

20TH June 2011

Hon. Justice Umaru Abdullahi (CON),
Chairman NJC Panel on the Investigation of
Complaints against Chief Justice
of Nigeria and President of the
Court of Appeal

National Judicial Council,
Three Arms Zone, Supreme Court Complex,
Abuja

Dear Hon. Justice Abdullahi,

Re: Protest at non-invitation of Access to Justice to Panel's Hearing on Petitions against
Chief Justice of Nigeria and President of the Court of Appeal

We send warm greetings.

Our first letter to your Committee under the title above refers. Shortly after we wrote the letter, we received a reply dated 8th June from E.I. Odukwu, Secretary of the Committee. First of all, we'd like to thank you for the prompt reply to our letter. We are grateful.

Your Lordship, our grievances are not assuaged by the received response unfortunately. Clarifying why Access to Justice (AJ) had not been invited to the Committee's proceedings, E.I. Odukwu stated: "... Access to Justice has not been invited to the sitting of the National Judicial Council Investigation Committee because your organization have [sic] no original petition that the Committee can request it to come and defend". The letter also stated that: "... all those who have original petitions before the Investigation Committee have been invited to appear before it."

Your Lordship, we do not understand what is meant by "original petition" and the precise meaning of the phrase is not elucidated in the letter either. The most we can do is to extrapolate from the usage and the circumstances what we probably think it might reference. Doing this, we estimate that this is intended to mean that we did not submit another, separate petition to the Investigating Committee. If this is the intendment of the letter, then Your Lordship, we would say it was completely unnecessary for us to submit another petition to your Committee in the circumstances.

Your Lordship would recall that the decision to establish this Committee was taken after an emergency meeting of the National Judicial Council (hereafter NJC) on March 9, 2011. At that meeting, the NJC decided to refer the petitions – which had formed the subject of the emergency meeting altogether – to your Committee for further investigation. Permit us to quote from the text of the Press Release of the NJC shortly after its March 9 meeting. The text states:

“At its Emergency Meeting which was held on 9th March, 2011, The National Judicial Council deliberated on the various Petitions written against the Hon. Chief Justice of Nigeria, Justice Aloysius I. Katsina-Alu, GCON, the Honourable President of the Court of Appeal, Justice Isa Ayo salami, OFR and some Justices of the Court of Appeal.

After considering all the Petitions and comments by the Honourable Chief Justice of Nigeria and Chairman of the National Judicial Council, Honourable President of the Court of Appeal, and other Justices of the Court, Council constituted a panel to investigate the allegations contained in the petitions with the following Membership:-

1. Hon. Justice Umaru Abdullahi, CON - Chairman
 2. Hon. Justice L.O Ayoola, CON - Member
 3. Hon. Justice D. O. Edozie, CON - Member
 4. Hon. Justice M. E. Akpiroroh - Member
 5. Hajiya Rakiya S. Ibrahim, MON - Member”
- (Emphasis supplied).

So then, Your Lordship, how is it then that petitions already referred to your Committee would need to be re-written again to Your Committee before it acts on them after the NJC has asked you to investigate the Petitions? This will be contrary to reason, and to law we respectfully submit Your Lordship. We believe the NJC forwarded the petitions to your Committee and we believe your Committee's terms of reference are to act on those petitions and investigate them fully and fairly. Should any reasons arise – such as the original petitions being destroyed – and the Committee could not get copies through any other means, we would understand the need for a re-submission. But that is not the case here. Even if your Committee had decided, subsequently, for any other reason, to request a re-submission of a petition, we are entitled to expect that a letter to this effect would have been written to those who originally petitioned to the NJC. We did not receive any such invitation.

We had earlier provided copies of the Petition written to the NJC by Access to Justice on behalf of a number of civil society organizations. We also stated in our letter dated 2nd June that another rule of law group whose petition was also notoriously referenced by the NJC (as widely reported in the media) – International Society for the Rule of Law – was also not invited by your Committee and we have been in contact with the International Society for the Rule of Law. All we read in the media about your Committee's work is its focus on the petitions of political associations, expecting that at some point, we would be invited to your proceedings. But the petitions by these political associations, while deserving of consideration are not the only ones before the NJC. Indeed, they were not exactly the petitions that triggered the emergency meeting and the resolutions of the NJC on the subject. Your Committee's work has, unfortunately, sidelined the other petitioners and their cases. This exclusion, we protest, is unfortunate and disagreeable, but can this be remedied and we urge Your Committee to take steps urgently to remedy it.

Your Lordship, this is our reaction to what we can make of the letter received from the Committee in reply to our letter dated June 2, 2011. If there are other possible ways to

understand the reply of the Committee and the reasons for our exclusion we would like for this to be better explicated to us.

In the circumstances, we urgently request that a fair, equal opportunity be extended to us to participate in the Committee's proceedings and to address any representations we think might aid the Committee in its work should we have any. Should we be further excluded, we would be constrained to protest formally to the NJC as a body and complain of our exclusion from the Committee.

Sincerely,

Joseph Otteh,
Access to Justice,
(On behalf of other Civil Society Groups that subscribed to the Petitions to the NJC)

Cc.
The National Judicial Council
Hon. Justice Emmanuel Ayoola (CON)
Justice D.O. Edozie (rtd), (CON)
Justice M. E. Akpiroroh (rtd)
Hajiya Rakiya Ibrahim.