



**SPEECH BY**  
**THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA**  
**HON. JUSTICE OLUKAYODE ARIWOOLA, GCON**  
**AT**  
**THE SPECIAL SESSION OF THE SUPREME COURT OF**  
**NIGERIA**  
**TO MARK THE COMMENCEMENT OF THE**  
**2023/2024 LEGAL YEAR**  
**AND**  
**SWEARING-IN OF NEWLY CONFERRED SENIOR**  
**ADVOCATES OF NIGERIA HELD**  
**AT**  
**THE MAIN COURTROOM OF THE SUPREME COURT**  
**ON**  
**MONDAY, 27TH NOVEMBER, 2023**  
**AT**  
**10:00AM.**

## PROTOCOL

I am very excited to welcome you to this special Court session organized to formally herald the 2023/2024 legal year of the Supreme Court of Nigeria in line with our age-long tradition. Incidentally, this is the last Legal Year that I will be presiding over, by virtue of the provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended). For the records, the 2023/2024 legal year of the Court has commenced since Monday, the 18th day of September, 2023. What we are doing today is, as usual, in compliance with our well-known tradition of assembling to give account of our performance in the outgone legal year, and as well, confer the highly coveted rank of Senior Advocate on deserving senior members of the Nigerian Bar in both the advocate and academic categories. Similarly, speeches on the state of the justice sector of the country would be made by the Hon. Attorney General of the Federation and Minister of Justice, the Chairman of the Body of Senior Advocates of Nigeria (BOSAN), the President of the Nigerian Bar Association and, of course, the most senior of the newly inaugurated Senior Advocates of Nigeria.

Meanwhile, it is quite disheartening to learn of the demise of one of the most iconic legal luminaries in Nigeria and immediate past Chairman of BOSAN,

Professor Ben Nwabueze, SAN. May I crave your indulgence to join me in rising to observe a minute silence in his honour? May his precious soul rest in peace. Without mincing words, we, at the Supreme Court, have every reason to say that the 2022/2023 legal year was very eventful, though, suffused with overwhelming uncertainty and grief of some sorts. It is ostensibly by the grace of the Almighty God that we are all alive to mark this new legal year in peace and good health. So many pleasant and unpleasant things had happened within the year under review, but we can joyfully say that we are still firmly on our feet and holding our grounds with the desired tenacity of strength. One of the most unfortunate and seriously disheartening events that eclipsed the Honourable Court in the course of the year was the sudden demise of our brother Justice, Hon. Justice Chima Centus Nweze, CFR, JSC, on Saturday, the 29<sup>th</sup> day of July, 2023, after a brief illness. His invaluable contributions to our jurisprudence can never go unmentioned and unnoticed in every sphere of our operations.

As customary in the Supreme Court, this epochal occasion will be spiced with the swearing-in of those senior members of the Nigerian Bar Association who have, in all ramifications and by all standards, excelled in the practice of law and are subsequently conferred with the rank of Senior Advocate of Nigeria.

Expectedly, an occasion of this nature calls for great celebration, but even in the midst of that, it is still necessary that we spare a moment of our time to have a deep reflection and introspection on the journey we have made so far, with a view to knowing what direction to channel our energy and available resources. Though the journey through the rough tide can never, at any time, be convincingly adjudged to be smooth, however, the good thing is that it has always been favourably adventurous as we have often been privileged to acquire new skills to aid us through the webs and tapestry of life, particularly our Constitutional responsibility of adjudication. In those areas that we have excelled, we have to commend ourselves and, as well, endeavour to shore-up the tempo of work. While in the areas of obvious shortcomings, as responsible and responsive mortals, we shall do a quick introspection and forge ahead with the right mind-set and disposition to achieve more favourable results in the course of the successive legal year.

The Supreme Court; and by extension, the Nigerian Judiciary, has fared well in the outgone legal year even though our high-level of resilience was brazenly taken to task by some overwhelming challenges. The prayers, admonitions and support of well-meaning Nigerians, to a very large extent, gave us the fortitude to remain

steadfast and resolute in making a memorable impact on the Nigerian Judicial landscape. As this new legal year unfolds, we would like to assure everyone that we are determined to redouble our efforts to bring about a judiciary that Nigerians, home and abroad, will be very proud and ecstatic about. As we celebrate the successes achieved in the past legal year, we also joyfully celebrate with our eminent legal practitioners who were thoroughly screened, examined and found worthy, in character and practice, to be conferred with this very uncommon rank of Senior Advocate of Nigeria by the Legal Practitioners' Privileges Committee (LPPC).

The 2022/2023 legal year which ended on Friday, the 21st day of July, 2023, was robustly adventurous in all ramifications. Even though it presented some visible rough edges, the new legal year has yet, offered us the privileged opportunity to diligently smoothen all the unwieldy terrains and fine-tune everything that may impede a hitch-free progress. I must say with great pride and excitement that during the outgone legal year, we experienced so many positive heart-warming developments in the Nigerian Judiciary. In response to the yearning need for the injection of fresh blood into the nation's judicial service, we were able to appoint and subsequently swear-in 23 new Judges of the Federal High Court on Wednesday, the 4th day of October, 2023. In the same vein, on Wednesday, the

20th day of September, 2023, Eight Justices of the Court of Appeal were inaugurated to strengthen the seamless dispensation of justice at the appellate level of adjudication in the country. What has been pending for a very long time; even long before I assumed office in June, 2023, is the appointment of Justices to fill the many vacancies that have been created as a result of deaths and retirements of our brother Justices. For the first time in the history of the Supreme Court, eight Honourable Justices were sworn-in to fill the positions vacated by our esteemed colleagues who retired; as well as enlarging the profile of our judicial strength by increasing the number of Justices to an all-time high number of 20 in November, 2020. That, indeed, was first of its kind in our history. If for anything, that interesting development has, to a large extent, increased our adjudicatory capacity and reduced the number of nights we stayed awake as a result of workload. That in itself was a cherry news to the retinue of appellants that throng the Court on a regular basis.

However, that joyful moment soon paled into lamentation and intense complaints of some sorts from various quarters, as the trend experienced a sudden reversal, owing to the un-fanciful gale of retirement that soon hit the Court, which has, for the very first time in a very long while, brought the number of

Honourable Justices to an all-time low of just 10. Efforts were made by my predecessor to increase the number but that was unsuccessful before he left office. However, the cherry news is that as soon as I assumed office on the 27<sup>th</sup> day of June, 2022, I immediately got down to work on this urgent and immediate need in particular. Though we have not gotten them on board yet, I can convincingly assure the litigant public that within a very short while, the Supreme Court of Nigeria will, for the very first time in its history, get the Constitutionally-prescribed full complement of 21 Justices. That is one of the legacies I have been working assiduously to leave behind as it now seems that the Court has been somewhat 'jinxed' from meeting its Constitutional requirement since that piece of legislation was enacted several years ago.

As we adapt the Courts to stand ready for the future, we must not, in any way whatsoever, neglect the fundamentals that underpin the strength of our jurisdiction. Our Courts should be trusted at home and abroad for the high level of respect for the rule of law and the institutional and personal independence of our judiciary. That ought to serve as a major factor in the attraction of this country as a destination for investment and its reliability as an international partner in all spheres of human endeavour. We actually expected the independence of the judiciary to

be given adequate statutory protection, not just at the Federal level alone but equally at the State level, so that they could be seen to be truly and genuinely independent in all ramifications. The rule of law, with all its well understood facets, has been highly questionable since the advent of democratic governance in 1999. It is noteworthy that reputation can take a long time to establish but can be dissolved and completely destroyed in an instant, sometimes, inadvertently, though.

The rule of law and the holistic independence of the judiciary should always be cherished by all. As the Chief Justice of Nigeria, I will do everything within my ability to make it remain part of my responsibility to nourish. The Judiciary, as it is today, is more deserving of public trust and confidence than ever before; and we are poised to reposition it for effective justice delivery to make our beloved country a destination of note in the observance of the rule of law and tenets of Constitutionalism. Nigeria must move forward in all spheres of life; and we must collectively evolve a society where things must be done right to get the right environment for every right thing to thrive rightly for our collective good.

The countries which, we, today find leading the comity of nations had long ago shattered the shackles that



kept them halted and prevented innovation. There is no gainsaying the fact that research and development are the tools that keep us moving with the pace of the world. If we do not grab on to these essential ingredients of development, we will perpetually lag behind the world. It is yet an unassailable fact that those who remain intransigent to change and improvement never achieve anything meaningful. I have always remained an ardent believer in continuous improvement. As iron had to bear the rigours of fire and hammer before turning into steel, humans need to step outside of their comfort zone to chisel away the dust of lethargy that they gather with time, from their persons.

The Nigerian Judiciary, over the years, has strove assiduously to carve a reputation for great integrity and independence which will ultimately embolden us to act without fear of intimidation or harassment from the other arms of government. We, the members of the judicial hierarchy have, undoubtedly, inherited a legacy of dedicated collective endeavour by the Bench and the Bar by painstakingly establishing an unbroken tradition of high efficiency, perfect integrity and fearless independence. Let me state it clearly here that the true touch-stone for measuring the success of a Judicial Institution is the degree of confidence reposed in it by the public. It is a solemn pledge that we, as a

judicial body, are making at this occasion that we are definitely going to work more assiduously and tirelessly to make our country earn for itself the fullest respect and confidence of both the citizens and the international community. It is germane at this juncture, to reiterate the obvious fact that the judiciary has a special role to play in the task of achieving socio-economic goals enshrined in the Constitution. While maintaining their aloofness and independence, the Judges also have to be fully aware of the social changes in the task of achieving socio-economic justice for the people of our dear country against all odds. I therefore, advise all Judicial Officers serving in our jurisdiction to make books their armour and hard work their armaments to confront the headwinds of ignorance, conservatism and stagnation. It is imperative to know that the world we are, only remembers those who lead from the front and set trends for others to emulate. So, you should never be afraid of setting sails through unchartered territories, provided your knowledge is adequate and your skills are equally well tested.

I wish to reiterate unequivocally that integrity is an essential quality of a Judicial Officer; and he must, as a matter of necessity, exhibit the standards of integrity, morality, and good behaviour which he sets for others. In a situation where a Judge decides a case wrongly out of motives, it shakes the faith of the litigant public; and

by extension, the whole society. Such a Judge, who does not maintain highest standard of integrity, has no right to continue to occupy the Chair as a Judicial Officer. In the same vein, if a Judicial Officer is found to be corrupt, then, he cannot be allowed to hold such a divine Chair of a Judge. It was Socrates, the great Greek Philosopher, who stated, in clear terms, that four things improve a great Judge. These are: "to hear courteously; to answer wisely; to consider soberly; and to decide impartially."

It has been rightly asserted that Judicial Officers, by the nature of their calling, discharge divine functions even though they themselves, as mere mortals, are not divine. I am very much convinced that Judicial Officers at the various hierarchy of Courts in Nigeria are discharging their judicial functions in a befitting manner; but as the Chief Justice of Nigeria, I still strongly desire from all Judicial Officers across Courts to lead a disciplined and principled lifestyle that will enhance their trust and integrity quotient. Judges owe the society a great duty of always deciding cases without fear or favour, affection or ill will, friend or foe. For the umpteenth time, I wish to honestly assure all judicial officers that if you are discharging your functions as an upright judicial officer by genuinely following the norms, then you have no cause to be afraid or feel intimidated by the often

complaints or vitriolic attacks made by persons having vested interest.

However, I expect every judicial officer to work very hard and also be very honest and courteous to the litigants, witnesses and members of the Bar, and discharge all your judicial functions with all the humility at your command. Even while doing this, it is still necessary to have at the back of your minds that public opinions, sentiments or emotions can never take the place of the law in deciding the cases that come before you. The law remains the law, no matter whose interest is involved. In all we do, as interpreters of the law, we should endeavour to sever the strings of emotion from logic and assumption from fact. We should never be overwhelmed by the actions or loud voices of the mob or crowd and now begin to confuse law with sentiment or something else in deciding our cases. Nevertheless, unnecessary and unwarranted utterances are bound to embarrass not only others, but the Judge himself; thus what should be asked, should be asked, and what should not be asked, should be avoided. I admonish our Judges to, as usual, receive what is tendered in Court and eschew what is against the Law and facts after thorough analysis and assimilation both in and out of Court, which exercise is, of course, part of Judgeship.

The Caesar's wife must be above board! Your image and reputation both inside and outside the Court must be pristine and crystal clear to all and sundry. Like said earlier, be bold in all your judgments by deciding cases without fear or favour, because fear and favour come in many hues and colours. For instance, fear of one's own past, of peer pressure, of public criticism, etc. Like some people often misconstrue, favour does not only come in monetary term, but also through nepotism, personal bias and prejudices. We should all know that if the faith of the people is to be maintained in the Judiciary, then the river of judicial process has to be kept pure. On that basis, we must eschew fear and favour at all cost. If the people think your judgment is biased, is tainted, is partial, they would doubt the judicial process and the river of justice will stand contaminated. No doubt about that!

Therefore, it is our solemn responsibility to keep the river clean at all times. Needless to say that impartiality is the hallmark of a Judge. So, I admonish all of us to always be impartial in all our judgments. I am saying all these now because I will never have this great privilege and opportunity to address the galaxies of legal luminaries, judicial icons and distinguished personalities in the justice sector of our dear nation in another legal year of the Supreme Court as Chief Justice of Nigeria in my entire lifetime.

The Corruption and Financial Crime Cases Trial Monitoring Committee (COTRIMCO) was inaugurated in 2018 by the former Chief Justice of Nigeria, Hon. Justice W.S.A Onnoghen, GCON, with the sole aim of fast-tracking the trial of corruption and financial related crimes in the country. The Committee, which is headed by a retired Justice of the Supreme Court, Hon. Justice Suleiman Galadima, CFR, has been working assiduously with various heads of Courts, to ensure that there is a remarkable rise in the dispensation of corruption and financial crime cases in the country. With the impressive effort they put in during the last legal year, some commendable results were achieved in the disposal of cases. This achievement was brought about as a result of increased and continued vigilance of the Committee. The two leading anti-graft agencies in the country have also been trying to amplify the war against corruption. The ICPC was able to successfully secure a total number of 10 convictions while the sister agency, EFCC was able to secure 1,094 convictions within the same period under review.

The matters filed at the Supreme Court from the 12<sup>th</sup> day of September, 2022 to the 11<sup>th</sup> day of July, 2023, are 1,271, comprising of motions and appeals. Out of these, we heard 388 political appeals, 215 criminal appeals, and 464 civil appeals. Similarly, the court considered a total number of 49 criminal motions, 153

civil motions, and 2 political motions. Between the 30<sup>th</sup> day of September, 2022 and the 11<sup>th</sup> day of July, 2023, the Supreme Court delivered a total number of 251 judgments. Out of these, 125 were political appeals, 81 were civil appeals and 45 were criminal appeals. Within the period under review (precisely 10 months' duration), a total number of 91 Rulings were delivered by the Honourable Court. To a very large extent, I will confidently say that this score-card is impressive, fascinating and appreciable in view of the unpleasant events that dotted the legal year, especially the attenuating number of Justices on the Supreme Court Bench, which has to do with some challenges that could not easily be surmounted by one arm of government alone. I attribute the tremendous successes recorded in the course of the last legal year by the Honourable Court to the doggedness exhibited by my industrious and team-spirited brother Justices and the general staff.

Even as we celebrate the successes recorded in the past legal year in the disposal of cases, I would like to admonish all Nigerians on the imperative of being less litigious and be more disposed to alternative dispute resolutions to free the courts of this unnecessary overstretching of both human and material resources. I have made it clear at different occasions that it is not every dispute that must find its way to the court; and it

is not every matter that must come up to the Supreme Court on appeal. Our laws have to be amended to make most appeals to end at the Court of Appeal, which is competent, dexterous and well-equipped with the right materials and manpower to adjudicate effectively and resourcefully. In every dispute, only one party must win; and winning could come after intense legal fireworks that is transparent and based solely on subsisting laws of the land. We cannot import foreign laws to try our cases here, as some litigants would erroneously and desperately want us to do in the quest to get victory.

If we really want to make progress as a nation and collectively build a virile legal framework that will serve our interest to the best of its ability, we must begin to have a change of attitude. We are not only here to celebrate the new legal year but to equally speak truth to ourselves and also purge ourselves of most of our wrongdoings and misadventures. The agglomeration of all these problems and mind-set has, largely, accounted for the several appeals that are currently pending in the Supreme Court and the Court of Appeal, too. The good news I would like to share here again, is that the Alternative Dispute Resolution (Mediation) Centre of the Supreme Court has been fully furnished and equipped with both materials and personnel.



inaugurate the Centre for full operation. So, we should begin to take advantage of alternative dispute resolution mechanisms to resolve some of our disputes with a view to cutting down the cost of litigation and also free the Courts from case-overload.

On the 15<sup>th</sup> day of February, 2023, I issued the Supreme Court Pre-Election and Election Appeals Practice Direction, 2023. That came on the heels of the inauguration and training of hundreds of Election Petition Tribunal Members that were billed to adjudicate on all petitions emanating from the 2023 general elections and the succeeding off-cycle elections in the country. All the tribunals across the country have endeavoured to work assiduously to deliver judgments within the time permitted by the Electoral Act and allied subsisting legislations. I commend them for conducting themselves within the ambit of the law. However, I expect members of the public who have any complaints bordering on any form of untoward behaviour or misapplication of the law by any member of the tribunals to channel such to the National Judicial Council for prompt action, as I will not condone any form of malfeasance or nonchalance from any judicial officer in the tribunal or regular Court.

My Lords, distinguished invited guests, ladies and gentlemen, as we all know, the rank of Senior Advocate of Nigeria comes with so much prestige and greater responsibilities, too. Those conferred with the rank automatically become members of the Inner Bar and Apostles of the Temple of Justice. It is an honour no conferee can afford to take for granted. The Legal Practitioners' Privileges Committee had painstakingly screened and diligently assessed all the documents submitted by the applicants before arriving at its decision. Even though there is no human system that could be adjudged to be infallible, however, with the effort and commitment invested in the exercise by the Committee, I can say confidently and assuredly that they have done remarkably well. I sincerely appreciate your dedication, commitment and sacrifice throughout the duration of the screening, inspection, interview and final announcement exercises. The Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria and All Matters Pertaining to the Rank, 2022, require very high standards of merit from all the applicants vying for the award. Every requirement contained in the guidelines was observed before arriving at the final list.

The number of applicants for 2023 Senior Advocate of Nigeria Award was 114. Out of this number, 101 are advocates and 13 are academics. The total number of

qualified applicants shortlisted after the Advocates 1<sup>st</sup> and 2<sup>nd</sup> Filtration Stages, Academic Pre-qualification, Academic 2<sup>nd</sup> Filtration Exercise, the Independent Appeals Hearing and Chambers Inspection Exercise, etc., was 69; comprising 57 advocates and 12 academics. After conducting the specified screening and filtration exercises which include a number of appearances in superior courts, recommendations by Hon. Justices of the Supreme Court and Hon. Judges of superior courts, Chamber inspections; approval on eligibility and integrity of the candidates from the Nigerian Bar Association, Body of Senior Advocates of Nigeria and, of course, the general public, amongst others, the LPPC came up with 58 successful candidates who, by all standards, can be regarded as eminently deserving of the rank of Senior Advocate of Nigeria. Out of this number, 57 are advocates while one is an Academic. This is, indeed, heart-warming and exciting; particularly for those who have accomplished this remarkable feat.

On behalf of my learned brother Justices of the Supreme Court and members of the Legal Practitioners' Privileges Committee, I sincerely congratulate the 58 successful Senior Advocates that have just been sworn-in. No success comes easy in life because a lot of sacrifices and hard work are often invested. You have laboured so hard for it, so you

*deserve every privilege, honour and pride that comes with the rank. The LPPC deserves enough commendation for endorsing the elevation of these eminent 58 Legal Practitioners who have, from all indications, show-cased unassailable professionalism and excellence in legal practice.*

As Senior Advocates of Nigeria, you now carry heavy burden on your shoulders. From the moment you leave this Courtroom, everything in you and about you will now be freely scrutinized and dissected by everyone that comes in contact with you. There is nothing like private life for you henceforth, as whatever you hitherto regarded as private life will now be treated as public life by members of the public; and there is nothing you can do about it. So, watch your utterances, watch your actions and watch the kind of company you keep, because you have already assumed the role of Ministers of the Court, as you are now expected to assist the Court to attain justice, equity and fairness in all ramifications. You must display enormous integrity self-discipline and high standard of advocacy as custodians of justice. The privilege you are conferred with today does not, in any way, make you superhuman because humility and self-control still remain the essential tools to engage in wrestling the

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become mere casual visitors to courtrooms, as they now see themselves to be too big to appear in court. I am using this very important occasion to tell you all that this is the most auspicious time to make your presence regular and significant in the court.

Before I end my speech, I would like to express my warm gratitude and appreciation to everyone that has decided to be physically present here today to witness this very important programme heralding the 2023/2024 legal year. We are very grateful to you all for according us this great honour, even at the expense of your very demanding schedules. I also wish to express my appreciation to the Hon. Minister of Justice and Attorney General of the Federation, Prince Lateef Fagbemi, SAN; the Chairman of the Body of Senior Advocates of Nigeria; the President of Nigerian Bar Association, Hon. Yakubu Makyau, SAN; and, of course, the spokesperson for the newly conferred Senior Advocates of Nigeria, Mr. Felix Ota Offia, SAN for graciously accepting our invitation to address this very important gathering.

Thank you very much for spending your precious time with us. I wish you all journey mercies back to your respective destinations.