

EXECUTIVE REPORT BY MAZI AFAM OSIGWE, SAN, PRESIDENT OF THE NIGERIAN BAR ASSOCIATION AT THE NATIONAL EXECUTIVE COUNCIL MEETING OF THE NIGERIAN BAR ASSOCIATION HELD AT AKURE, ON THURSDAY, FEBRUARY 6, 2025.

Protocol

I welcome all members of the National Executive Council and other members of our great Association to the second NEC Meeting under our administration. I welcome particularly, the co-opted NEC members who are attending this meeting for the first time. I therefore welcome all of us to the beautiful, serene, and fun city of Akure, the **capital city of Ondo State**, located in southwestern Nigeria, well known for its rich Yoruba culture and traditions.

We thank Almighty God for granting us journey mercies to Akure for this meeting and we give Him all the glory for making it possible for us to gather here today to participate in this meeting. We thank the members of all branches of NBA in Ondo State, particularly Akure branch, who went to a great extent to host this meeting. They have indeed made elaborate arrangements not only to ensure that the meeting of the Association is held smoothly but also to ensure our comfort and safety.

In line with the decision of the last NEC meeting held in Enugu on November 7, 2024, the list of co-opted members has been circulated, and same has been done for the list of all constituted committees. As contained in the public notice there will be no formal inauguration of the Committees as the Committees are deemed to be inaugurated.

In the course of the past three months, we have represented the Association in various events and have also issued statements on many issues of public interest. Some of the events include the following:

1. On Thursday, 14th November 2024, we attended the Young Lawyers Forum Abuja branch Summit with the theme, "Limitless Possibilities". At the event, I emphasized the pivotal role of Young Lawyers in shaping the future of the legal profession. I noted the importance of equipping young lawyers with modern tools, knowledge, and networks to enable them to explore and excel in diverse areas of practice.
2. On the 25th of November 2024, the NBA President alongside members of the 2025 Annual General Conference Planning Committee led by Chief Emeka Obegolu, SAN unveiled the logo and theme for the 2025 Annual General Conference of the Nigerian Bar Association tagged "Stand Out, Stand Tall", scheduled to take place in Port Harcourt, Rivers State from 22nd to 29th of August, 2025.
3. On the 26th of November 2024, we officially declared open the 16 Days of Activism Against Gender-Based Violence, an annual global campaign dedicated to ending violence against women and girls. The event, which

was organized by the NBA Human Rights Institute, culminated in the grand celebration of International Human Rights Day, reinforcing the NBA's commitment to the protection and promotion of fundamental human rights in Nigeria.

4. On the 26th of November 2024, we also attended the opening ceremony of the International Federation of Women Lawyers (FIDA) Nigeria Triennial Conference. The event, which marked the 60th anniversary of FIDA Nigeria, brought together distinguished legal professionals, policymakers, and stakeholders from across the country and beyond to celebrate six decades of dedicated advocacy for women's and children's rights.
5. We attended the 2-day Security and Justice Symposium organized by the National Counter Terrorism Centre, Office of the National Security Adviser (ONSA), in collaboration with the British High Commission, in Abuja, on the 26th and 27th of November, 2024. The Symposium, with the theme: 'Securing Peace, Ensuring Justice, Protection, Conduct and Accountability,' which aimed at analysing the balance between security operations and the justice system, brought together stakeholders.
6. We attended the special court session to mark the opening of the 2024/2025 legal year of the Federal High Court held on the 2nd of December, 2024. At the event, I emphasized the urgent need for reforms, including modernizing court filings system, addressing delays, enhancing judicial independence, and ensuring the welfare of our judges and judicial staff. I also highlighted the importance of combating unethical practices like forum shopping and reiterated the NBA's commitment to fostering a justice system that Nigerians can rely on and trust. Particularly, I highlighted the dangers of the frequent transfer of judicial officers. I also emphasized the dangers of forum, division, and judge shopping. I stated,
“It is now a common belief that litigants and their lawyers, not only shop for judicial divisions for their cases but sometimes also shop for judges. Shopping for judicial divisions or judges, where this happens, must be treated as proof of an attempt to corrupt judges or actual corruption of judicial officers. Forum shopping, whether by choosing judicial divisions or judges to obtain favorable outcomes, must also be treated as an attempt to compromise the independence of the judiciary. Indeed, it is clearly an indication not to observe the rule of law, promote and foster the cause of justice, and maintain a high standard of ethical conduct by the persons involved in it. It suggests a deliberate attempt to manipulate the process of justice, which is tantamount to corrupting judicial officers or even outright corruption. We unequivocally condemn this practice and are committed to collaborating with the judiciary to eradicate it. Lawyers who engage in forum shopping not only violate the ethical codes that govern our profession but also erode public trust in the legal system. Such conduct should not be tolerated”.
7. We joined the Yiaga Africa election Study mission to Ghana for the 2024 general elections that held on December 7, 2024 to observe Ghana's ninth

Presidential and parliamentary elections. I was part of the Yiaga Africa election study mission deployed to observe the elections following the Electoral Commission of Ghana (EC) accreditation. The 12-person delegation, led by Dr Aisha Abdullahi (former African Union Commissioner of Political Affairs), included legislators, academics, civil society leaders, legal experts and media practitioners from Africa. The election produced H.E. John Dramani Mahama as President of Ghana.

8. To commemorate the International Anti-Corruption Day with the theme, “Uniting with Youths against Corruption: Shaping Tomorrow’s Integrity”, on Monday, 9th December 2024, I granted a Press Briefing where I called on Nigerians and members of the legal profession to take affirmative steps towards eradicating corruption. Describing corruption as a complex phenomenon involving fraud, embezzlement, illicit financial flows, administrative malpractice, mismanagement of public resources, lack of transparency, and impunity in public service, I asserted that a corruption-free society is achievable if all stakeholders work collectively. I stated,

“Corruption is undoubtedly the most potent threat to governance and development. It undermines democracy, creates unstable governments, sets countries back economically, and disproportionately affects the poorest and most marginalised people. Notably, our nation has been plagued by corrupt practices such as budget padding, rampant kidnapping, and the illicit enrichment of public officials.”

I equally highlighted the significance of this year’s theme, stating that the fight against corruption is not the sole responsibility of policymakers, activists, and enforcement agencies but also rests heavily on today’s youth.

9. The NBA President was one of the guests at the Annual Judges Conference of the Court of Appeal held in Abuja on the 9th of December 2024 where he emphasized the importance of judicial independence, the integration of technology to improve efficiency, and the urgent need to tackle systemic issues, such as delays in justice delivery and the misuse of appellate processes.
10. We attended the NBA Anti Money Laundering Committee and African Centre for Governance, Asset Recovery & Sustainable Development (African Center) zonal workshop on Anti-Money Laundering and Counter-Financing of Terrorism (AML/CFT) Legal Sector Risk Assessment in Abuja. The workshops, launched in multiple zones across the country were designed to equip legal professionals with essential knowledge and tools for navigating the complex landscape of financial crime prevention.
11. On December 12, 2024 the Nigerian Bar Association Anti-Money Laundering Committee (NBA AMLC), in collaboration with the African Center and ANEEJ with support from the UK Foreign, Commonwealth and Development Office (FCDO) hosted a Hybrid Training Program for NBA

Branch Executive Chairmen. The training equipped participants with the tools and knowledge needed to enhance compliance and ethical leadership within the legal sector.

12. We received in audience the leadership of the Business Recovery and Insolvency Practitioners Association of Nigeria (BRIPAN) on the 12th of December 2024 where we pledged stronger collaboration with the association to foster the growth and development of Lawyers.
13. We signed a Memorandum of Understanding with **CIG Motors**, a subsidiary of GAC Motors, to provide subsidised vehicles to **NBA** members. Partnership with GIC Motors offers NBA members access to a variety of vehicles designed to provide comfort, safety, and reliability. CIG Motors offers a diverse fleet of vehicles, carefully tailored to suit the varying needs of its users, ensuring both quality and performance. This partnership signifies a step towards affordable mobility solutions for NBA members while strengthening local industry ties.
14. The NBA President received in audience members of the National Litigation Committee of the Nigerian Bar Association at the NBA House on the 7th of January 2025. The committee briefed him on their activities, particularly their commitment to protecting the rights of all lawyers across the country.
15. The newly elected leadership of the Muslim Lawyers' Association of Nigeria (MULAN), FCT Branch, led by its Chairman, Al'Bashir Likko, Esq., paid a courtesy visit to the President of the Nigerian Bar Association (NBA), Mazi Afam Osigwe, SAN. During the visit, the MULAN FCT delegation formally introduced their new executive team to the NBA President and expressed their commitment to fostering collaboration between MULAN and the NBA in advancing the interests of the legal profession. The NBA President congratulated the newly elected MULAN FCT leadership on their successful election and commended their efforts towards enhancing the unity and professional development of Muslim lawyers in the Federal Capital Territory. He assured them of the NBA's support in advancing initiatives aimed at fostering inclusivity, diversity, and professional excellence within the profession.
16. In a significant move, we secured the release of Kelvin Okorie from police custody following the intervention of the National Litigation Committee of the Nigerian Bar Association (NBA). Okorie, who had initially been detained by the Nigerian Navy, was transferred to the Nigerian Police on January 11, 2025, following direct intervention by the NBA. The intervention came after a high-level visit by the President, some members of the of the NBA National Executive Committee and National Litigation Committee, to the Chief of Defence Staff on Wednesday, January 7, 2025. During this meeting, I made a formal demand for Okorie's immediate release, emphasizing that if he was to be accused of any crime, he should be formally charged in court. This demand led to Okorie's transfer to police custody and his eventual release. The NBA's National Litigation Committee, which played a key role in ensuring Okorie's release, had members present at the police station

during the event. Among them were B.O. Nafagha and Israel Elijah, alongside the committee's secretary, Isah Abubakar Aliyu. Mr. Aliyu confirmed that Okorie has been successfully reunited with his family. This swift and effective intervention underscores the critical role of the NBA in defending legal rights and upholding the rule of law in Nigeria. It serves as a reminder of the association's commitment to ensuring that due process is followed and that no individual is unjustly detained without formal charges or legal recourse. The NBA's actions in this matter further highlight its ongoing dedication to promoting justice and human rights across the country.

17. On Monday, January 13th, 2025, I received in audience Mr. Kelvin Okorie, the Port Harcourt-based lawyer who was released from detention by the Nigerian Navy following the swift intervention of the NBA. Mr. Okorie, who had been unlawfully detained for an extended period, expressed his profound gratitude to the NBA for its relentless efforts in securing his freedom. He acknowledged the Association's commitment to protecting the rights and welfare of its members and ensuring that justice prevails.
18. On January 15, 2025, we attended the 21st Anniversary of Fawehinmiism, the Gani Fawehinmi Annual Lecture, organized by the Nigerian Bar Association (NBA), Ikeja Branch. Themed "Nigeria: 15 Years After Gani," the lecture provided a powerful platform for reflection on the life, legacy, and enduring contributions of the late Chief Gani Fawehinmi, SAN. In my speech, I charged the audience to imbibe the virtues that defined Chief Gani Fawehinmi noting that his life was a testament to the power of standing firmly for what is right, regardless of the challenges or opposition faced. I also noted that Chief Gani's dedication to championing the rights of the downtrodden and his bold advocacy for good governance remains an inspiration to all of us.
19. The NBA President on Tuesday, January 21, 2025, received the newly elected executive members of FIDA Nigeria, led by the Country Vice President, Eliana Martins FICMC, to the NBA House. The President assured them of NBA's support in advancing gender justice and child protection in Nigeria and reaffirmed our commitment to fostering an inclusive legal profession where women and children can thrive.
20. On Friday, 24th January, 2025, the NBA President received the leadership of the Institute of Chartered Accountants of Nigeria (ICAN), led by their President, Mr. Davidson Chizuoke Stephen Alaribe. The discussion centered around the vast opportunities for collaboration between the Nigerian Bar Association (NBA) and ICAN in promoting accountability, transparency, and good governance in Nigeria. I expressed the Association's readiness to partner with the Institute of Chartered Accountants of Nigeria (ICAN) in advancing accountability and good governance across all levels of government. I emphasised that the NBA would play a vital role in holding governments accountable, ensuring that public expectations are met through responsible budgeting and execution.

I made it clear that the NBA is open to identifying areas of mutual interest with ICAN to foster national development and accountability. The meeting ended with both parties reaffirming their commitment to working collaboratively on various projects that will advance accountability, fiscal responsibility, and ethical leadership in Nigeria.

REQUEST FOR APPROVAL AND RATIFICATION

1. Request for approval to nominate Olorogun Albert Akpomuje SAN as Vice Chairman of BOB

Nomination of a member of the Bar to be the next Vice Chairman of the Body of Benchers. The Bar is expected to nominate a candidate in March 2025, to fill the vacancy that will occur in the position of Vice Chairman of the Body of Benchers. We shall be proposing the resolution of NEC to nominate Olorogun Albert Akpomuje SAN, Life Bencher as Vice Chairman of the Body. He is the most senior Life Bencher from the Bar in the line of succession to the position. We therefore seek the resolution of NEC to nominate Olorogun Albert AKpomuje SAN as Vice Chairman of the Body of Benchers when a vacancy occurs in that position.

2. Request for Ratification of Mandatory Continuing Professional Development (MCPD) Rules, 2025

Mandatory Continuing Professional Development: Pursuant to our resolve to ensure that only lawyers who, in addition to payment of their annual Bar Practicing Fees (BPF), have fulfilled the requirements of the Continuing Professional Development Programme (MCLE) for the year under the Rules made by the Association, are licensed to practice law in Nigeria, we shall be presenting the draft "Mandatory Continuing Professional Development (MCPD) Rules, 2025" for approval by NEC. The Draft Rules are made pursuant to Rule 11(6), Rules of Professional Conduct for Legal Practitioners 2023 and shall be cited as the Mandatory Continuing Professional Development (MCPD) Rules, 2025. The Rules will regulate mandatory Continuing Professional Development (CPD) Programme operated by the Nigerian Bar Association. NBA Institute of Continuing Legal Education (ICLE) shall therefore accredit service providers and courses/programs in this regard

The purpose of Continuing Professional Development is to-

1. regulate the activities in which a lawyer is required to participate in for the purpose of the CPD Programme of the Nigerian Bar Association, which includes-
 - a) fix the number of credit hours of participation in the mandatory continuing professional development required of a legal practitioner;
 - b) determine the types of activities and studies that are acceptable for earning the credit the mandatory continuing professional development required of a legal practitioner;

- c) determine persons that may be exempted from the requirements of the Programme;
- d) other matters which in the opinion of the Nigerian Bar Association are necessary for the proper operation of the Programme;
- e) accredit and approve lectures, seminars, workshops and conferences on law approved by the Nigerian Bar Association;
- f) approve writing on the law and its practice in books or Journals and Newspapers approved by the Nigerian Bar Association;
- g) approve study towards professional qualifications approved by the Nigerian Bar Association; and
- h) regulate other approved means of acquiring legal professional knowledge and experience.

A lawyer shall be certified as having satisfied the requirement of the CPD Programme if, and only if, during the relevant year he earns five (5) credit hours of participation in the Programme required under or pursuant to these rules or guidelines made by the Nigerian Bar Association. We therefore seek NEC's approval for the Rules which was circulated to NEC members more than two weeks ago.

3. Request to Approve NBA Regional Disciplinary Panels Procedure Rules

In the light of the approval by NEC to appoint NBA Prosecutors to Prosecute Matters at the LPDC as well as Constitute Disciplinary Panels for the six geo-political regions in Nigeria, we hereby propose the approval of the NBA Regional Disciplinary Panels Procedure Rules. The Rules will make it easy for the Panels to dispose of petitions against legal practitioners by largely conducting a document only hearing (investigation) and a limited virtual hearing for the clarification of any issue that may require a hearing. The disposal of these petitions will make it easy for the NBA to present cases against legal practitioners where a prima facie has been made out as well as prosecute the same. The assumption of investigative and prosecutorial powers by the Nigerian Bar Association (NBA) is based on Section 11(1)(e) of the Legal Practitioners Act. This provision grants the NBA the authority to appoint a legal practitioner to investigate allegations of breaches of the Rules of Professional Conduct against a legal practitioner and to make a determination on whether to present a case before the Legal Practitioners Disciplinary Committee (LPDC) in relation to such allegations. We therefore seek approval of NEC to approve the draft Rules which has been circulated so as to set uniform standards for the Disciplinary Panels for the six geo-political regions in Nigeria.

STATE OF THE LEGAL PROFESSION

4. **Mr. M.M.A. Sanni, then Chairman of the Nigerian Bar Association (NBA) Eti-Osa Branch:** We received with shock the the tragic and avoidable death of Mr. M.M.A. Sanni, then Chairman of the Nigerian Bar Association (NBA) Eti-Osa

Branch, who lost his life in a fatal road accident on December 12, 2024, on the Apapa-Oshodi Expressway. A fact-finding committee constituted by the NBA Eti-Osa Branch has uncovered deeply troubling irregularities in the investigation being conducted by the police. These revelations not only undermine the integrity of the police investigation but also risk eroding public trust in the ability of law enforcement to deliver justice. Based on the available facts, the NBA is led to believe that the conduct of the assigned Investigating Police Officer (IPO), Inspector Babatunde Steven, coupled with the clear lapses in due process, indicates an attempt to shield those responsible and obstruct the course of justice.

5. Troubling Findings and Irregularities:

- a. **Negligence in Identifying the Truck Owner and Driver:** The NBA Eti-Osa fact-finding committee in company of the IPO, inspected the MACK truck revealing documents in the driver's cabin linking it to past haulage operations, including Equipment Interchange Receipts and Terminal Delivery Orders containing the names of drivers and registration details. This directly contradicts the IPO's claim of difficulty identifying the truck's owner. This failure to act on clear evidence raises serious concerns about deliberate negligence.
 - b. **Unlawful Discharge of the Honda Civic Driver:** The driver of the late Chairman, who was a key witness, was discharged from LUTH without proper authorization or police clearance. The IPO has provided no information on the driver's current whereabouts, further casting doubt on the integrity of the investigation.
 - c. **Perceived Attempts at a Cover-Up:** The lack of follow-up on leads, the failure to apprehend the truck's owner or driver, and the inexplicable discharge of the Honda Civic driver all suggest attempts to shield culpable parties. These actions undermine the credibility of the police investigation and the justice system.
 - d. **Systemic Failures in Emergency Medical Care:** Mr. Sanni's death was compounded by systemic failures in healthcare. Both Gbagada General Hospital and the Accident and Emergency Centre refused to treat him due to an industrial strike. Such lapses in emergency medical response are unconscionable and must be addressed urgently.
6. We wrote a letter to the Lagos State, Commissioner of Police to cause a detailed investigation to be conducted in this matter with utmost urgency and professionalism, as our members reasonably believe that this matter has not been professional and thoroughly investigated. It is also suggested that we consider bringing legal action against the hospital that refused to give our dear departed colleague immediate medical attention that may have saved his life. Action may also be considered against the Police about the handling of the investigation into the recklessly abandoned truck that caused Mr. Sanni's death.

7. **Harassment and Intimidation of Lawyers by law Enforcement Agents:** Some law enforcement agents, particularly the police, have unfortunately adopted a reckless and indifferent attitude in their dealings with both the citizenry and legal counsel representing them. Increasingly, they obstruct lawyers from effectively representing their clients through abuse, hostility, intimidation, violence, arrest, detention, and even arraignment on trumped-up charges. Their blatant disregard for fundamental human rights has taken a disturbing turn, with lawyers being arrested and detained simply for acting on behalf of their clients at police stations. This appears to be part of a deliberate pattern by some law enforcement agents to harass and intimidate lawyers in the lawful exercise of their professional duties.
8. It is difficult to comprehend the justification for the hostility, intimidation, aggression, and violence sometimes meted out by police officers and other security agents against lawyers advocating for suspects. This recklessness is particularly alarming in light of the clear provisions of the Administration of Criminal Justice Act, 2015, which mandates that a police officer or any person making an arrest must inform the suspect of their rights to:
- a) Remain silent or refrain from answering questions until after consulting with a legal practitioner or any other person of their choice;
 - b) Consult a legal practitioner of their choice before making, endorsing, or writing any statement, or answering any questions after arrest; and
 - c) Free legal representation by the Legal Aid Council of Nigeria, where applicable.
9. The hostility and, at times, outright violence displayed by the police towards lawyers raises serious concerns about the manner in which investigating officers obtain statements from suspects. The police's unwillingness to accommodate legal representation underscores the urgent need for protective measures to ensure that police interrogations adhere to constitutional safeguards against self-incrimination, torture, and coercion. Courts must, as a matter of urgency, insist that where an interrogation is conducted, and a statement is taken without a lawyer present and without full warnings of constitutional rights, the burden must rest heavily on the police or the investigating agency to prove that the defendant knowingly and voluntarily waived their right to counsel.
10. The case of Kelvin Okorie, among many others, is a stark reminder that we must remain vigilant in ensuring that lawyers are neither harassed nor intimidated while performing their professional duties. The Bar must take this as a wake-up call to provide adequate protection for lawyers against workplace hazards and abuses by:
- Insisting on the prosecution and disciplinary action against errant officers;
 - Naming and shaming officers responsible for such misconduct;
 - Establishing a network of volunteer lawyers as a rapid response team;
 - Setting up a toll-free hotline for coordination;

- Conducting public enlightenment campaigns; and
- Pursuing public interest litigation.

The NBA must also strengthen its Human Rights Committee by establishing a Human Rights Attorney Support Network, which will function as a Rapid Response Team whenever a lawyer's rights are threatened or violated. This network will comprise lawyers willing to provide free legal assistance to colleagues and Nigerians facing work-related hazards and abuses. The network will engage in direct intervention, legal representation, advocacy, rights enforcement, disciplinary action against errant officers, and public enlightenment initiatives.

11. Forum shopping and Judge shopping by Lawyers: We are worried by a recent trend where lawyers file matters before the Federal High Court, in situations where the Court would appear not to have jurisdiction to entertain such matters. It is, therefore, disheartening to observe instances where the Court has entertained matters falling outside its mandate, thereby encroaching upon the jurisdiction of other courts and in some cases giving rise to conflicting decisions by this Court and state High Courts with respect to the same subject matter. This trend, if not decisively addressed, poses a significant threat to the integrity of our judicial system. It risks creating a scenario where litigants deliberately make the Federation, the Federal Government or any of its agencies to justify bringing a matter before this Court, when in fact such matters have no business either in this Court or some chosen jurisdiction, particularly, Abuja. Such deviations disrupt the delicate balance of our judicial architecture and create jurisdictional conflicts that frustrate litigants, bring about uncertainties waste judicial resources and time and give a bad image to our courts. The Federal High Court and indeed every court must remain true to their statutory and constitutional mandate and resist the temptation to expand their reach into matters designated for other courts.

12. Judicial Independence and Autonomy: We are faced with embarrassing and indeed humiliating situations where Governors and other public officers now publicly show benevolence by handing over cars, buildings and other gifts to judicial officers as if they were doing them favours. The executive arm of government has no business directly providing the judiciary with its needs, as such gestures undermine the autonomy of judges. It is unconstitutional for members of the executive arm of government or Governors to give gifts to judges. The judiciary should decline such acts of "benevolence," as the judiciary or judges must not condone practices with potential hidden agenda. In any situation where a governor gathers judges or brings a Chief Judge or any judicial officer whatsoever to display to the public that he or she giving them cars or building courts of residential quarters for them as if he/she is doing them a favour, it should be condemned and rejected. It is unconstitutional, it is demeaning, and it takes away from the independence of the judiciary. The judiciary should be able to manage its budget and acquire what it needs without being subjected to these public displays that diminish its independence. The executive cannot demean the legislature in the manner it had been demeaning the judiciary by

giving gifts to it. If judicial needs are budgeted items, they should be handled within the framework of judicial independence. Anything outside of this demeans the institution. Such acts of benevolence must be rejected; they should not tolerate practices that could have ulterior motives, whether such motives are apparent.

13. There must be an end to the notion of executives being seen as a “big brother” to the judiciary in determining what it gets. Budgetary allocations for the judiciary should go through proper channels and must not be handed out like gifts, which is “humiliating” and “takes away from their independence. If the judiciary needs anything, it should be put in the budget of the Judiciary and the judiciary should be allowed to handle such matters. At all times we must all ensure that Judicial independence is not only guaranteed but actualized. The judiciary must be insulated from political, financial, or social pressures that may compromise its role as an impartial arbiter. Judges must remain steadfast in their commitment to justice, free from undue interference. Equally, judicial officers who deviate from ethical and professional standards must be held accountable to maintain public confidence in the system. We must make a conscious decision to ensure that judicial officers who give decisions that neither accord with laws, facts, or judicial precedents are seen off the bench, and ensure that lawyers who are involved in such cases are equally disciplined.
14. **Dressing by lawyers:** The Chief Justice of Nigeria, Body of Benchers and indeed many lawyers have variously condemned the despicable and embarrassing dressing by some lawyers. It is no secret that many of our colleagues wear slippers to court, or wear shoes without socks, or wear sports socks or sneakers to court. Some others wear brown shoes or other colour of shoes to court that are not the regulation black shoes. Some even wear colours of suits, trousers, shirts and jackets that are not of the prescribed colour for lawyers. Such lawyers appear to have embraced a culture of anything-goes. They forget that over 80% of people form their first impression of a lawyer based on appearance. They forget poor dressing by lawyers reflect negatively on the justice system and the legal profession.
15. As some people say it is not just about looking sharp; it is about wearing the right lawyer outfits. Wearing wrong or casual outfits to courts, client meetings or professional meetings undermines public confidence and respect for our profession. The legal profession is more than just about black suits or other regulation dresses and shiny shoes but encompasses professional appearance and the justice system's standards. Our dress should scream professionalism to subtle power ties that make statements without saying a word. What lawyers wear is crucial in setting the tone for their day-to-day interactions, courtroom presence, interactions with judges, and pursuit of justice. NBA Branches should therefore set up Committees to monitor the dressing of lawyers in courts and ensure that lawyers dress appropriately. We, therefore, seek NEC approval to direct

branches to constitute committees to monitor and enforce the proper dress code by lawyers in court and other business meetings of the Bar.

16. **Directive for active involvement in Domestic and Gender-Based Violence matters:** Domestic and gender-based violence is on the increase in our society. The Bar must not be left out in the fight against this. We should all get more and more involved. We should partner with or collaborate with law enforcement agencies, the government, civil society organizations, and the public.
17. **Compliance with Anti-money laundering laws:** In the context of international money laundering and terrorist financing, lawyers are viewed as “gatekeepers” to the domestic and international monetary system. Some believe that the special relationship between lawyers and their clients gives lawyers an early inside view into crimes that could make their insights invaluable in the war on domestic and international criminal activity. Indeed, the confidentiality obligations of lawyers make them particularly attractive to those who desire to engage in money laundering activities. Lawyers, like all other individuals, should not carry out illegal activities. As the traditional role of lawyers is that of defender of justice and representative of individuals before the law, the fall-out from lawyers being involved in corrupt practices can be far greater than that of other professions, and rightly so. The recent legislative changes in the Money Laundering (Prohibition) Act, of 2022 now take a far broader view of what would be considered a corrupt activity. Failing to report suspicious activity and letting a client know that you have informed the NBA Anti-Money Laundering Committee (NBA-AML) about their behaviour are now considered part of the bundle of illegal or corrupt activities. It is these requirements that are having an important effect on lawyer-client privilege and an analysis of this forms part of this report. Rule 1 of the Rules of Profession Conduct for Legal Practitioners stipulates that a ‘A lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and shall not engage in any conduct which is unbecoming of a legal practitioner. The Bar fails in her duties to society and the cause of justice when it condones, encourages and or fails to take definite actions to eliminate corruption and corrupt practices among its members or condones any form of tyranny from any arm of government.
18. **Adoption of E-filing and case Management:** I note that the National Judicial Council (NJC) has revved up the Judicial Reform in the following areas (Case Management and scheduling with time slots, notification to Lawyers of adjournments, enforcement of the use of NBA email address in the filing of all processes, and customised email address for all court registries). The adoption of NCMS is gaining momentum nationwide. Already Borno, Bayelsa and Delta State High Courts are effectively onboarded into the platform. The courts on course for the next onboarding are Niger and Taraba state High Courts. The process has also commenced for Ogun State and Rivers State to convert to NCMS from their current software. Also, the Investment and Securities Tribunal whose

decisions are appealed to the Court of Appeal have also signified their intention to be part of NCMS implementation having tried other software unsuccessfully without meeting their expectations. More states are expected to be onboarded before the middle of the year. Also, the Court of Appeal and Supreme Court of Nigeria are expected to implement the NCMS e-filing to uptake the case documents from trial courts that have already been onboarded on NCMS.

- 19. The NCMS E-filing Mobile App Development:** A concerted effort is being made to build a Mobile App version of the NCMS e-filing. This will enable the court to have a wider reach to mobile app users. With the mobile app version in place, the lawyers, the court registrars and the judges have unrestrained access to NCMS e-filing using their mobile devices. These applications are presently undergoing rigorous testing and will soon be deployed on the Google Play Store and Apple Store for wider accessibility. This initiative is expected to enhance the efficiency of legal practitioners and judicial staff in managing court-related documentation.

STATE OF THE NATION

20. Misuse of checkpoints and extortion by law enforcement officials

The Nigerian Bar Association (NBA) is disturbed by the tragic incident that occurred on Monday, 11th November 2024, in Utu Etim Ekpo, Akwa Ibom State, where a flour-loaded truck pursued by soldiers lost control and crashed into shops, resulting in the death of three individuals, including our dear colleague, and causing severe injuries to several others. The preventable tragedy brings to light once again the dangers associated with indiscriminate roadblocks, the use of logs of wood to distort the free flow of traffic, the uncaring attitude of law enforcement agents at checkpoints, high-speed chases through civilian areas, and extortion at checkpoints. Some of these roadblocks are set up at bad points of roads, some are set up in such a manner that makes the free flow of traffic in both directions impossible. This incident brings to the fore the dangerous impacts of the multiple checkpoints and roadblocks on the highways and roads across the country by security agencies, including the Police, Customs, military Federal Road Safety Commission (FRSC) and other so-called revenue collectors. These checkpoints have been identified as one of the reasons for loss of lives, road crashes, traffic gridlocks, kidnappings, loss of man hours, criminal intimidation and extortion, bribery and corruption, abuse of power, increased prices of consumer goods and services etc.

- 21.** It is an unarguable point that these roadblocks are more intended for extorting drivers and other road users rather than for security and law enforcement. These roadblocks or purported checkpoints, particularly those established in unsafe or poorly visible locations, pose serious risks to road users and residents. It is not uncommon for articulated vehicles to fall at some of these checkpoints while navigating the logs of wood or other materials used to slow down vehicle

movement. It is also becoming very common for vehicles to run into some of these obstacles during the hours of darkness. When roadblocks are seen or used as sites of extortion, they erode public trust and respect for the very institutions meant to ensure security and public safety. It is therefore in our collective interest to ensure that these misuses of roadblocks and checkpoints as well as the use of the roadblocks for extortion and inhumane treatment of road travelers be reviewed. While we have nothing against checkpoints on our roads, the NBA insists that the current modes only serve to punish road users, impede traffic, and make it easier for road travelers to be extorted by the different security agencies that man them. We, therefore, call on law enforcement agencies to review the type of roadblocks being set up by their officers as well as take steps to ensure that the hardship and extortion that go on there are stopped forthwith.

22. We unequivocally condemn any actions by security forces that compromise public safety, cause hardship for road travelers, lead to extortion of drivers, and lead to loss of lives. We call upon the Police, Military, para-military organisations, and relevant authorities to review the mode of operations of security or other personnel operating these roadblocks. There is an urgent need for a nationwide review of checkpoint practices, with clear protocols to ensure that enforcement of road regulations is conducted responsibly and with the highest regard for civilian safety. We further call on security agencies to train and retrain their personnel on proper engagement and pursuit protocols to avoid endangering lives and property. Reckless pursuits in populated areas and high-speed chases should be strictly prohibited.

23. **Forum, Division or Judge shopping by Lawyers:** Some lawyers not only shop for judicial divisions for their cases but sometimes also shop for judges. Shopping for judicial divisions or judges, where this happens, must be treated as proof of an attempt to corrupt judges or actual corruption of judicial officers. Forum shopping, whether by choosing judicial divisions or judges to obtain favorable outcomes, must also be treated as an attempt to compromise the independence of the judiciary. Indeed, it is clearly an indication not to observe the rule of law, promote and foster the cause of justice, and maintain a high standard of ethical conduct by the people involved in it. It suggests a deliberate attempt to manipulate the process of justice, which is tantamount to corrupting judicial officers or even outright corruption. We unequivocally condemn this practice and are committed to collaborating with the judiciary to eradicate it. Lawyers who engage in forum shopping not only violate the ethical codes that govern our profession but also erode public trust in the legal system. Such conduct should not be tolerated.

24. **Filing matters in Courts that clearly have no Jurisdiction to Entertain Such Matters:** We are worried by a recent trend where lawyers file matters before Courts, in situations where the Court would appear not to have jurisdiction to entertain such matters. It is, therefore, disheartening to observe instances where the Court has entertained matters falling outside their mandate, thereby

encroaching upon the jurisdiction of other courts and in some cases giving rise to conflicting decisions by this Court and state High Courts with respect to the same subject matter. This trend, if not decisively addressed, poses a significant threat to the integrity of our judicial system. It risks creating a scenario where litigants deliberately make the Federation, the Federal Government or any of its agencies justify bringing a matter before a court like the Federal High Court, when in fact such matters have no business either in the Court or some chosen jurisdiction, particularly, Abuja. Such deviations disrupt the delicate balance of our judicial architecture and create jurisdictional conflicts that frustrate litigants, bring about uncertainties waste judicial resources and time and give a bad image to our courts. Every court must remain true to its statutory and constitutional mandate and resist the temptation to expand its reach into matters designated for other courts. NBA Branches are urged to draw attention to checkpoints that are very notorious for extortion, intimidation and causing gridlock on our public highways.

25. Frequent reposting of judges and Justices to different judicial divisions within short periods:

While administrative restructuring and resource optimization are essential for a functional judiciary, the current practice of frequent and recurrent postings of judges and Justices to different judicial divisions within short periods undermines the very principles of access to justice and the welfare of our judicial officers. Judges and Justices need time to familiarize themselves with their jurisdictions, understand the peculiarities of the community they serve, and manage their dockets efficiently. When judicial officers are uprooted and reassigned multiple times in a short span, they are deprived of the opportunity to develop the consistency and familiarity required to deliver timely and effective justice. This inevitably slows down the wheels of justice, leaving litigants in a limbo of uncertainty and delays.

26. These frequent postings result in increased costs, for the country, the judiciary and the judges themselves. The financial, emotional, physical and psychological toll of relocation, including moving households, settling into new accommodations, and other logistical requirements, are neither trivial nor justifiable when it happens repeatedly. This also places additional strain on already limited judicial resources that could be better allocated toward enhancing judicial infrastructure and operations. Indeed, it means a judge may never take along his household to any posting as the uncertainty surrounding judicial posting may make that unwise. Constantly moving from one division to another disrupts the personal and family lives of affected judges, separates them from their families, and creates a sense of instability that is incompatible with the demands of their work. A judge who is perpetually unsettled cannot be expected to perform optimally, and this may have ripple effects on the quality of justice delivery. We therefore strongly urge the leadership of various Courts to reconsider this approach to postings and adopt a more stable and predictable system that balances administrative needs with the practical realities faced by our judges. It is suggested that in the absence of exceptional circumstances, a judge should stay in a particular posting for at least

three years. This, we believe, will ensure that our judicial officers have the stability they need to perform their duties effectively while safeguarding their security, welfare, and peace of mind.

27. Administration of Criminal Justice System and onerous Bail Process: We note that the issue of the process for granting bail as well as conditions for bail continues to cause unnecessary delay in the administration of criminal justice. In fact, a grant of bail is sometimes used as a tool to punish a suspect or defendant. It is so bad that an agency that has granted administrative bail to a suspect, will turn up in court to oppose what would otherwise be a mere formal application for bail. Some other agencies, having granted administrative bail will arrest the suspect before arraignment in court and proceed to oppose a formal application for bail in court. The courts encourage this practice by oftentimes imposing harsh and unjustifiable bail conditions, refusing to give a bench ruling or outrightly denying bail to defendants even when the matter is ordinarilyailable. Onerous bail conditions should only be granted under exceptional circumstances and not in ordinary matters.

28. Despite the well-known position of the law that the essence of bail is to ensure that an accused person attends court to stand trial arrests the suspect before arraignment, and then suddenly opposes the grant of bail by a trial court. It does not matter that the person never breached any of the bail conditions. Our trial courts and law enforcement agencies continue that impose bail conditions that are not only onerous but amount to denial of bail in some circumstances. Some of these courts insist on the production of level 16 or 17 civil servants despite the decision of the Court in **Dasuki V. Director-General, S.S.S. [2020]10 NWLR PT.1731 PG. 136-143**, that involving civil servants or public officers in the public service of the Federation and the State in bail of people accused of criminal offences has never been the practice in Nigeria or any part of the civilized world. As stated by the Court

“Our Civil and Public Service Rules do not have any room for it. Expecting a Level 16 Servant to own property worth N100,000,000, will be running counter to the Public Service Rules and by extension the war against corruption. It is in this respect that I will act ex debito justitiae to ensure that the aspect of involving serving public servants not below the status of Level 16 Officer in either the state or Public Service of the Federation or any of its agencies be removed and I so order.”

29. The practice of imposing onerous bail conditions has given rise to a black market in securing civil servants as sureties. Some of these civil servants take undue advantage of this to demand mindboggling amounts of money to act as sureties for persons they hardly know. No criminal justice system should impose conditions which result in such criminality. The Bar must therefore make it an advocacy issue against any judge, magistrates, or official security agencies still imposing civil servants on citizens as the same is not only illegal but adds to the increasing

number of pre-trial detainees in our detention facilities. We must therefore resolve to fight any imposition of civil servants or public officers in the bail process of criminal suspects or defendants as being unconstitutional and inconsistent with Civil and Public Service Rules.

30. **Review of Administration Justice System:** Criminal trials are not moving as fast as envisaged by the reforms introduced in the Administration of Criminal Justice laws and many decided cases against the use of interlocutory appeals and other factors to delay criminal trial. Lawyers deploy several means to slow down the criminal investigation processes and trials, asking for several adjournments, being ill-prepared for trials etc. Police and other investigative agencies carry out shoddy investigations which do not help the pace of justice administration. Interminably slow trial processes are more often than not exploited by defendants (accused persons), their counsel or even the prosecution to stall proceedings or to outrightly frustrate trials. Defence counsel sometimes delay and or frustrate the trial of cases by making frivolous applications, applying for stay of proceedings, showing reluctance to go on with scheduled hearings, interlocutory appeals etc. Undue waste of time in disposing of bail applications as well as the imposition of bail conditions that are given to suspects and defendants, which are in fact a deliberate attempt at denial of bail'. NBA should therefore be part of the move to amend the Administration of Criminal Justice Act and other laws that make for a speedy justice system.
31. **Independence of the Judiciary and Judicial Autonomy:** In Nigeria the judicial powers of the Federation and the states are vested in the courts established for the Federation and the states. Even though the Constitution established some courts for the Federation and the states, the National Assembly or any House of Assembly is empowered by the Constitution to establish courts, with subordinate jurisdiction to that of a High Court. According to the International Bar Association, Minimum Standard for Judicial Independence; (a) **Personal independence:** This exists when the terms and conditions of judicial service are adequately secured so as to ensure that individual judges are not subject to executive control; (b) **Substantive independence** exists when in the discharge of a judge's judicial function is subject to nothing but the law and the commands of his/her conscience; (c) **Internal personal independence** exists when a judge is independent in decision making process vis-à-vis his judicial colleagues and supporters.
32. An individual judge must therefore be free from interference, intimidation and or influence by people in government or some other external or internal influences. The independence of judicial officers must be guarded jealously if the rights of the citizens as provided in the constitution are to be worth the paper they are written on. Of equal importance is the preamble to the **Code of Conduct for Judicial Officers** which provides: "Whereas an independent, strong, respected and respectable Judiciary is indispensable for the impartial administration of Justice in a democratic State; And whereas a Judicial Officer should actively participate in

establishing, maintaining, enforcing, and himself observing a high standard of conduct so that the integrity and respect for the independence of the Judiciary may be preserved.”

33. Increase of telecommunications tariffs: The Nigerian Communications Commission (NCC) recently approved a 40% tariff increase for mobile network operators in Nigeria starting January 2025. Over the years, Telecom operators have pushed for tariff hikes which they claim will address rising operational costs. According to reports, the new rates will see the cost of a phone call increase from ₦11 to ₦15.40 per minute, while SMS charges will rise from ₦4 to ₦5.60. Data plans will also be affected, with the price of a 1GB bundle increasing from ₦1,000 to at least ₦1,400. The increase has raised concerns about affordability and as expected has led to intense debate across the country. While some argue that this is not a mere arbitrary increase in prices, but a necessary adjustment driven by soaring inflation, a depreciating currency, and the need to secure long-term investment in the telecommunications sector, there is a need to balance the interest of the telecom operators and that of the consumers.

34. Justice Sector Reform: When it comes to discussing the justice delivery system, the greatest emphasis is usually given to the judiciary because it is the glue or bond that holds or interconnects all the component units together. The health of the system largely depends on the state of health or otherwise of the judiciary. To improve judicial professionalism, the issue of judicial appointments must be addressed as well as many other issues, including but not limited to the following must be addressed.

- a. To help improve the professionalism of judges, the use of a state-by-state judicial academy whose mission would be to select new judges and train them should be considered. The present system of having a National Judicial Institute for the training of judges in Nigeria has not achieved the desired results. It would also appear that the idea of having many judges in an auditorium for purposes of ‘training’ them is not as productive as it should be. The training modules for judges should be developed for use in training a smaller number of judges within their respective states.
- b. The judicial appointment process should be reformed to focus on professional skills and technical ability, in addition to integrity and personality. The proposed state by the state judicial academy will play an important role in measuring and developing these skills.
- c. The Federal and State governments should ensure that the constitutional financial autonomy given to the judiciary is given effect to avoid such adverse effects as ‘poor and inadequate judicial infrastructure, low morale among judicial personnel, alleged corruption in the judiciary, delays in the administration of justice and judicial services delivery and generally low quality and poor output by the judiciary’.
- d. The provisions of Paragraph (i) 20 (i) of the Third Schedule, Part 1 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which

preclude all NBA nominees on the NJC from dealing with judicial matters other than appointments into the superior courts of record (i.e. only one item out of thirteen) is certainly discriminatory and unwarranted and should be out-rightly amended. (After all, Judges play a prominent role in the discipline of lawyers).

- e. Appointments onto the Bench at whatever level, the Higher Bench especially, must henceforth be predicated upon merit and the recommendation of the Bar. This is to ensure that only quality people are elevated as Judicial Officers and that corruption is reduced to the barest minimum.
- f. Those who apply for appointments as judicial officers, especially the High Courts, Federal High Court and National Industrial Court are subjected to written tests conducted by an independent body. The results of such an exam should be published within 6 (six) hours of the completion of the same.
- g. Successive leadership of the judiciary should be trained on leadership, supervision, delegation, mentoring, coaching and human resource management as well as ensure that relationships between Bench & Bar as well as amongst judicial officers are characterized by mutual respect, dignity, tolerance, tolerance, courtesy, discretion, good humour, maturity, calmness, wisdom, transparency, tolerance and propriety, hallmarks of the esteemed learned profession.
- h. The assignment of cases to judges should be automated to ensure that all civil and criminal actions are assigned by a random selection process to ensure equitable distribution of caseload and avoid judge shopping. Each court should have a written plan or system for assigning cases. The method should provide for the assignment of cases to judges who have special expertise in some areas of law. The benefit of this system is that it takes advantage of the expertise developed by judges in certain areas. Courts also have a system to check if there is any conflict that would make it improper for a judge to preside over a particular case. Where an automated system is used a judge should be able to carry out such a conflict-check and return any case he/she may have a conflict in.
- i. Cases of Economic and financial crimes and violations of human rights are dealt with expeditiously to illicit public confidence in the fight against corruption. To this end, the court must ensure that recourse to unnecessary technicalities is avoided or outrightly rejected.
- j. The Rule of Law must prevail in Nigeria and the NBA shall keep a vigilant watch to always ensure this.
- k. Acquisition of IT skills by Lawyers, Judges, Litigants, Court Officers (i.e. Clerks, Registrars) and other stakeholders must be made mandatory. In doing this, it is essential to incorporate the acquisition of information communication technology (ICT) into various programs organized both by the Nigerian Bar and the bench. This is achievable, for instance, through the inclusion of the same as one of the courses to be taken during the mandatory continuing legal education. The electronic system should also be user-

friendly, that is, it should not be cumbersome to operate. This can be done by putting in place online help centres that will help in providing answers to frequently asked questions.

I thank you all for making it to this crucial meeting, as we chart a way forward for our dear association.

Mazi Afam Osigwe, SAN
February 6, 2025