

7th December, 2017

PRESS RELEASE

National Judicial Council recommends the compulsory retirement of two Federal High Court Judges'...

Gave serious warning to one Judges'...

The National Judicial Council, under the Chairmanship of the Hon. The Chief Justice of Nigeria, Hon. Mr. Justice Walter Samuel Nkanu Onnoghen, GCON, at its 84th Meeting which was held on 6th December, 2017, recommended the compulsory retirement from office of Hon. Mr. Justice A. F. A. Ademola and Hon. Justice O. O. Tokode both of the Federal High Court for misconduct.

Hon. Mr. Justice A. F. A. Ademola who had forwarded his notice of retirement on 10th October, 2017 to the Council against 9th April, 2018, when he will attain the mandatory retirement age of 65 years was recommended for compulsory retirement from office to President Muhammadu Buhari, GCFR, pursuant to the findings by the Council on the allegation contained in the petition written against His Lordship by a group of 8 persons under the name of Committee of Anambra State PDP House of Representatives Members-Elect alleging His Lordship of the following:-

- that His Lordship heard their Suit No. FHC/ABJ/CS/177/2015 which was adjourned for judgement on 25th March, 2015;
- that on the adjourned date, His Lordship did not deliver the judgement but adjourned the case sine die, to await the decision of the Supreme Court on another matter on the same issue, on is the list of PDP candidates for Anambra State for the General Elections of 2015;
- that His Lordship speedily heard and delivered judgement in another case in Suit No. FHC/ABJ/CS/254/2015 filed later on the same issues, with intent to confer undue advantage on the Plaintiff who is from a family with which the Respondent has relationship;
- that the Certified True Copy (CTC) of the judgement ultimately given to the petitioners contained a paragraph that was not read in open Court by the Hon. Judge and that a phrase was altered, all to address an issue raised in the appeal that had already been filed by the Petitioner before the issuance of Certified True Copy (C T C);
- that some of the reasoning and conclusions of the Hon. Judge were summersaults;
- that the Respondent finally delivered judgement in the case on 8th July, 2016, five (5) months after the Supreme Court delivered the judgement he was awaiting contrary

to the Constitutional provisions that judgements should be delivered within a period of 90 days.

- Though the Petitioners withdrew their petitions in accordance with to Regulation 16 of the National Judicial Council Judicial Discipline Regulations of 9th March, 2017, Council viewed His Lordship's action of non-delivery of judgement within the stipulated time as misconduct contrary to Section 292 (1) (b) of the Constitution of the Federal Republic of Nigeria, 1999, as amended and Rules 1.3 and 3.7 of the 2016 Revised Code of Conduct for Judicial Officers of the Federal Republic of Nigeria.

The public is hereby informed to disregard news circulating on some news media that Hon. Mr. Justice Ademola has voluntarily retired. The purported voluntary retirement is clearly an afterthought as Council had taken action before his decision to forward any voluntary retirement letter.

Hon. Mr. Justice O. O. Tokode of the same Federal High Court was also recommended to President Muhammadu Buhari, GCFR, for compulsory retirement from office with immediate effect sequel to the findings of Council on the allegation contained in petitions forwarded by Socio-Economic Rights and Accountability Project (SERAP) and Miss Abimbola Awogboro.

The Petitioners accused the Hon. Judge of misleading the Federal Judicial Service Commission and the National Judicial Council, by submitting six judgements he claimed to have personally conducted while practising as a lawyer; a pre-requisite for his application for appointment as a Judicial Officer, and was so appointed.

The Investigation Committee of Council however found that the Hon. Judge personally conducted only one of the six cases submitted. Therefore, Council decided to recommend his compulsory retirement and the refund of all salaries and allowances he earned since his purported appointment to the position of a Judge to the coffers of the Judiciary.

In the interim, the National Judicial Council in exercise of its power under paragraph 21 subparagraph (d) of the Third Schedule of the Constitution of the Federal Republic of Nigeria, 1999, as amended, has suspended Hon. Mr. Justices A. F. A. Ademola and O. O. Tokode from office with immediate effect.

The Council also issued serious warning letters to Hon. Mr. Justice A. N. Ubaka of the National Industrial Court of Nigeria for failure to deliver Ruling in Suit No. NICN/BEN/51/2014 within the time specified time by law.

The Council did not accept the reasons given for failure to deliver the Ruling within time.

The Hon. Judge has also been placed on watch-list of the Council for the next one year.

Council also gave a warning letter to Hon. Mr. Justice Zainab Aliyu Sadat of the High Court of Niger State and placed her on the watch-list for three years for claiming that the Defendant in Suit No: NHSC/MN/46/2016 failed to make available authority cited by them after submission of the argument to her.

Council at the Meeting also decided to dismiss the petition written by Senator Alimodu Sheriff alleging that Hon. Mr. Justice A. Liman of the Federal High Court of corruption for his failure to honour the invitation of the Investigation Committee on the three occasions that he sat to investigate the matter.

Council exonerated Hon. Mr. Justice Simon Akpah Amogeda of the Federal High Court from corruption allegation by Ernest J. Henry, who could not substantiate his allegation.

The Council decided to write the Petitioner a warning letter for maligning the name of the Hon. Judge.

In addition, Council exonerated Hon. Mr. Justice F. I. Kola-Olalere of the National Industrial Court of Nigeria from any misconduct in the petition written against him by Samuel Atotuomah. Hon. Mr. Justice B. B. Kanyip of the same Court was also exonerated of allegation of corruption written against him by Adebayo Jegede, Esq, who did not attend the

Investigation Committee Panel to defend his allegation.

The Council decided to report him to the Legal Practitioners Disciplinary Committee (LPDC) for the unfounded allegation of corruption and the use of crude and insulting language against the Hon. Judge in his petition.

The Petitions written against Hon. Mr. Justice Adama Iyayi-Laminkara, Chief Judge, Rivers State, Hon. Mr. Justice Maria Sanda Zukogi, Chief Judge, Niger State, Hon. Mr. Justice Eyo Effiom Ita, High Court, Cross River State, Hon. Mr. Justices S. A. Orugboyo and R. I. B. Adebisi, High Court, Lagos State, were dismissed by the Council as all the Petitioners withdrew them and Council found no serious issues for further consideration in the allegations.

Hon. Mr. Justice A. M. Lawal of Lagos State High Court was also issued a warning letter and placed on 'watch-list' for one year by the Council for unnecessary delay in delivering his Ruling and giving his personal phone number to parties.

The petition written against Hon. Kadi Al-Hafis M. Abubakar of the Katsina State Sharia Court of Appeal by Mr Ibrahim Mukhtar Mashi was dismissed by the Council for lack of merit.

Council also directed Hon. Mr. Justice Linda Amina Yarosi of the Customary Court of Appeal to resume

duty from her sick leave immediately and placed on 'watch-list' for 3 months.

All Judicial Officers placed on 'watch-list' of the Council will not be elevated or considered for special assignments during the period they are on the list.

Within that period, Council reserves the right to consider their suitability or otherwise to continue as Judicial Officers based on their performance.

Soji Oye, Esq.

Director (Information)

for: **SECRETARY**