

JUSTICE ALOMA MUKHTAR: REBUILD WANING CONFIDENCE IN NIGERIA'S JUDICIARY NOW

Access to Justice congratulates Hon. Justice Mariam Aloma Mukhtar on her imminent assumption of office as Chief Justice of Nigeria, having been cleared by the Senate for the appointment. She will be the first female Chief Justice of Nigeria ('CJN'), a watershed moment for Nigeria. In Africa, she joins other female colleagues who are Chief Justices of their countries, including Justice Georgina Wood, the Chief Justice of Ghana; Justice V. Alleear, Chief Justice of Seychelles; Justice Haja Tejan Jalloh, Chief Justice of Sierra Leone, and Justice Lombe Chibesakunda currently acting Chief Justice of Zambia.

Unfortunately, there is no time to celebrate this evolutionary landmark: the judiciary Justice Mukhtar will inherit has been in a prolonged state of coma for which no end is immediately visible on the horizon. Justice Mukhtar will preside over a judiciary ravaged by widespread perceptions that it is a 'cash for judgment' institution, a near soul-less, ideologically agnostic institution without any abiding commitment to redeeming Nigerians from the grips of bad governance, corruption and a profligate leadership; a disorganized, partisan branch of government with high pretensions to transparency and rectitude, but within it, a conclave of privileged people no differently ruled than by the ordinary passions and frailties of ordinary people. It is gratifying to note that Justice Mukhtar recognizes that corruption has fazed the judiciary during her Senate screening and is willing to take steps to address the problem.

There is an astounding and daunting amount of house-cleaning to be done: She will need to take decisive first steps to demonstrate both to the public and other judicial officers that she will wipe the slate clean and will operate a zero-level tolerance for any conduct that carries a real risk of damaging public perception of judicial independence, integrity and accountability. Such steps include a prompt resolution of all cases pending before the National Judicial Council (NJC) alleging corruption against judicial officers. It is unfortunate, for example, that allegations made against some Osun State Election Petition Panel Judges since 2008 have not been determined till this time. The NJC's reputation for partisanship and selectiveness, and its lack of forthrightness in many cases that come before it, will clearly need to be addressed with priority and urgency if anyone is interested in restoring some credibility to the Nigerian Judiciary.

To win public confidence back, the to-do list is heavy and she needs to roll her sleeves up: Justice Mukhtar should look seriously into repeated allegations of abuse of office levelled against election petition Judges and insure that adequate safeguards are put in place to ensure that election petition judges, whether at trial or appellate levels behave with absolute integrity and do not again bring the judiciary into disrepute: she will need to ensure that Judges resist strong political pressures to subvert justice, and, in other cases, ensure that Judges are accountable to the public and provide justice services more efficiently, ethically and speedily. She will need to confront and rein in Judges who have a casual, laissez faire culture of service and who deprive justice seekers of meaningful rights to speedy and fair trials. She will need to address stereotypes such as "Madam [or Oga] never return from weekend" which form the experiences of many court users.

She will need to bring the Judiciary into the 21st century, and modernize the infrastructure of justice, to make the justice system more affordable, fairer and speedier. She will need to pursue reforms begun by her immediate predecessor, and ensure that they bring meaningful changes to the justice system. At the end of her tenure, we want to define Justice Mukhtar's chief justiceship, not just in terms of the novelty of the gender of its incumbent, but in terms of how it gave the Judiciary its life, its credibility and respect, and its niche back. She needs to put the Nigerian judiciary on the map again. We wish her Godspeed.

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