



## *"ALLAH'S WILL"*

TEXT OF THE VALEDICTORIAN'S SPEECH DELIVERED BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA, HON. JUSTICE MAHMUD MOHAMMED, GCON, ON THE OCCASION OF THE SPECIAL COURT SITTING HELD IN HONOUR OF HIS LORDSHIP'S RETIREMENT FROM THE NIGERIAN JUDICIARY.

HELD AT THE MAIN COURT OF THE SUPREME COURT OF NIGERIA, ON 10 NOVEMBER 2016 AT  
10:00 AM

## PROTOCOL LIST

- Your Excellency the Executive Governor of Taraba State, Architect Darius Ishaku,
- My Lords, Justices of the Supreme Court here present,
- My Lords, The President of the Court of Appeal and Justices of the Court of Appeal here present,
- My Lords Chief Judges of the Federal and State High Courts here present,
- My Lords, Heads of other Superior Courts of Record,
- Hon. Judges of various Jurisdictions here present,
- The Attorney-General of the Federation and Minister of Justice,
- Members of the National Assembly here present,
- Other Heads of Ministries, Departments and Agencies, here present,
- Management of the National Judicial Council, the Federal Judicial Service Commission and the National Judicial Institute here present,
- Management of the Supreme Court of Nigeria,
- Traditional Rulers and Royal Fathers here present,
- Senior Advocates of Nigeria here present,
- Members of the Body of Benchers here present,
- Learned Members of the Bar,
- Members of the Press,
- Distinguished Ladies and Gentlemen.

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### **PROTOCOL**

On 20th November 2014, I was appointed the 14th Chief Justice of Nigeria and head of the Third Arm of Government, after my immediate predecessor, Honourable Justice Aloma Maryam Mukhtar, GCON retired. This was certainly Allah's Will.

However, as with all things in life, whatever has a beginning surely must have an end. This inevitability of time has come and today I am retiring from the helm of our Nation's Judiciary, having served as Chief Justice of Nigeria for two years, give or take a few days. As dictated by the mechanics of nature and time, and in accordance with Section 291 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), I shall cease to be a Judicial Officer of the Federal Republic of Nigeria upon the stroke of midnight on this momentous day, the 10th of November 2016, my 70<sup>th</sup> Birthday. Alhamdullilah.

Therefore, this is the last time I shall have the privilege of sitting on this Bench and addressing you as the outgoing Chief Justice of Nigeria, by the Grace of the Almighty Allah. Although, I am nostalgic about my years serving in the Nation's Judiciary and Courts, which have indelibly shaped my life's voyage, by the Grace of the Almighty, I am transiting to another stage of my journey.

## MY STEWARDSHIP

My appointment brought with it personal determination and resolve to build on the achievements of my predecessors and make a significant difference. However, shortly after taking the proverbial "hot seat", it soon became apparent that my task was a daunting one, without any quick fixes or short cuts. The challenges facing our courts and the coming election at the beginning of my tenure would have made one's knees quake, but I reminded myself that my becoming Chief Justice of Nigeria, the country with the largest economy and population in Africa, was Allah's will and I would do my best to justify this honour and blessing. The rest of this Speech takes us on a journey from the end to the beginning.

Permit me to re-iterate my comments made during the opening of the 2016-2017 Legal Year when I opined that our Supreme Court is arguably the most overworked Supreme Court in the World. In the 2014/2015 Legal Year, the Supreme Court heard 1578 matters, consisting of 1009 motions and 569 substantive appeals, delivering 262 Judgments in that period while in the 2015- 2016 legal year, the Court heard 1489 matters, consisting of 908 motions and 581 substantive appeals, delivering 268 Judgments in that period.

My Lords, Invited Guests, it might surprise you to know that in *2015/2016*, over 500 new appeals were filed at the Registry of the Supreme Court, amounting to nearly ten new appeals per week, most of which were interlocutory in nature. Similarly, there were more than 5,000 appeals outstanding, some of which have become academic in nature and are the results of a "*free for all*" appeals process, which has been given the imprimatur of our Constitution. It was obvious that urgent action was required.

I took immediate steps to constitute a second Panel of the Court to sit on Wednesdays in addition to the normal sitting in chambers slated for the same day. This additional Panel was a first in the history of the Court and it has certainly had a significant impact

on the case disposal rate of the Court. I will not take the full credit for this success, as my Brother Justices rose to the challenge, but I recognize that this was a necessary response to the yearnings of all Nigerians for justice to be dispensed more quickly and effectively.

The Supreme Court Registry, under the supervision of Hon. Justice I.T. Muhammad, JSC, *CFR*, has also worked assiduously to streamline and improve the archival and retrieval process of our case files, resulting in the reduction of incidences of loss and/or misplacement of case files and its incendiary effects. Even though he is a brother Justice, I want to thank his lordship for undertaking this additional assignment and performing creditably against all odds.

I must reiterate that my tenure would have been more arduous but for the loyalty and cooperation of my learned Brothers, who stood by me through thick and thin, rain or sunshine as we collectively worked to ensure that Justice was done regardless of the long hours or the consequences of our decisions. Your lordships were prepared to go the extra mile by sitting till unusually late hours, sometimes up to 11 pm, in order to conclude the appeals, especially those cases which greatly impacted on the governance of the Nation and lives of our citizens. I will forever be grateful for your willingness to sit, even during the Court's vacation, in order to dispense with matters as required by law.

These unstated and largely unrecognized sacrifices were an apparent and yet inconspicuous commitment to the rule of law and good governance in Nigeria. Our Nation owes you all its profound appreciation.

No doubt, the support of my Brother Justices was also instrumental in actualizing a long held, yet firm conviction that the Judiciary needed to take a historic step towards a multi-modal system of justice delivery that provides for appeals to be mediated where the parties and issues permit.

This conviction was founded upon a realisation that the dynamics of the 21<sup>st</sup> Century had helped create a society, which was radically different from those halcyon days when I first began to practice. Disputes have become more multifarious and the issues more complex. Therefore, the recourse to the present single-track system was like using a Pitman typewriter in these days of touch screen computing. The fact is that any organization whose internal evolutions are slower than the change around them, is bound to become extinct and the Nigerian Judiciary is no different.

In recognition of these realities, I constituted the Supreme Court Rules of Court Advisory Committee, to devise new rules that will embrace Alternative Dispute Resolution (ADR). The Committee, ably chaired by my lord Hon. Justice Suleiman Galadima, CFR (now retired) expeditiously drafted and subsequently oversaw the gazetting of the new Rules that now underpin the Supreme Court Mediation Centre.

Structurally, I am pleased to see that the Court Modernization (retrofitting) Project at the Supreme Court is near completion at Court One. A tour, which I encourage everyone here to undertake, will reveal that the court boasts of the latest in audio-visual aids, transcription and other devices that even modern courts in other climes probably do not possess.

I am also pleased to have witnessed an expansion in the ranks of the Court during my tenure with the appointment of Hon. Justice Amiru Sanusi on 14 May 2015, and the appointment of Hon. Justice Amina Augie and Hon. Justice Ejembi Eko, JSC, who were sworn in on Monday 7 November 2016. In addition, we await the confirmation of the appointment of two additional Justices of the Court namely, Hon. Justices Paul Galinje and Sidi Bage at the Senate following their appointment by the President of the Federal Republic of Nigeria upon the recommendation of the National Judicial Council.

As with any period in the Court's history, we also witnessed a transition through the retirement of three Brother Justices, in the persons of Hon. Justice John Afolabi Fabiyi,

*CFR*, Hon. Justice Saifullahi Muntaka-Coornasie, *CFR*, and Hon. Justice Suleiman Galadima, *CFR*, into a well-deserved life of leisure and rest. I thank these distinguished jurists, for their invaluable contributions to the jurisprudence of the Court and as I join them in a life of leisure, I will certainly have enough time on my hands to visit their abodes, free of guilt about having missed out on some work or event.

I must note that my tenure began during the pendency of the industrial strike embarked upon by the Judicial Staff Union of Nigeria (JUSUN) over the refusal by the Federal and State Governments to respect the financial autonomy of the Judiciary as held by the Judgment of the Federal High Court in 2014. While I was able to resolve the strike amicably, it is important to note that the *casus belli* of the strike, which is the realisation of the Judiciary's fiscal autonomy, remains largely unresolved.

Our Nation owes the Judiciary a debt of gratitude for standing firm in the face of contrary winds that threatened to blow our Nation's democracy off course. During the run up to the 2015 Elections, our Judicial Officers withstood immense pressure in order to guarantee a level playing field and smooth transition of Government, which ensured that we were spared a re-enactment of the June 12 saga. In fact, the Courts, thus securing the electoral process, disallowed so many frivolous matters aimed at truncating the electoral process. I must particularly commend the Supreme Court for refusing to be intimidated or influenced by any candidate or political party, and I make no apologies for the firm stand that we took in our decisions. I am proud to be a part of the Supreme Court which refused to be cowered into truncating the electoral process. I am proud to have headed this noble Arm of Government and steering it through some very stormy waters. I am proud of the Nigerian Judiciary.

Indeed, the need to protect the institutions of the Judiciary from undue influence was a key concern of mine during my tenure. Since assumption of office, I have worked to strengthen the integrity of our judicial institutions through the review of the Judicial

Officers appointments process as well as innovations, which will enhance case disposition. In addition, the engendering of an open door policy has enabled me to engage with other Heads of Courts and where necessary, the leadership of the Bar. I believe that this continuous engagement will positively reinforce the primary position of the Judiciary in the Governance of our Nation.

### **FEDERAL JUDICIAL SERVICE COMMISSION**

As I come to the end of my tenure as Chairman, the Federal Judicial Service Commission continues to function optimally in furtherance of its mandate under Section 153(1) and Paragraph 12 Part 1 of the Third Schedule to the 1999 constitution of the Federal Republic of Nigeria, (as amended), to ensure that the right candidate is selected and recommended for judicial appointment and a career in the Judiciary. Under my watch, the Commission has continued to play an integral part in advising the National Judicial Council and Federal Courts on the right candidates to appoint to the Bench and employ as Staff in our hallowed chambers. The Federal Judicial Service Commission, has also been repositioned in its Guidelines by introduction of interviews for candidates seeking appointment as Judicial Officers for the first time.

In furtherance of the Commission's statutory mandate, the diligence demonstrated by the Commission during the last recruitment process of Judges of the Federal High Court and Judges of the National Industrial Court cannot be undervalued or indeed underestimated. They sifted the proverbial wheat from the chaff and ensured that only the best of the profession were considered for appointment. In light of this, I must extend my gratitude to the Executive Secretary, Mrs. Bilkisu Bashir, *OON*, who ably directed the administrative aspects of the appointments process, in addition to other activities of the Commission. I also thank the Management and Staff of the Commission, whose diligence and hard work was instrumental to the expeditious and comprehensive performance of the Commission's constitutional mandate.



## **NATIONAL JUDICIAL COUNCIL**

As Chairman of the National Judicial Council, I was greatly concerned about the integrity of our Judicial Institutions. I was particularly keen to ensure that the Judiciary was properly positioned, both institutionally and ethically, to effectively play its role as a valuable partner in good governance and the fight against corruption.

Building on the achievements of my predecessors in title, I am glad to see that the National Judicial Council has become more attuned to the performance of its functions in a manner that best addresses the desire of Nigerians for Justice. However, I believe and still believe that fundamental statutory changes were required.

Out of concern for the need for speedy dispensation of Justice, I personally wrote to the 7<sup>th</sup> and 8<sup>th</sup> National Assemblies, apprising them of the necessity to consider fundamental amendments to the Constitution of the Federal Republic of Nigeria, as recommended by the Judiciary to the Constitutional Review Committee of the National Assembly. Key reform initiatives included the limitation of the automatic right of Appeal to the Court of Appeal and Supreme Court, which had inordinately and adversely increased the backlog of cases pending in those appellate courts, thus affecting justice delivery. My hope is that the 8<sup>th</sup> Assembly will include the proposals from the Judiciary in the next Constitutional amendments.

I am pleased to have strengthened the process for the appointment of Judges of Superior Courts through the diligent use of the ***2014 Revised National Judicial Council Guidelines & Procedural Rules for the Appointment of Judicial Officers of All Superior Courts of Record in Nigeria***. I believe that the Guidelines provide a more comprehensive, robust and transparent method of appointment, leading to the emergence of only the best legal minds with strong moral and ethical standards as well as the temperament to serve as our Judges. Under my watch, our ***Interview Committee on the Appointment of Judicial Officers of the Superior Courts of Record*** oversaw a lengthy and rigorous interview process leading to the appointment of various Judges

and Justices to various Courts on the tri-strata of our Judiciary. Given their calibre, I am satisfied that the recent appointments have been the most stringent in recent memory and I am proud to say that the Judiciary is better for it.

Similarly, the Council applied the Guidelines vigorously in order to ensure the orderly conduct of the process for the appointment of the next Chief Justice of Nigeria in the person of Hon. Justice Walter Samuel Nkanu Onnoghen, JSC, *CFR*. Despite the wild speculations and inaccurate reporting on the integrity and impartiality of the process, the exercise culminated in his lordship's recommendation for appointment after going through the rigorous interview process of the Council. This was positive proof that the Judiciary is not some "*old boys*" network, rather, it is a developing, organic and indispensable part of our equally evolving Nation.

Having been at the helm of the Council for over a decade, the current Executive Secretary to the National Judicial Council, Mr. Danladi Halilu, *OON*, is due to gracefully bow out of service.

In the light of this development, I was conscious to see that the next Executive Secretary would be a person of proven competence, requisite qualification and unimpeachable integrity.

That is why we were keen to ensure that the process for the appointment of the next Executive Secretary to the National Judicial Council was all-inclusive, transparent and open. I am glad to note that the process did indeed tick all these boxes and has demonstrated that the Nigerian Judiciary also boast of having personnel of the highest quality who possess a wealth of administrative know-how. This surely will augur well for our Nation's Third Arm.

To bring sanity into the largely chaotic process for making and addressing complaints against our Judges by members of the public, the National Judicial Council, pursued the full application of the *Guidelines for the Discipline of Judicial Officers, 2014* when receiving and investigating public petitions. The Guidelines ensure that the

Council treats only petitions accompanied by a verifying affidavit, deposed to by the complainant. Under the new Guidelines, we have also streamlined the process preliminary to disciplining erring Judges, resulting in the removal of Six (6) Judicial Officers from the Superior Bench in Nigeria and reprimanding another eight (8) Judicial Officers during my tenure.

These disciplinary actions are the regrettable yet necessary steps that we have had to take in order to secure and restore the reputation of our beloved Judiciary from the scourge of corruption and gross misconduct in public offices. We have often premised these decisions upon the need to ensure that the Judiciary is *as above board as Caesar's wife*. I am sure that the Council will continue to play its part under my successor-in-office as the fight against corruption is one that is ongoing and must be sustained in order to ensure that we rid the Judiciary of the filth that currently besmirches its image.

We have also strengthened the Judiciary's ethical framework through the adoption of the *Revised Code of Conduct for Judicial Officers, 2014*. Similarly, under my watch, the Council has enacted the *National Judicial Policy, 2016*.

My lords, distinguished Ladies and Gentlemen, as I alluded to at the launch of the Policy on 24 October 2016, the National Judicial Policy is a *Charter of Commitment "to promote and ensure the highest possible standard of qualitative justice delivery"*. The National Judicial Policy, which is the culmination of all the guiding principles and ethics developed over a long period of time, now acts as an indispensable tool for the inculcation of the highest ethical and institutional values in our Courts.

However, a policy without an implementation plan is a mere academic paper. That is why I have set up a standing Committee of the National Judicial Council on Judicial Ethics, under the distinguished leadership of Hon. Justice Idris Legbo Kutigi, GCON, a former Chief Justice of Nigeria. The Committee will work towards restoring integrity in our Courts. On 2 November 2016, a Transparency and Anticorruption

Policy Implementation Committee chaired by Hon. Justice E. O. Ayoola, CON a former Justice of the Supreme Court, was also set up to fast track fact finding on complaints bordering on misconduct of Judicial Officers to ensure prompt action by the Council.

I am mindful that the only constant for anyone or institution is change. However, meaningful, sustainable change has to be driven by systematic principles and policies. While chairing the Council, I oversaw the implementation of the Judicial Information Technology Policy. From baby steps the Judiciary is now making giant strides towards court automation, which led to the successful introduction of the Nigerian Case Management System (NCMS) at the Supreme Court. The System is currently undergoing User Acceptance Test at the Court of Appeal and the pilot Courts having already completed the Test at the Supreme Court. The NCMS generated so much international interest that four Chief Justices from the sister jurisdictions of the Caribbean Community visited Nigeria with the aim of replicating the system in their respective Jurisdictions. This was indeed a moment of pride for the Nigerian Judiciary. I am also pleased to see that the Nigerian Legal Email System (NILES) Project, which provides a secure means of communication between the Supreme Court and Lawyers for sending Hearing Notices and generation of Proof of Service, has successfully registered twenty five thousand (25,000) lawyers, of which twenty three thousand (23,000) lawyers have been approved.

These Court Solutions were initiated to effectively address the modern realities of our Nation and emerging trends in justice delivery, especially as they impact the administration of justice in Nigeria. I urge our Judges to imbibe its ethos if we are to evolve into an efficient, modern, 21<sup>st</sup> Century Judiciary that keeps pace with our techno-savvy and increasingly sophisticated society.

Organisationally, I worked towards repositioning and enhancing the functionality of the Council to more effectively meet its mandate under Section 153 and Paragraphs 20

and 22 Part I of the Third Schedule to the Constitution of the Federal Republic of Nigeria 1999 (as amended). This institutional reform resulted in the creation of the *Interview Committee on the Appointment of Judicial Officers of the Superior Courts of Record, Preliminary Complaints Assessment Committee, the Committee Oil Performance Evaluation of Judicial Officers of Superior Courts of Record and the Judicial Ethics Committee*. From the nomenclature of these Committees, it is clear that the emphasis for me was on the integrity of the processes employed by the Judiciary as well as a desire to uphold high ethical content, thus arresting the perceived moral decadence in the Judiciary.

The National Judicial Council has also been restructured with the creation of more departments, headed by competent personnel and I have no doubt that the Council will continue to effectively administer the affairs of our Judiciary creditably, while maintaining greater oversight as required by law and expected by international best practice. The National Judicial Council also achieved the unprecedented feat of appointing the highest number of Judicial Officers to various Superior Courts under my tenure, a fact that I am immensely proud.

With its undoubted achievements laid bare for posterity to assess, I must press my profound gratitude to the esteemed Members of the National Judicial Council, the untiring Executive Secretary, Danladi U. Halilu, *Esq.*, OON, hard working Management and dedicated Staff, for their undisputable role in realizing the reform agenda of the Council and the consequent successes recorded during my tenure.

### **NATIONAL JUDICIAL INSTITUTE**

I am proud to state that under my watch, the Board of Governors and Management of the National Judicial Institute continues to concretize our commitment to offering qualitative, continuous training and professional capacity building for our Judicial Officers and Court Staff.

During my tenure, I was privileged to declare open several conferences, in furtherance of the Institute's statutory commitment and in collaboration with such bodies as the Nigerian Bar Association, Presidential Advisory Committee against Corruption (PACAC), Chartered Institute of Bankers of Nigeria (CIBN), Nigerian Communications Commission (NCC), Nigerian Deposit Insurance Corporation (NDIC) and the United Nations Office on Drugs and Crime (UNODC), among many others.

It was also an honour to host both the Biennial *ALL NIGERIA JUDGES' CONFERENCE FOR THE SUPERIOR COURT JUSTICES/JUDGES, 2015*, and the Biennial *CONFERENCE OF ALL NIGERIA JUDGES OF THE LOWER COURTS, 2014* respectively, which I must say were memorable successes indeed. These Conferences and other events enabled us to play host to dignitaries such as the President of the Federal Republic of Nigeria, President Muhammadu Buhari, *GCFR*, and the Vice President, Professor Yemi Osinbajo, *GCON*, who we particularly appreciate for honouring our invitations despite other important matters of State.

The National Judicial Institute's physical infrastructure also underwent an overhaul under my tenure and I am pleased to be retiring with the Institute boasting of dedicated world-class facilities. These include a fully equipped hostel accommodation, brand new state of the art seminar blocks, in addition to the beautifully renovated Andrews Otutu Obaseki Auditorium and Aloma Maryam Muhktar Banquet Hall. A durable tarred road network connects these choice facilities, which have adequate drainage and street lighting and can compete favourably with any Institution of its kind in the world.

I am also proud to have approved the transformation of the National Judicial Institute's curriculum and scheme of service in order to enhance and re-position the National Judicial Institute to facilitate long-term tuition, leading to the award of certificates and diplomas for Judicial Officers and the different cadres of Court Staff.

With these facilities in place, I daresay that the requisite groundwork has been laid for the Institute to surpass global standards. The accolade for this success is a collective one for the Board of Governors of the Institute and particularly the National Judicial Institute Education Committee, headed by Hon. Justice Walter Samuel Nkanu Onnoghen, *CFR, FNJI*. Special recognition must also go to the amiable and industrious Administrator of the National Judicial Institute (NJI) Hon. Justice Roseline Bozimo, *OFR*, the Management and Staff of the Institute, who also deserve the credit for successes recorded and the giant strides that the Institute has made towards meeting its expectation as a world class citadel of judicial education and training.

### **LEGAL PRACTITIONERS PRIVILEGES COMMITTEE**

I have always held the belief that the Bench and the Bar are inseparable. Reforms in the Judiciary cannot take root if there is no change at the Bar. Hence, upon assumption of office, the Legal Practitioners - Privileges Committee, with my support, oversaw a consolidation of several ongoing reforms to sanitize the process of selection of candidates for the rank of Senior Advocate of Nigeria (SAN).

Desirous of improving the process of conferment, the Committee, acting under its powers as set out in Section 5 of the Legal Practitioners Act, (Cap L 11, Laws of the Federation of Nigeria, 2004) amended the *Guidelines for the Conferment of the Award of the Rank of Senior Advocate of Nigeria* in 2016, which has now been gazetted. The new Guidelines will now ensure that' conferment of the rank becomes an independent indication of excellence in the Legal Profession, thus eliminating parochial considerations of ethnicity and origin. The new Guidelines have shifted emphasis to performance at the Trial Courts rather than the Appellate Courts.

The Guidelines were meticulously applied to the 2016 set of conferees, who were the most scrutinized candidates in the history of the conferment of the noble rank of Senior Advocate of Nigeria. Given the obvious success recorded, I am satisfied

that the Guidelines will institutionalise a more meritorious system for the selection of those men and women who have been deemed worthy of conferment.

## **MY REFLECTIONS**

My lords, Distinguished Guests, Ladies and Gentlemen, as I reflect wistfully upon my life over the next few minutes, permit me to share my lessons, while recognizing and thanking the innumerable number of people who have impacted upon my life and career in one way or the other.

It is now public knowledge that I was born on 10 November 1946 in Jalingo, now in Taraba State, to the family of Mallam Mamman Maikato, a Timber producer and dealer and my mother Aishatu. I daresay that my upbringing was eventful and I also had my fair share of scrapes and childish adventure, which sometimes served to cause more grief than joy. However, I perceive that my life was also punctuated by events, which, upon reflection only serve to remind me that the path to my destiny was indeed ordained by the will of the Almighty Allah.

I recall that my odyssey in formal education started on a fateful day in 1953, when I was literally forced, kicking and screaming, into the local elementary school in Jalingo. Before this, I had attended the obligatory Quranic School at the Mallam Kasimu Koranic School but I guess it is fortuitous that I had been fostered by guardians, who thought it expedient to hand me over to the school administrator rather than give up their own children or keep me hidden away. While a friend was fortunate, or should I say unfortunate, enough to be hidden in a big pot used for the preservation of locust beans, I was not as lucky, being physically lifted head over heels and dragged to school.

However, I now see that it was good fortune that was bestowed upon me by the Almighty Allah and the rest of my life is testament to this singular fact. What I had thought was the worst day of my life turned out to be a giant leap towards achieving the will of Allah as I rose through my career to the very top. I quickly became bitten



by the book bug and turned into an avid student and haven't stopped reading.

I also reflect upon other events that shaped my path towards my destiny under the guiding hand of the Almighty Allah. I was thrilled to further my secondary education at the Secondary Technical School! Government College, Kaduna from 1960 to 1964, where I obtained my 1<sup>st</sup> Class West Africa/Cambridge School Certificate. I proudly graduated along with other classmates like late Lt. General Rufus Kupolati of the Nigerian Army, Professors Verishima Don Ihuman of Benue State University and Ibrahim Kiyawa of Bayero University, respectively. I sojourned further, bagging the Higher School Certificate at Government College/Rumfa College, Kano, which I attended from 1965 to 1966, along with prominent persons such as Alhaji Mohammed Abbas Kotangora and Alhaji Tukur Ahmed Saulawa Katsina.

I remember my colleagues at the Ahmadu Bello University Zaria, such as Hon. Justice Umaru Eri, *OFR*, former Chief Judge of Kogi State and former Administrator of the National Judicial Institute, late Chief Solomon Lar, former Governor of Plateau State and those I cannot readily name for brevity's sake, who helped me shape my worldview in advance of the career ahead. My largely European Lecturers at the Ahmadu Bello University helped to forge my traditional values together with the ethical foundation needed for success in a future career in the Legal Profession, which commenced after I obtained my LL.B (Hons.) in 1970 and was called to the Nigerian Bar in 1971.

I have fond memories of my budding career in those days. As a State Counsel, I remember traversing the length and breadth of the North East, first on behalf of the defunct North East State and then Gongola State as I strove to ensure that justice was done, though I hasten to add that crime was much less prevalent in those good old days. Those who also shaped my life during this time include the Emir of Ilorin, His Royal Highness Ibrahim Kolapo Sulu Gambari who, as Senior State Counsel in the Ministry of Justice of the North Eastern State led my first appearance in the High Court in Maiduguri and subsequently gave me the required training to equip me in the discharge

of my professional duties as a young Legal Practitioner.

A high point of my life was becoming the Attorney-General of the old Gongola State from 1 October 1981 to 1 December 1983 and my sojourn to the Magistracy for five months and four days from 25 October 1984, until I was elevated to the High Court Bench on 29 March 1985, which I guess was preparatory for a long career on the Bench. Another notable influence upon my life was the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, who as the Military Head of State ordered my appointment to the Bench of the High Court of the then Gongola State in 1985 despite of strong opposition by his own Attorney-General at the Advisory Judicial Committee and Supreme Military Council.

It is also coincidental that my career on the Bench began during the regime of President (then Major General) Muhammadu Buhari, *GCFR*, in 1984 and it is also by divine arrangement that the same personality should be at the helm of affairs as I gracefully bow out of the Bench. It is further ironic that while he was the one that appointed me on the 29 March, 1985, I was the one to administer the oath of office to him on 29 May 2015, as required by the Constitution, exactly thirty years and two months after that fateful day.

I also reflect upon my first day on the Bench and the feeling of trying on a Judge's wig and gown for the first time. The peculiarities of hearing cases called in my court and the realisation of the need to rise to the task of justice delivery, all undoubtedly helped to shape my attitudes and for this I must extend my gratitude to the late HO)1. Justice Muhammadu Buba Ardo, Chief Judge of the then Gongola State who was instrumental in building my confidence and ultimately shaping my career, leading to my appointment as Acting Chief Judge of Gongola State from 1988 to 1989 and Chief Judge of Taraba State in 1991.

After serving for less than one year as Chief Judge of Taraba State, I was encouraged by the then President of the Court of Appeal, Hon. Justice Mustapha Adebayo Akanbi,

CFR, to join the Court of Appeal in 1992 where I served in Kaduna, Benin and Enugu Divisions of the Court before my elevation to the Supreme Court Bench on 8 June 2005. I must express my profound gratitude to the former President of the Court of Appeal, Hon. Justice Umaru Abdullahi, *CON*, as well as Hon. Justice S. M. A. Belgore, *GCON*, retired Chief Justice of Nigeria, then the most senior Justice of the Supreme Court and Vice Chairman of the National Judicial Council in 2005, for playing a big role in seeing me through to the Bench of the Supreme Court notwithstanding the fact that I was said not to be learned in Sharia. I still remain very grateful to these Learned Gentlemen.

Lastly, I am drawn back to the day of my appointment and the Swearing-in Ceremony at the Presidential Villa, before the erstwhile President and Commander-in-Chief, Dr. Goodluck Ebele Jonathan, *GCFR*. I remember that day not just for the overwhelming feelings that I had, but for the realisation that the weight of office was indeed onerous and at times, challenging. By the will of Allah, despite it all, I am glad that I did not disappoint the Court, the Judiciary and indeed myself and the Nation.

I must admit that these events undoubtedly helped to shape the strong conviction that I have held concerning the progress and posterity of our dear Judiciary and the Nation itself. The good times made me thankful and the adverse times gave me resilience and a stiff upper lip.

### **JUDICIAL INDEPENDENCE AS A KEY TO INTEGRITY**

It was the famous civil rights leader, Martin Luther King Jr., who observed that *"change does not roll in Oil the wheels of inevitability, but comes through continuous struggle. And so we must straighten our backs and work for our freedom. A man can't ride you unless your back is bent"*.

The independence of the Judiciary is a *condicio sine qua non* for any civilised society to function effectively and peacefully. It is an institution which, more than any other

must be protected, sustained and carefully handled. We must therefore continue to guard the eternal flame of Justice in our land in order to ensure that it is not extinguished.

Where the rule of law is absent and due process disregarded, then the sentinel of civilisation is missing and I am sure we would not desire to see-the results that such loss causes.

I wish to remind our Judges that competence in the performance of your duties. Competence in the performance of judicial duties requires legal knowledge, skills, thoroughness and preparation. Diligence requires consistency in the high standards of justice delivery that are required to optimally perform at your best. Conversely, it is clear that Judicial Competence is diminished and compromised when a Judge is debilitated by misconduct, corruption and other vices.

It is also important for your lordships, as Judicial Officers, to be as impartial as the blind face of lady justice. You must remember that impartiality is the fundamental quality required of a Judge and the core currency of repute that engenders respect for the judiciary.

Though various dynamics and court room antics may abound, but you must remain as the resolute face of justice. When you do, then the Judiciary will burn a beacon of hope for the common man.

To my fellow Nigerians, I am similarly confident that with continued stability in the leadership of the Judiciary and the guarantee of its fiscal, and actual independence, then justice will continue to reign at the Supreme Court of Nigeria, as in all COU11s of the land, and indeed the heavens will not fall, nor the mountain of righteousness quake.

### **LOOKING FORWARD**

I am sure that many of us are wondering what will become of me now that the rigours

of the Bench will soon be behind me. Although I am not blessed with the absolute gift of foresight, I can nevertheless hazard a few suggestions that can mitigate the tedious boredom that retirement is most often maligned for.

I will of course do my utmost to remain fit, mindful of the fact that the President of the NBA may invite me to another novelty football match and I must be as supple as he is to be able to repeat the feats of the NBA Novelty Match during the 2015 Annual General Conference. I will of course go for walks, take pictures and read my Holy Qu'ran often.

As an agrarian traditionalist, the likely profession of farming and cattle rearing would also be a wonderful endeavour as this would undoubtedly bring about a positive impact on one's health and income.

However, if I were gifted with prescience, I daresay I will like to see our dear Judiciary restored to its pride of place in the Government and social fabric of our dear Nation. Although we have made great strides in sanitizing and reforming ourselves, it is important that "*You must consider the other side of the board*" as award winning Ugandan Chess Master Phiona Mutesi, once quipped. That underlies our need to be sensitive to the public's' perception and our efforts to maintain and even build on the confidence reposed in us.

### **ACKNOWLEDGMENTS**

In the course of my career, I have had cause to give thanks to the Almighty Allah for His many mercies over my life.

However, the imminence of retirement fills me with sincere gratitude and appreciation to those whose mentorship, unalloyed loyalty and dedication to service, albeit not specifically mentioned above, were nevertheless instrumental to the success of my career and tenure.

My Brethren of this Court and the others that I have worked in over the years have

been my totems of support. My Brother Justices were the ones who fuelled the intellectual engine and supported the workings of my logic so that the wheels do not become clogged. You supported me through thick and thin and I must once again express my undying gratitude to you all.

I must also acknowledge those who were the gears and levers that-ensured that my office moved with the precision of a Swiss Watch. The list is of course endless but I must thank my Drivers, Abdulrauf, Bala, Musa and Matthew, the security detail who guarded me, especially my faithful orderly, ASP Ali Gnabisinya who served me for over 11 years. I wish to also thank my secretaries, office assistants and clerks - Mrs. Taiwo Asogba, Joseph Igbinador, Magaji Kassim, Moses Akpan, Aminu Yusuf, Daniel Tsarku, and Siraju Yusuf Mohammed. I also wish to acknowledge my Media Aide, Ahuraka Isah, my Legal Research Assistant, Christopher Ogundare, *Esq.* and of course my able Senior Special Assistant, Hadiza Santali Sa'eed. You all have made uncountable personal sacrifices and served with heart and might. I thank you.

I must also extend my sincere appreciation to the Chief Registrar of the Supreme Court, Ahmed Gambo Saleh, *Esq.*, the Management and Staff of the Supreme Court who were immensely supportive of my efforts towards improving the physical ambience of the Supreme Court. Their presence was indeed indispensable and their capable administration of the Court, very satisfactory indeed in spite of the current challenges being faced.

Finally and perhaps the most significantly of all, the successes, appointments, national honours and encomiums would have been nigh impossible without the constant and abiding support of my family. My two wives Hadiza and Hauwa have continued to be a wonderful part of my life for more than 30 years now. Our marriages have been blessed with not less than 10 children by each of them.

We are blessed with both Male and Female issues all of whom are well educated in the fields of medicine, law, architecture, engineering, accounting and other fields.

They are the source of my comfort and success particularly when we are also surrounded with more than 18 grandchildren. It is indeed inconceivable that I would be the man that I am but for you all. I have tried to be a good husband, father and grandfather as well as a role model for my children and grand children and by the will of the Almighty Allah, I must say that I have done pretty well indeed.

Permit me to recognize the presence of the Governor of Taraba State, His Excellency Architect Darius Ishaku and the large entourage and to thank him for attending this occasion. I am very grateful indeed to your Excellency for this honour.

To all those, who in some way or other, have shaped my life and career, and whose names have not been mentioned individually, I extend my sincere apologies. The oversight is indeed mine.

## **CONCLUSION**

Ladies and Gentlemen, you will agree with me that my life has been an eventful journey and now the bell tolls for the final lap before I put the gavel and microphone down. I leave you all with the confidence that the Almighty Allah has given me ample honour and substance but more than that, He has given me an unblemished record of achievements.

Providence has given me the very best career that a Judicial Officer could ask for. I have attained the highest office possible as a Judge and have been involved in shaping the future of our beloved Judiciary and the Legal Profession.

It has been an honour and a privilege to serve my country and this wonderful institution. I am confident that I am handing over the Judiciary into the hands of an able captain in the person of Hon. Justice Walter Samuel Nkanu Onnoghen, *CFR*, and it is my sincere expectation that the Judiciary will move forward under your lordship's tenure. I wish you the best of your tenure at the helm of our Nation's Third Arm.

I bid us all adieu for now though I daresay that I will remain committed to the cause

of our Courts and the Legal Profession. I thank you all for your rapt attention and for turning out to see me ride into the sunset. May the Almighty Allah preserve you all and see you safely to your various destinations.

May God bless us all and bless the Judiciary of the Federal Republic of Nigeria.

**Hon, Justice Mahmud Mohammed, *GCON***

***Chief Justice of Nigeria***