

**19<sup>th</sup> April, 2016**

## **PRESS RELEASE**

The National Judicial Council under the Chairmanship of the Honourable, The Chief Justice of Nigeria, Hon. Justice Mahmud Mohammed, GCON, at its Meeting which was held on 13<sup>th</sup> and 14<sup>th</sup> April, 2016, recommended the compulsory retirement from Office of Hon. Justice O. Gbaja-Biamila of Lagos State High Court and Hon. Justice Idris M. J. Evuti of the Niger State High Court with immediate effect.

Hon. Justice O. Gbaja-Biamila was recommended for compulsory retirement from Office to the Governor of Lagos State, pursuant to the Findings by the Council on the allegations contained in the Petitions written against His Lordship by Mr. C. A. Candide Johnson, SAN.

The allegations are:

- That the Hon. Judge delivered judgment in Suit No ID\1279\2007 P. K. Ojo Vs SDV & SCOA Nigeria Plc, Twenty-two (22) months, after written addresses were adopted by all the Counsel and Thirty-five (35) months after the close of evidence in the Suit, contrary to the Constitutional Provisions that judgments should be delivered within a period of 90 days;
- That His Lordship did not publish a copy of judgment he delivered on 24<sup>th</sup> December, 2013 until after 40 days, contrary to the provision of the Constitution which required that a copy of the Judgment of a Superior Court of Record be given to Parties in the case within 7 days of delivery.
- That the Hon. Judge continued to hear the Suit in his Court after he had been notified of the pendency of a Motion for a Stay Of Execution at the Court of Appeal and that an appeal had been entered.  
Prior to the issuance of the first writ of attachment, the Court Registrar under the direct administration of the Hon. Judge falsely misrepresented to the Deputy Sheriff in a memo dated 28<sup>th</sup> November, 2014, that there was no Appeal or Motion in the case

- file as at 28<sup>th</sup> November 2014. Meanwhile, there were two Notices of Appeal and two Summons to settle Records in the Court's file.
- That the Hon. Judge gave an Order on 23<sup>rd</sup> February, 2015 upon an Ex-parte application substituting the name of SDV Nigeria Ltd with Bollore Logistics Nigeria Ltd without serving the Order of substitution on the affected party or its legal representatives.
  - That the Hon. Judge failed to maintain Professional competence required to preserve the integrity of the Judiciary.

The above allegations constitute misconduct contrary to Section 292 (1) (b) of the 1999 Constitution of the Federal Republic of Nigeria, as amended and Rules 1.3, 3.3, 3.4 and 3.7 of the 2016 Revised Code Of Conduct for Judicial Officers Of the Federal Republic of Nigeria.

In the interim, the National Judicial Council in exercise of its power under Paragraph 21 Sub-Paragraph (d) of the Third Schedule of the 1999 Constitution of the Federal Republic of Nigeria, as amended, has suspended Hon. O. Gbaja-Biamila from Office with immediate effect.

Council also considered a petition written by Mohammed Idris Eggun against Hon. Justices Idris M. J. Evuti and Tanko Yusuf Usman of the High Court of Niger State on falsification of their dates of birth.

He alleged that Hon. Justice Idris M. J. Evuti falsified his age from 15<sup>th</sup> September, 1950 to 10<sup>th</sup> April, 1953 and Hon Justice Tanko Yusuf Usman falsified his age from 27<sup>th</sup> June, 1950 to 27<sup>th</sup> June, 1951.

A Fact Finding Committee set-up by the Council found from the records made available to it that the Hon. Justice Evuti used three different dates of birth over the years as 15<sup>th</sup> September, 1950, 10<sup>th</sup> April, 1953 and 1<sup>st</sup> April, 1953 and therefore recommended his compulsory retirement with immediate effect.

Apart from the recommendation for compulsory retirement of Hon. Justice Idris M. J. Evuti, Council recommended to the Government of Niger State to deduct all salaries received by him from September, 2015 till date from his gratuity and remit same to the National Judicial Council that pays salaries of all Judicial Officers in the Federation.

With respect to the Hon. Justice Tanko Yusuf Usman, Council did not recommend his compulsory retirement because it had already accepted his retirement with effect from 1<sup>st</sup> March, 2016. However, Council decided to write to the Government of Niger State, to deduct from the gratuity the salaries received by him from June 2015 when His Lordship should have retired from the Bench.

Council at the same Meeting exonerated Hon. Justice Saliu Saidu of the Federal High Court, Lagos of misconduct as it found unsubstantiated a Petition of alleged misconduct written against him by Securities and Exchange Commission. The Hon. Judge was alleged to have been biased in granting Ex-parte Orders of injunction against the Commission in Suit No FNC\CS\767\15: BGL Ltd and Ors V. Securities and Exchange Commission without due regard to the relevant factors and circumstances of the case.

The Counsel to the Securities and Exchange Commission Oluwaseun Olusiya was also reported to the Legal Practitioners Disciplinary

Committee for walking out on the Judge on the matter when she was told the matter was not ripe for hearing for disciplinary action.

In the last two years, the National Judicial Council has been repositioned and some reforms which are ongoing have been introduced pursuant to the Provisions of Section 160 of the 1999 Constitution of the Federal Republic of Nigeria, as amended, viz:

- Revised National Judicial Council Guidelines & Procedural Rules for Appointment of Judicial Officers of all Superior Courts of Record in Nigeria;
- Judicial Discipline Regulations;
- Code of Conduct for Judicial Officers of the Federal Republic of Nigeria; and
- National Judicial Policy

Given the far reaching amendments effected in the aforementioned documents and the laudable policies introduced in the National Judicial Policy which will impact on the general administration of justice, Council decided that it is imperative for the Honourable, The Chief

Justice of Nigeria and Chairman of National Judicial Council to publicly launch them on a date to be announced.

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