

SUPREME COURT: WERE THE JUDGMENTS REALLY INFLUENCED?

By Ahuraka Isah

Since the Supreme Court heard and delivered judgments in the governorship election petition appeals, especially from Rivers, Akwa Ibom and Abia states, there have been scathing remarks, most often with more syllables than sense, often low on logical or legal reasoning. The underlying factors or the common denominator in their reactions have been that the 16 Justices who were selected randomly and constituted into different 7-man panels to hear and deliver the said judgments were all bribed. Notwithstanding the unanimity of the decisions, the ignorant and the informed; up to the self-professed learned, professors of law and amicus curiae (to the same apex court in the past) curiously held that the judgments were influenced.

Come to think of it, were the judgments influenced? Perhaps, a cursory glance on what is expected to be strictly private and confidential to this sacred institution or premier temple of justice (the apex court), may become expedient at this juncture.

The Chief Justice of Nigeria, Justice Mahmud Mohammed has had cause to condemn openly and loudly, the conflicting judgments being delivered by various Court of Appeal Divisions; most especially on the governorship election appeals with similar facts and point of law. Losers were not just dissatisfied with the Court of Appeal judgments but said they were ‘short changed’, citing conflicting reasoning or judgments as evidence. Petitions upon petitions with all manners of accusations were canvassed, published and filed before NJC.

When appeals on the same matters were brought before the Supreme Court, the CJN in his own wisdom gave case files on each appeal to ten or all the Justices in some instances to study. Thereafter, the CJN constituted 7-man panel out of the sixteen Justices that went through the case files of the appeal. The panels heard and decided the appeals the same day. In other words, the Justices sitting on a particular appeal don't even know he will sit on it; and invariably don't know other Justices in the panel prior to the day to hear and decide the appeal. Of course, the CJN took all these measures to avoid collusion or collaboration, in order to frustrate, make it difficult or impossible for politicians with dubious intentions to bungle cases in the courts. Even on the day of hearing on the appeals, the panel members stayed together and ate together; when the lawyers finished their arguments, or when the cases were closed, the panel members sat in conferences, with every member sharing what they felt are the facts, issues and the laws in the appeal just heard. It is these collective submissions that form the decision of the panel in the appeal; either to uphold the appeal or throw it out. In a situation where a panel member or few members

dissent, a dissenting judgment would have been concurrently read after majority decision was read.

The question is, in a human setting, could all the 16 Justices have collectively and/or severally received bribes to deliver judgments unanimously in all the governorship election petition appeals? Even the avid antagonists in this argument would say “*not likely*”. Even if the answer is yes, can the bribe items defy all security radars without traces, or could all the Justices have possibly dug up the soil in their abodes or caused the bribe items to vanish into the air?

The Supreme Court Justices appear to be giving credence to Verse 81 of Dhamapada, a collection of the sayings of Buddha; otherwise known as Buddhist Scriptures; which says that “Just as a solid rock is not shaken by the storm, even so the wise are not affected by praise or blame.”

The Supreme Court maintained its cool while heaps of insults, intimidations and disrespectful attacks were launched even from some unexpected quarters; who should ordinarily be considered as senior ministers in the temple of justice. In any cases, this would be left for another day’s discussion.

Of course, in other climes, the Nigeria Judiciary could have docked some people for contempt of court, or the offense of being disrespectful towards a court of law and its officers in the form of behavior that opposes or defies authority, justice, and dignity of the court of law. Perhaps, the Judiciary felt by so doing may be taken as attempts to scare those with real evidence of bribery from coming forward to lodge it against them; hence it is waiting for those properly charged with responsibility to clear the air to do its job.

Generally, the courts have the last and the most authoritative say in the determination and pronouncement of what justice demands in every situation involving claims and counter-claims to legal rights and duties, but the justice meted out by her is human and not divine. It usually depends upon the parties to a dispute to prove their cases by furnishing it with all the facts in issue which it weighs and sifts, identifying and declaring those of them it has accepted to be true, material, and relevant.

The Supreme Court reiterated the proper function of courts in *Sagay v Sajere* (2000) 4 SC (Part 1) 187 at 193 where it held that the decision of a court must be based on the evidence and on reason. It should not be based on the intuition of the Judge or conjecture or what the Judge, untrammelled by the evidence, conceives to be a fair conclusion.

For instance, on Friday January 18, 2008, the Supreme Court gave its reasons for its earlier judgment on October 25, 2007, in the phenomenal case of *Amaechi v. Omehia*. It was a judgment which sent shocks and reverberations across the country, warning particularly the political class that the days of crass

irresponsibility and lawlessness were over; thereby forcing constitutionality and civilized conduct upon the political class.

The verdict of the Supreme Court not only exposed the shortcoming in our laws but also the short coming in our understanding of our laws. While we may not necessarily agree with the Court's decision, we must nevertheless respect it as being the result of measured, considered thought, the sum total of vast intellect and the product of conscientious erudition. Perhaps this is why our Chief Justice was at pains to state publicly the famous words of Thomas Aquinas that "Every judgment of conscience, be it right or wrong, be it about things evil in themselves or morally indifferent, is obligatory, in such wise that he who acts against his conscience always sins".

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