

WELCOME ADDRESS

By the

**HON. CHIEF JUDGE OF FCT,
JUSTICE L.H. GUMMI, OFR**

**AT THE COMMISSIONING OF FCT
JUDICIAL RESEARCH CENTRE**

At

**HIGH COURT OF FCT COMPLEX,
TIGRIS CRESCENT, MAITAMA**

On

11TH DAY OF MARCH, 2010

PROTOCOLS

A Legal Practitioner once stated that:

“In the arena of litigation, time has no place in its agenda. Indeed, litigation frolics and relishes in time wastage”.

To drive home his point, this writer, who incidentally is a very senior member of the Nigeria Bar Association, narrated a story, which is well known among lawyers. For the benefit of those who may not have heard this story, I shall narrate it in the words of this learned gentleman.

“The story was once told of a young lawyer from a part of Nigeria where land matters are intractable, who got a land brief in his first year of practice. The case became prolonged to the extent that he made enough money from the brief to get married five years later. He continued making money from same land brief that he was able to train his first son to be a lawyer who later joined him in practice. After his son had joined him in practice, he had to proceed on his annual vacation in England. While he was away, the same prolonged matter came up in court, and was settled out of court through the brilliance and ingenuity of his son who appeared in the case for the first time. Having accomplished this settlement his son felt so elated that... as soon as his father arrived from the vacation he blurted out triumphantly to his father that he had been able to settle the prolonged land matter, which had defied settlement even before he was born.

Rather than congratulate him and give him a pat on the back for the job well done, his father was rather sad and wore his morose and melancholic look on his face .The son became worried and wanted to know what was amiss. The father grudgingly informed him that he had just killed the goose that laid the golden egg. The son did not get the picture. His father now patiently told him that he started his practice with that brief, got married with it, and even had and trained him as a lawyer from the process of the prolonged brief and now the son had put a sudden end to it”.

The above story reflects to a large extent, the perception of some members of the public about the snail speed of our litigation process .But does this then mean that in litigation, time has no place in the agenda? Or that litigation frolics and relishes in time wastage? This is not so. It should not be so. If it were so, what do we say of the Laws granting a person right to a speedy trial?

In fact, the right to speedy trial is an ancient liberty, dating back to the 12th century A.D. During the reign of Henry II (1154-1189), the English Crown promulgated the Assize of Clarendon, a legal code comprised of 22 articles, one of which promised speedy justice to all litigants. In the 1215 century A.D, the Magna Carta prohibited the king from delaying justice to any person in the realm.

The right to speedy trial, as important as it is, has acquired universal acceptance and practice in the civilized nations of the world. Nigeria, being a signatory to several international conventions and treaties which have been domesticated, has equally ensured that the right to speedy trial is enshrined in her Constitution. S. 36(1) of the 1999 Constitution of the Federal Republic of Nigeria states as follows:

“In the determination of his civil rights and obligation, including any question or determination by or against any government or authority, a person shall be entitled to fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.” [underlining mine]

The above provision is an important safeguard to prevent undue and oppressive incarceration prior to trial, to minimize anxiety and concern accompanying public accusation, and to limit the possibility that long delay will impair the final outcome to the whole trial process. The longer a trial takes, the more likely it is that witnesses will disappear, memories will fade, and evidence will be lost or destroyed. In criminal matters, both the prosecution and the accused are threatened by these dangers, but, more often than not, it is the accused's life, liberty and property that are usually at stake.

Why does our administration of justice system operate in such a manner that tends to show the observation of the above constitutional provision, almost always, in the breach? Why do we have incessant complaints of the slow pace of litigation process despite this guaranteed constitutional right to speedy trial?

One of the answers to these questions has already been provided for by the story I narrated above. But looking at this problem more holistically, I have always stated, whenever the opportunity avails itself, that in the justice delivery system, all stakeholders are likened to the mechanism of a watch. Each part is essential for the effective and efficient functioning of the watch.

As in a watch, each stakeholder moves in concert with the other, while the inner workings might seem invisible to the world which only see the movement of the hands. If a part of the mechanism malfunctions, it inevitably affects effective performance of the watch. This explains the need for every stakeholder in the justice delivery system to act responsibly to ensure the smooth grinding of the machinery of justice.

Being the most visible stakeholder in the justice delivery system, we in the F.C.T judiciary have always been on the vanguard in exploring and

applying practical and pragmatic innovations that will aid timely justice delivery in the F.C.T.

Over the years, the High court of the F.C.T has immensely benefited from the assistance of international donor agencies like United Nations Office on Drugs and Crime (UNODC) through their plan of action to strengthen justice sector integrity and capacity. Our High court Judges, Magistrates, Area court judges and Registrars have benefited from several workshops and trainings sponsored by the UNODC towards strengthening justice sector integrity.

Today, we are here for the opening of the Judicial Research Centre (J.R.C.) of the High court of the F.C.T Abuja. The J.R.C in the F.C.T is a partnership effort between the UNODC and the High court of F.C.T, Abuja. The coming to reality of this J.R.C today has equally actualized the UNODC's Action Plan of strengthening justice sector capacity in the F.C.T among other pilot states.

The J.R.C is equipped with the state-of-the-art information systems all linked to the internet with easy access to legal information that will help our Judges and Magistrates in conducting research, writing judgments, finding references and case citations, amongst others. Each Judge or

Magistrate will have a personalized user account to enable him/her access all necessary and relevant information needed in the centre.

The J.R.C is designed to assist Judges and Magistrates in managing growing case loads while keeping abreast of relevant laws. It is a project designed to assist the judiciary in developing sustainable capacity and strengthen judicial integrity aimed at creating the required conditions for a more effective and efficient case load management.

This centre will certainly go a very long way in complementing our efforts towards a timely, efficient and more effective justice delivery. In the F.C.T. Judiciary, we have taken the following concrete actions for timely disposal of cases.

1. The review of the High Court Civil Procedure Rules (2004) to facilitate the speedy dispensation of justice. The 2004 Rules is currently being reviewed.
2. To facilitate an efficient, effective and quick justice delivery, the Abuja Multi-Door Court House (AMDC) which was set up in 2003 has since been involved in the resolution of cases both via court referrals and walk-ins. Seminars are regularly conducted by the AMDC to sensitize lawyers on the merits of Alternative Dispute Resolutions(ADR) .
3. There is a functional Administration of Justice Committee which I head, with integrated membership from all stakeholders in the justice system.

4. There are specially designated courts in the criminal justice system dealing, with criminal jurisdictions, ICPC and EFCC cases.
5. I have equally established family courts both at the High Court and Magistrate Court levels. Their building will soon be commissioned within this month.
6. Stenographic machines have been installed in all the High Courts to reduce the time Judges spend in writing in long hand.
7. In no distant time all the Magistrate Courts will be equipped with electronic court recording machines .This will contribute to the timeliness of justice delivery.
8. Computers and lap tops have been provided for all Judges and Magistrates. Electronic law library was equally installed in their lap tops to enable quick reference to law reports published both nationally and internationally.
9. Training sessions on information technology with a view to enhancing the computer skills of the High Court Judges, Magistrates and Area Courts Judges have taken place. And such trainings are now on regular basis.
10. There is already in place suggestions boxes and public complaint boxes to receive suggestions and complaints from all courts users.
11. Mobile courts are in place to take care of geographical coverage of the whole territory.
12. We have assisted the prison services by providing Black Maria vehicle for the conveyance of prisoners to and from the prisons.
13. Every High Court Judge has been provided with a research assistant for speedy and qualitative dispensation of justice.

14. Law reports are made available to all High Court Judges in the F.C.T.

15. We are in the process of computerizing all court registries.

The above listed developments show the progress so far made in our bid to improve on the quality of justice delivery in the F.C.T. There are several other projects that we have already embarked upon to enhance the quality of justice delivery which time does not permit me to state here today.

Speedy trial, or more appropriately, lack of it has been the bane of our judicial system. The J.R.C. aims at improving the quality and timeliness of our justice system. The High Court of the F.C.T is very willing and ready to embrace any concept that is geared towards speedy trial. As the Chief Judge of the High Court of the F.C.T, I am glad to have the rare privilege to witness and participate in the realization of this concept which will bring about positive and dramatic improvement in the quality of justice delivery in the F.C.T.

We are indeed grateful to Mr. Oliver Stolpe, the Senior Project Coordinator UNODC, Mr. Alain Nkoyock, UNODC Head of ITS, and Ugonna Ezekwem, National Project Officer, UNODC.

I appreciate my brother judges, particularly, the Chairman, F.C.T. Implementation Committee, Hon. Justice Salisu Garba and Hon. Justice A.A.I. Banjoko for their tireless contributions to the success of this centre.

I also commend all members of this Committee, Management and staff of this Court whose various contributions facilitated the realization of this project.

We shall do all that is within our best to ensure that this Centre will be manned by the best personnel to ensure its effective and efficient use and maintenance. With time, we shall not only upgrade our present equipments, but will extend what we presently have to other Courts within the F.C.T.

It is on this note that I formally invite you all to the Judicial Research Centre on the 2nd floor of this building for its commissioning.

Thank you and God bless you all.

L.H. Gummi, OFR
Chief Judge F.C.T.