

**A SPEECH DELIVERED BY HON. JUSTICE C. O. IDAHOSA CHIEF JUDGE
EDO STATE ON THE OCCASSION OF THE ANNUAL BAR DINNER OF THE
NIGERIAN BAR ASSOCIATION BENIN BRANCH ON FRIDAY 16TH
DECEMBER, 2016.**

My Lords here present, your Worships and your Honours, the Chairman of the Nigerian Bar Association Benin Branch, Mr. Ede Asenoguan, Learned Senior Advocates and Benchers here present, other invited dignitaries here present, very distinguished members of the legal profession, the press, ladies and gentlemen.

Permit me to thank the Nigerian Bar Association, Benin Branch, 2016 dinner committee ably chaired by Nosa Edo-Osagie Esq for extending this invitation to me and my learned brothers and the lower Bench to be part of the 2016 annual dinner.

I also applaud the Ede Asenoguan led executive for their good efforts in sustaining this time honoured tradition of the bar. I once had the privilege of being Secretary of the Nigerian Bar Association Benin Branch and I am happy to observe that this tradition is still being religiously adhered to.

Generally, dinner time is not meant for long speeches. However, this particular dinner being the last I will be observing with you in my capacity as Chief Judge of Edo State, I consider it as an opportunity for me to leave a parting counsel to all members of the Bar here present today.

My counsel dwells on the choice topic:

“Corruption in the Courts: The role of lawyers in stopping or reducing it.”

For a start, may I ask if there is anyone in this hall who would love to take a drink from a dirty polluted stream? The general stare appears to say it all that no one would do so.

Since a stream does not ordinarily issue forth dirty and polluted water, it therefore becomes the duty of those who rely on that particular stream for sustenance to seek to have the source of the pollution eradicated.

Justice is a stream and the court (from the lowest in the hierarchy to the highest) is the pipe through which it flows. If the stream of justice is to remain pure, then the pipe through which it flows must be kept free from its main pollutant – **corruption**. Therefore those who rely on the stream of justice for sustenance are obliged to trace and eradicate the source(s) of its pollution.

Corruption is endemic in our polity, but of recent corruption in the judiciary and in our courts have been the dominant subject of discourse both in the print and the electronic media. What we least envisaged would happen in the judiciary is unfolding before our very eyes.

Consider the Nation's publication of Sunday 4th December 2016, particularly at page 4 where it was reported thus; **"All is set for the trial of at least 5 more judges by the Economic and Financial Crimes Commission"**. That publication went on to list the names of at least 5 (Five) Hon. Judges that were to be arraigned for trial. The same publication also reported that the EFCC had filed charges against Mr. Ricky Tarfa, a Senior Advocate of Nigeria for bribing 2 Judges with the sum of ₦2.3million Naira.

In describing the extent of corruption in our courts, Honourable Justice Bode Rhodes - Vivour, JSC in his paper titled **"Nigerian judiciary in the 21st century: The expectations"** which he delivered at the all Nigerian Judges conference said:

"In Nigeria though, the public considers everyone in the court environment, e.g registrars, clerks as part of the judiciary. This calls for concern because their action at times gives the true judiciary a bad name. Take bail applications as an example. The Judge admits an accused person to bail. In perfecting the bail conditions granted, court officials ask for additional sums of money. This is also the case with some prosecutors. Where this is not paid, negative reports are written against the sureties and bail is no longer given. Litigants are thus at the mercy of officials with sad and unfortunate experiences. There is also the case of litigants who would rather illegally facilitate their cases in court than follow due process. This can only be done with the help of corrupt court officials. In these cases, it is the judiciary that is branded as corrupt."

Let us unveil corruption's definition and how it manifests in our courts. The Black's Law dictionary, 9th edition defines corruption as:-

"The act of doing something with an intent to give some advantage inconsistent with official duty and the rights of others: a fiduciary's or official's use of a station or office to procure some benefits either personally or for someone else, contrary to the rights of others."

The above definition of corruption is lucid and there is therefore no difficulty in appreciating the fact that corruption manifests in our courts through the giving of bribe/gifts either in cash or kind, directly or indirectly

to court officers (judicial officers and other court staff) in order to pervert or influence the course of justice. Let us talk to ourselves sincerely; all practicing lawyers must realize that they are ministers in the temple of justice and therefore have a great role to play in eradicating or reducing corruption.

Rule 30 of the Rules of Professional Conduct for Legal Practitioners provide.

“A lawyer is an officer of the court and accordingly, he shall not do any act or conduct himself in any manner that may obstruct, delay, or adversely affect the administration of justice.”

For me, if lawyers are to make any meaningful impact, we must as individuals do a self appraisal to identify those areas in which we encourage corruption to thrive either by our passive disposition to the issue of corruption or our participatory involvement in corrupt practices.

Now, to those lawyers who have a passive disposition to the prevailing endemic corruption in our courts, I charge you to cast off this lethargic attitude by rising up to speak against corruption wherever it is seen in our court system. From the stage of filing of court processes in civil matters to service of processes, to judgment stage and the enforcement of judgment.

“The only thing necessary for the triumph of evil is for good men to do nothing.” *Edmund Burke in a letter addressed to Thomas Mercer.*

In Nigeria, nobody wants to report anybody doing the wrong thing.

In the criminal aspect, Hon. Justice Bode Rhodes - Vivour JSC, had highlighted a critical aspect of corruption in the criminal justice administration with regards to bail. Today this ugly trend still abounds.

For the lawyers who play a participatory role in the furthering of the evils of corruption in the court system, have a rethink, because as we have seen in recent times, practicing lawyers have not been exempted from prosecution by the Economic and Financial Crimes Commission (EFCC). You may think that yours is being conducted on a small scale and is most likely not to draw flak. Let me however remind you that this is your career for life. The attendant shame, humiliation, disgrace to your person and name is of such huge proportion that the temporary gains of your corrupt tendencies is nothing compared to the damage it will inflict.

As a lawyer, you have a duty to ensure that you do not just file and conduct your client's case, but also to ensure that the judicial process is kept free from corruption.

Take responsibility to bring about the needed change by lodging complaints at the office of the Hon. the Chief Judge or the appropriate authority for necessary action.

Many of you do not know what we on our part are doing to rid the court system of corruption and malingering. We for your information, just before the commencement of the 2016 Annual Vacation, I inaugurated the Inspectorate Division of the High Court. This Division is saddled with the responsibility of tackling corruption and malingering, twin evils that have pinned down our public service. I need to assure you all that since that Division began its work, we have already seen some changes.

The noble profession of law to which we belong is a mirror through which every responsible lawyer can draw or make a self assessment of himself or herself and imbibe very important guiding principles from which to draw inspiration. Young lawyers should be challenged and encouraged to aim for excellence by the genuine success recorded in law practice by their seniors who were also encouraged by their predecessors also. Today the young generation of lawyers here are undoubtedly the future of this profession both at the bar and the bench.

There may have been conflicts based on ideology, but by and large, the bar surmounted them all.

Here is my closing charge to each and every one of you.

“Keep the standard in dress code at all times,

Keep the standard in etiquette at all times,

Keep the standard in court decorum at all times,

Keep the standard of respect to the bench at all times.”

I also charge the Bench to keep the standard of respect to the Bar at all times.

Long live the Nigerian Bar Association Benin Branch!

Thank you and God bless you.

Bon-appetit.

Hon. Justice C. O. Idahosa
Chief Judge
Edo State.