionalism and dedication of the Chief Registrars and Secretary of the FCT JSC and their top management and staff has contributed in no small measure to the milestones we have so far achieved. I appreciate your work and this year, the emphasis will be on consolidating the gains so far made and creating a formidable administrative apparatus that will assist the courts in resourcefully discharging their adjudication function. I earlier informed us of the unfortunate death of

two of our judges. We equally lost some other staff including the High Court's Director of Finance, Mr. Anthony Okwechime. We are consoled that he and others were worthy ambassadors of what this institution stands for. In their period of service, they were dedicated and selfless. We condole with their families, friends and colleagues. Continue to remember them in your prayers. In appreciation of the correlation between welfare and institutional development, as far as resources will permit, welfare will be a corporate attitude and we will strive to reflect it in the care expressed for staff at all levels, underpinning their work and the environment in which it is performed. You can see that renovation work has been completed at the Kwali High Court and the Magistrate Court in Gwagwalada as well as the burnt High Court Complex also in Gwagwalada.

Also in 2019, the Sharia Court of Appeal of the FCT achieved the renovation of 9 courts cutting across different grades and the Residence of Kadis is ongoing.

Even with challenges faced with funding for projects, we will strive to improve working conditions and also to enhance training and the development of staff capacities.

I thank you all for your continuous and selfless support to the system on a day-to-day basis and also, the important roles you play in providing the needed backbone to the judges and the court as a whole.

RETURN OF CASES

Having dealt with some of the fundamentals above, permit me to now address the output of our courts in the out gone year. Taking stock, monitoring and evaluating performance through the numbers is a *sine qua non* to maintaining the health of any system. Data alerts us to

emerging trends and challenges especially in our own context of increased caseloads, disposal rates, and other measures that determine productivity.

HIGH COURT

	Cases Filed 2018/2019	Cases Brought Forward 2017/2018	Total	Cases Dispose d	Cases Pendin g
High Court	16,396	14,186	30,582	13,961	16,621
Magistrat e Court	12,963	8,145	21,108	11,969	9,139
UDRC	104			34	70

SHARIA COURT OF APPEAL

CASES BROUGHT FORWARD	REGISTERED CASES	CASES DISPOSED	CASES PENDING	
28	195	206	17	SHARIA COURT OF APPEAL
6579	9682	9906	6355	AREA COURT

CUSTOMARY COURT OF APPEAL

CUSTOMARY COURT OF APPEAL	CASES BROUGHT FORWARD 2017/18	CASES FILED 2018/19	TOTAL NO. CASES 2018/19	CASES DISPOSED
APPEAL CASES	83	510	593	514
ORIGINAL JURISDICTION	19	52	71	52
TOTAL	102	562	664	566
CUSTOMARY COURT	77	1103	1180	1115

The total caseload of High Court in 2018/2019 was 30,582. Of this figure, 16,396 were fresh cases and 14,186 carried over from 2017/2018. In total 13,961 were disposed. This again is an indication of our ever-increasing case load. From the statistics available, you will see that on the average a court has about 850 cases in its docket and about 387 cases decided per judge. For

the magistracy, 11,969 cases were disposed out of 21,108. That is over 50%.

The probate registry of the High Court is another effective channel through which the court dispenses justice. Amongst other functions, the registry creditably discharged its duties of issuing legal instruments to facilitate the administration and management of wills and estates of deceased persons and 300 applications were received and processed for re-sealing of Letters of Administration issued from other jurisdictions. Also during the year, 2477 applications for the issuance of Letters of Administration were processed, 78 Wills lodged, and over Five Hundred Million Naira disbursed to Next- of- kins in respect of 2363 applications made for payment.

Finally, still speaking about numbers, in furtherance of one of the court's mandate which is to ensure that litigants enjoy, the fruits of their labour, the Enforcement Department executed 1624 applications comprising of 155 from the High Court and 1469 from the Magistracy. I must note however, that patronage of the UDRC is still low judging from the numbers. Only 104 cases were recorded in the year under review. This number is unsatisfactory in view of the prominence ADR deserves. This is one of the challenges the new Practice Direction on Civil Causes seeks to address.

As matters stand now, our current complement of Judges and magistrates needs to be augmented to meet the huge workload. Thankfully, we are already in the process of appointing judges and appointments into the

magistracy will follow. We await these appointments with some hope that it is sure to bring much needed relief.

Returns from the Sharia Court of Appeal (SCA) as well as the Area Courts also reflect building numbers and a corresponding determination to keep them down by hard work and commitment. At the SCA, 223 cases were registered and 206 disposed (92%) with 17 pending. The Area Courts, recorded 9682 as cases filed and 6579 carried over from 2017/2018 Legal Year. This brought the overall caseload to 16,261. With a disposal rate of 9906 (60%) cases, it is fair to say this is a job well done.

The same increase in number of cases can be seen at the Customary Court of Appeal above previous years. Total number of dealt with by the Customary Court of Appeal comprising of cases arising from appeals and the original

jurisdiction of the court amounted to 664 out of which 566 representing 83% were disposed leaving a balance of 98 cases.

Examining the Customary Court returns, 77 cases were brought forward. Adding that to the 1103 filed in 2018/2019 brings the total to 1180 of which 1115 representing 94% was disposed leaving a balance of 65 cases. Another spectacular performance.

I am proud that the statistics from all courts in the FCT is reflective of our desire to drastically reduce the cases in our dockets and also, to ensure that justice is done at all times. As much as we put in efforts into our work, we still witness massive dockets as well as an exponential increase in the inflow. On our part, we will not be deterred but from the Bar, we expect maximum cooperation by the elimination of unnecessary procedures

which do little to facilitate the speedy disposal of matters and the promotion of a just settlement.

On this note, I would like to personally thank my brothers, Magistrates, Area and Customary Court Judges for a robust administration of justice which is the very essence of the existence of the Judiciary. I need not inform you that dispensation of justice requires great expertise, time and energy.

You have indeed put in these attributes in the discharge of their constitutional mandate. You have competently, diligently, fairly, professionally and speedily as is humanly possible, dispensed justice. I express my sincerest gratitude to you all, for your efforts. As it has been our tradition, I seek that we approach the task ahead with a resolve to do better.

As judicial officers, we are conversant with the fact that the beauty of our work is rooted in accountability. I will

therefore advice that our conduct should continue to be professional at all times so as to keep earning the trust, respect and confidence of the litigants and the citizens in general. In this respect, I find the following words of Lord Justice R. C. Lahoti of the Supreme Court of India very useful:

Dispensation of justice is an attribute of God. Blessed are those on whom that Godly assignment has befallen. Still blessed are those who acquit themselves of such assignment with pride, dignity and honour.... Even God, who has created the human being, does not sit in judgment over his deeds until the human's death whence he determines whether he deserves hell or heaven. You have been given the

authority to sit in judgment over the deeds of a man in his lifetime. Your pen has the power to grant freedom of living or the sentence of death to an accused. You can take away his liberty for a number of days, months or years. Your mighty pen can turn riches into rags and a pauper into a millionaire. The more power you have, the more humility, rationality and balance must be among your possessions.

I also understand that judges are often time subject to criticism. However, I enjoin that we take it in good faith as it is through criticism that we are able to correct our shortcomings and provide better service to the public. Though, it is regrettable that sometime instead of

constructive criticism, we are visited with insult. Insulting the judiciary, calling Judges names and aligning them to any political group is wrong not to mention that it is a dangerous precedent that should be discouraged.

If anyone is dissatisfied with a decision of the court they must follow due process provided by the hierarchical structure of our court system. We operate a self-cleansing institution where judicial decisions are subject to scrutiny and correction beginning from the lower courts to the highest; the Supreme Court. It is therefore very mischievous for anyone to discolor the Court's reputation and bring it into disrepute through unfair, biased and oftentimes prejudiced denigration.

Judges are not in the office to pursue anyone's agenda. Our role as is aptly encapsulated in our Judicial Oath of Office is to uphold the law and dispense justice to all

persons alike without fear, favour or prejudice taking into consideration the dynamic nature of our society. It is therefore very uncharitable for anyone to tarnish the image of a judge and bring it into disrepute through unfair and unenlightened criticism simply because of a particular decision.

CONCLUSION

My lords, distinguished ladies and gentlemen, in very good measure, we wish to express our sincere thanks to agencies and departments and other development partners for their cooperation and level of immense assistance extended in the various ways to the Judiciary this past year and all the preceding years. You have all contributed hugely towards the successful execution of our constitutional mandate to this nation. We remain eternally grateful. I must however single out the FCT

administration and the Hon. Minister for all the efforts made at ensuring a smooth and seamless administration of justice in the FCT.

I also wish to extend my gratitude to the Nigeria Police and the Parade Commander as well as all his men for another wonderful performance earlier today.

Finally, I wish to extend my gratitude to the staff who took part in organizing today's event. The success of today's parade and court proceedings will no doubt instill us all with zeal and zest in the delivery of justice to the nation, this year and beyond.

We are working assiduously to build on the confident and self-assured judiciary we have created; one that is able to dispense justice fairly without fear or favour. Our transparent structures serve to show that there is nothing to hide as justice cannot be used to hide

anything. I end this year's speech with an assurance to all and sundry that our officers on the Bench and staff are totally committed to the ideals of justice and the rule of law. Each one of us is committed to serving you all with a clean heart and sincere intentions. Such service is a key element in the Judicial Oath and we will all abide by this solemn promise.

It is on this note that I wish you all a year filled with bountiful blessings for you and your families.

Hon. Justice I.U. Bello
Chief Judge FCT