

NIGERIAN COURTS NOW SET CONCRETE AS ROAD BLOCKS TO JUSTICE

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As a lawyer I have a burdened duty to defend the institution of judiciary in Nigeria. That duty I have always discharged to the best of my ability. Judicial institution is an important and the most important arm of government. It has duties and responsibilities to decide all manners of disputes. It has to do so without fear or favour, affection or ill will. In defending judicial institution, the judiciary must endeavor to earn the respect and trust of the people by the kind of decisions it gives. In recent times it has become increasingly difficult to defend some decisions in electoral jurisprudence. Yes, let me say it again that it is difficult defending some judgments in recent times in our electoral jurisprudence.



From some decisions there is no need seeking electoral justice in Nigeria courts or Tribunals anymore. Nothing you do that the Judicial system will not find faults with. The signs coming from our courts show that elections or selections in 2027 will be war. Yes war. Winning at all costs without regards to democratic tenets. But when the fruits of the seeds of injustice being planted in judgments by Nigerian courts in aid of electoral frauds in electoral jurisprudence germinate sooner or later; all those planting the seeds in judgments and members of the legal profession may not escape the calamitous end of our democracy. No judge or lawyer can practice in state of lawlessness and anarchy. That is it. To hold that subpoenaed witnesses cannot testify in election petitions either orally or by written form is indeed a recipe for injustice, anarchy and destruction of Nigerian democracy. To say that INEC is not an adversary in election petitions but it is an independent umpire is difficult to understand. There is no doubt the Constitution gives judiciary responsibility to resolve disputes.

In the wisdom of the draftsman judiciary is an arbiter to

resolve dispute for peace and progress of the nation. The judiciary as an institution that has responsibility to aid justice cannot continue to mount judicial road blocks for attaining that justice on the arid altar of technicality without thinking of the dare consequences on our nation. Stolen evidence we are told is admissible. Electoral Act 2022 makes Evidence Act applicable in the hearing and determination of election petitions. Subpoena is one of the ways to get evidence and bring it before the Court under the Evidence Act. The provisions of the 1st schedule to the Electoral Act 2022 are the rule of procedure. It is not a substantive law. It cannot be used to defeat the end of justice. But that is what is

going on now. The courts have suddenly become slave to procedural law in total disdain to justice and common sense. What a country of absurdities of illogicality. There is no need to seek justice in court as it appears hopeless to do so. We are told to go to court. Court we go in search of electoral justice. In court you meet principles that set concrete as road blocks to justice. INEC does not release documents before election petitions are filed. Justice is being slaughtered on the altar of undue legal technicality in our electoral jurisprudence by our courts and the judges are just behaving and playing the ostrich? The new dimension to this vexed question of subpoenaed witnesses is that INEC is said not to be an adversary anymore. INEC the Court of Appeal said is neutral person and therefore not an adversary in election petitions. Small we are doing goodbye to electoral litigations. Mighty are just right now. Do whatever you can to be declared winner and become untouchable. Where are we heading to in Nigeria in electoral jurisprudence? I do not think the judiciary is doing what is right in some judgments in electoral jurisprudence. We are heading to bad destination in our electoral jurisprudence. God forbid that the legal profession is allowed to destroy democracy in Nigeria. Jubril Okutepa SAN