

2nd June 2011

Hon. Justice Umaru Abdullahi,
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,

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.

Access to Justice writes to register our protest at our exclusion from proceedings of your distinguished Panel set up to investigate complaints made against the conduct of the afore-referenced judicial officers.

Your Panel, which was set up after an extraordinary meeting of the National Judicial Council (hereafter the Council) on March 9, 2011, followed petitions to the NJC by rule of law groups as well as some political groups asking for an investigation into allegations against these high-ranking judicial officers respectively. In particular, Access to Justice, on behalf of fifteen civil society and rule of law groups wrote two petitions respectively demanding that the Council investigate the allegations made against these judicial officers. I hereby attach copies of the petitions written.

Reports of the Panel's work have been published by various media and we are pleased that the Panel is respecting and safeguarding the due process rights of all those that have been petitioned against. It is also reported that some of those who authored the petitions have been participating in the Panel's proceedings and giving evidence and we agree that this is the proper thing to do.

However, we are concerned that while some petitioners have been invited to participate in the hearings of your Panel, some others have not. Access to Justice and all the organizations on whose behalf we brought our petitions ought to have a fair and equal opportunity to substantiate the petitions presented, understand the rebuttals made to our

petitions and ask questions if necessary on any matter arising from these. The principles of fair hearing amplified by courts over the course of several decades mandates that this opportunity be extended to actors such as us. You will remember Sir, that the letter of the Deputy Chairman of the Council convening the extraordinary session of the NJC to deliberate on the petitions forming the basis of the terms of reference of your Panel specifically cited the petition written by the International Society for the Rule of Law, as well as those by other groups. I have spoken to the President of the International Society for the Rule of Law and he, too, confirms that the association has not been invited to the Panel's sitting and is quite unhappy about this. So we ask: why is one group of petitioners invited to and is participating in the Panel's hearings and another group excluded? Why is one rule applied to one class of petitioners and a different rule applied to another class of petitioners?

This difference in the treatment of petitioners seems completely unjustifiable and untenable to us and cannot be accounted for on any principled basis. We will regard this as an oversight on the part of your distinguished Panel and ask now to be given the opportunity to participate in the Panel's hearing of the petitions against the aforementioned officers.

We trust that you will now send us formal invitations to participate in the Panel's hearing of the petitions against the afore-mentioned judicial officers.

Sincerely,

Joseph Chu'ma Otteh
Director, Access to Justice

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