

ADDRESS BY ABUBAKAR BALARABE MAHMOUD, OON, SAN PRESIDENT OF THE NIGERIAN BAR ASSOCIATION AT THE VALEDICTORY COURT SESSION IN HONOUR OF HIS LORDSHIP THE HONOURABLE SULEIMAN GALADIMA, CFR, RETIRING JUSTICE OF THE SUPREME COURT OF NIGERIA IN THE CEREMONIAL COURT OF THE SUPREME COURT OF NIGERIA ON THE 10TH OF OCTOBER, 2016.

PROTOCOL

My Lord, the Chief Justice of Nigeria

My Lords, Justices of the Supreme Court and the Court of Appeal,

Judges of other Superior Courts, Hon. Attorney General of the

Federation and Minister of Justice, Benchers, Members of the Inner

and Utter Bar.

Excellencies, Royal Fathers

Distinguished Ladies and Gentlemen;

THE HONOURABLE JUSTICE SULEIMAN GALADIMA CFR

I am truly honoured to have the opportunity to address this Court on the occasion of this special sitting to mark the retirement of one of this Court's eminent jurists, Hon. Justice Suleiman Galadima CFR.

Justice Galadima began his judicial career on High Court Bench of Plateau State when he was appointed as Judge of that Court in May 1991. He served on the bench of that Court until September, 1996 when he was appointed the Chief Judge of Nasarawa State in October, 1996 a position he held until December, 1998. He was elevated to the Court of Appeal Bench on the 9th of December, 1998. Hon Justice Galadima, joined the Bench of the Supreme Court in September 2010 and has served with distinction and honour since then for a period spanning 6 years.

Prior to Joining the judiciary, Hon. Justice Galadima had served as Attorney General and Commissioner of Justice in Plateau State. He had also had stint in various other capacities in the Private Sector. He worked as a technician with Kirkpatrick and Partners, in a private Engineering Consulting Firm in Kaduna, he was a market research assistant with Lever Brothers, a multinational firm in Nigeria working in Kaduna and Kano between 1967 and 1968. He was a Revenue/ Legal Officer with Custom and Excise Department between 1969 and 1975. Between 1976 and 1977 Hon. Justice Galadima served as Higher Registrar with the High Court of Justice of Plateau State. He also served as Assistant Legal Aid Leader NYSC, Anambra State and as State Counsel with the Ministry of Justice in Anambra State

Hon. Justice Galadima holds a diploma in law from Ahmadu Bello University Zaria, a Bachelor of laws degree from the same University and a Master of Law Degree from the University of Jos which he obtained in 1985. He is an alumnus of the prestigious Government College Keffi.

The career trajectory of Hon. Justice Galadima has equipped him not only with sound intellect and depth of learning, but has given him a pragmatic appreciation of application of the law which he has brought to bear in the course of his judicial career particularly on the Bench of this Hon. Court. It was as a Justice of the Supreme Court of Nigeria that most of Nigeria became acquainted with his legal erudition, sense of Justice and excellent prose in which his sound judgments were delivered. Most importantly, the Hon. Justice Galadima will be remembered for his uncompromising inclination to that which is true, just and fair. Some of the decisions for which Justice Galadima would be remembered that demonstrate his learning and erudition include Chief Dieprie S.P Alamiyeseigha v. Hon. Justice Emmanuel and Ors. (2007) LPELR 8218; Oketaolegun vs. State (2015) 13 NWLR (prt. 1477) 538 SC and Suleiman Atago v. Mr. Ibisio Nwuche & Ors. (2012) LPELR 19656 SC.

Mr. Justice Galadima is widely travelled and has participated in several international seminars within and outside Nigeria. He is also a recipient of many honours and awards such as Achiever Awards 2003, Development Achievers Gold Award 2007, Officer of the Federal Republic (OFR) and Commander of the Federal Republic (CFR) 2011.

Born in 1946, Justice Galadima is married and blessed with children; he has as his hobbies reading, photography, swimming, hunting, farming, gardening, current affairs, cultural activities, reading of Islamic scriptures and documentary.

I want to congratulate Hon. Justice Galadima on his retirement after such an illustrious career. My Lord, on behalf of the Nigerian Bar Association, I wish you a happy retirement. I pray that Almighty Allah will continue to bless you, preserve you and grant you good health as you continue to contribute your quota to the development of country even in these trying times.

RECENT EVENTS IN THE JUDICIARY

Speaking about trying times, My Lord the Hon. Chief Justice, Distinguished ladies and gentlemen, it may perhaps not be out of place, if I say a few words on the events that we woke up to two days ago. The events are now well known. Beginning the night of Friday 7th October, operatives of the Nigerian Security Services otherwise known as the DSS conducted series of raids into the homes of the judges of various courts across the country including the homes of two serving Justices of this Court. The Justices were taken into custody after several hours of searches. Subsequently, in the evening of Saturday 8th of October, the DSS held a in a press conference justifying its actions. It described the operations as 'series of sting operations' on the basis of 'allegations of corruption and other acts of professional misconduct by a few of the suspected judges'. The DSS also stated that its actions were in line with its core mandate as {they have been monitoring the expensive and luxurious lifestyle of some of the Judges.

The NBA has already issued a statement condemning these actions in the strongest possible terms. At a press conference which I addressed Saturday afternoon in Lagos, I condemned the action of the DSS and demanded that President Muhammadu Buhari calls the security agencies responsible for these actions to order. We viewed these actions as illegal and unconstitutional and a threat to the independence of the Judiciary and must be aimed at intimidating the judiciary and the legal profession. This military style operations are totally unacceptable in a democratic society. They are unacceptable against private citizens but even more so against serving justices of superior courts. Last night the Presidency in a Statement issued by the Senior Special Media Assistant to the President sought to justify the actions of the DSS stating : "the recent surgical operations against some judicial officers is specifically targeted at corruption and not the

judiciary as an institution” The statement went further to say that “The Presidency has received assurances from the DSS that all due process of the law, including possession of search and arrest warrants were obtained before the searches.”

The NBA rejects these explanations and justifications that these so called surgical operations were targeted at corruption and not the judiciary. We find it absurd that the Presidency will accept assurances from DSS that it followed all due process of the law! We maintain our position that these operations are illegal and unconstitutional.

I want to reiterate that the position of Bar Association is not aimed at protecting any Judge. We are not also shielding any Judges from investigation from charges of corruption. The resolve of the NBA on the fight against corruption is unwavering. My views and position on these matters are also too well known. I have been consistent on my calls for the legal profession to stand up and fight against corruption both in the Bar and Bench. I have also called for fundamental changes not only in the way we regulate the legal profession but in the way we maintain discipline and professional standards on the Bench. Just recently on 19th September, in this very court room I made the following remarks:

“On our part, we will continue to be strong advocates of the greater independence of the judiciary. We will champion its cause. We will guard its reputation jealously. But that means we will fight even those within who seek to undermine its reputation. Let me reiterate what I said in Port Harcourt in my inaugural address on 26th day of August, 2016. “On the reform of the judiciary, NBA will advocate for urgent reforms that will reposition our judiciary and equip it to play its future role. A clean, efficient, knowledgeable, effective and

transformative judiciary is at the foundation of building an orderly, peaceful and prosperous society. It is the only way we can guarantee the rule of law and an egalitarian society for our people. The notion that a judge could be bribed either by a lawyer or litigant is completely obnoxious and unacceptable. In many countries it is unthinkable! The NBA under my watch will fight judicial corruption. We shall also make the legal profession unattractive for corrupt lawyers. We will ensure that the NBA does not become a sanctuary of miscreant lawyers".

My Lord, We fully understand and appreciate the frustration of Nigerians on the failure of the state to check corruption and consequences of this failure. More disturbing is that corruption would appear to be making strong inroads into the nation's judiciary at all levels. Nevertheless, Nigeria's secret service should not and must not be the agency that should take on this and in the illegal and unorthodox manner they seek to do it. The dangers of this are replete in history and across the world. This in our view, portends even greater danger.

Many colleagues have called me to express concerns about the stand taken by the NBA. Some are worried that this may be seen as protecting Judges from investigation in the face of unprecedented and clear failure of the system to check corruption. Others have drawn my attention that from what it is trending in the social media, we are being portrayed as not taking the side of the Nigerian people. Let me say that we as leaders of the NBA and indeed as lawyers will not take our decisions on the basis of what is trending in the social media nor on opinion polls. We will take decisions, after due consultation, on the basis of deep and careful reflection, anchored on our understanding of the law guided by history and the national interest. We are clear that raiding houses of justices of the Supreme Court in the middle of

the night by masked armed men is not the way to go. We do not accept it. This portends real danger to the Nigeria's democracy. It is contrary to all civilized norms and accepted standards. The human experience, I dare say has not shown that there is any better or sustainable way to deal with any human problem rather than through rigorous adherence to due process and the rule of law.

Some people are trying to draw parallels between our events of two days ago to what happened in Ghana in 2015 when nearly 32 magistrates and senior judges were dismissed and disciplined for taking bribes and other charges of corruption. I want to remind us that the events in Ghana did not follow overnight Gestapo style operations by the Ghanaian Secret Police. The events in Ghana unfolded after a painstaking 2 year undercover investigative journalism by Ghanaian journalist Mr. Anas Aremyaw Anas who gathered evidence including audio and video evidence supporting the allegations of corruption and bribery against Ghanaian magistrates and the judges. The evidence was turned over to the Ghanaian Judicial Council, the equivalent of our National Judicial Council. The Chief Justice of Ghana Justice Georgina Theodora Wood quickly took charge came out and assured the Ghanaian people that the judicial council would take 'prompt and resolute action to redeem the image of judiciary'. The judicial council set up a five member strong-disciplinary committee which investigated the allegations against the magistrates while the cases of the High Court Judges were handled by appropriate impeachment committees of the judicial council. Attempts to obtain injunctions to stop the proceedings were dismissed by the Ghanaian High Court. All the magistrates and judges involved were disciplined by the judicial council.

The NBA reiterates its demand that the DSS must be restricted to its constitutional and statutory duties. Its core mandate is guaranteeing internal national security. It is not its duty to conduct police investigations or arraign and prosecute cases of corruption. It is not its responsibility to conduct sting operations on judges for corruption or professional misconduct in the middle of the night. I once again charge President Muhammadu Buhari to put a halt to this. Going forward the National Council must take charge of this process. Urgent steps must be taken to restore confidence of the Nigerian people in the Nation's judiciary. I call on my Lord the Chief Justice to immediately take necessary and urgent steps to set in motion the process of cleansing the system. On our part we will continue to lend our full support to this process. I urge our members to remain resolute and united on this. We must speak with one voice. This is not the time to be divided.

Turning back to my Lord Hon. Justice Galadima, reviewing your curriculum vitae, one line caught my attention: This was what you stated to be your ambition: "To ensure that the Government and the Governed are subject to the Rule of Law". You have no doubt contributed your quota. We may have still have a long way to go as a nation, but I do hope that the events which coincide with the period of your retirement as Justice of this Court will mark a turning point in our struggle to enthrone the rule of law in Nigeria.

I thank you for listening.
God Bless the Judiciary
God Bless the Nigerian Bar Association
God Bless the Federal Republic of Nigeria

AB Mahmood, OON, SAN

President, Nigerian Bar Association

