

KNOW YOUR JUDICIARY

(Learn about the Nigerian Courts and Judges, and how you can make complaints to the police, seek for bail, and so on.)



A. THE CORE MANDATE OF THE JUDICIARY

“Judiciary” has been defined as the court system of a country. It is the branch of Government vested with judicial powers. It is generally regarded as the third arm of government.

B. FUNCTIONS

The function of the judiciary is the interpretation of the laws enacted by the legislature.

Judicial Independence in Nigeria

Judicial independence is the principle that stipulates and ensures that judges are not subjected to pressure and influence when adjudicating matters and are free to make impartial decisions based solely on fact and law.

The trio of the Executive, Legislature, and Judiciary form the three arms of government. The Judiciary is the third arm but not the least of government as it occupies the cardinal role of interpreting and giving effect to the laws enacted by the Legislature on the one hand, and on the other hand, interprets and pronounces upon the validity or nullity of the actions of the Executive. For this arm of government to be able to carry out its functions and responsibilities effectively and efficiently, it must enjoy independence and autonomy. Independence of the judiciary is the principle of law that stipulates that the judiciary should be autonomous, that is to say, the judiciary should be independent of the other arms of government to wit: The Executive and the

The main factors that are relevant to promoting and upholding the independence of the judiciary largely hinge on transparency and can be identified based on:

1. The procedures of appointment and promotion of judge
2. Judicial councils;
3. The terms and conditions of judicial tenure;
4. Financial autonomy and court administration;

The main factors that are relevant to promoting and upholding the independence of the judiciary largely hinge on transparency and can be identified based on:

1. The procedures of appointment and promotion of judges.
2. Judicial councils.
3. The terms and conditions of judicial tenure.
4. Financial autonomy and court administration.

This means that a simple way to test if the Judiciary of a country is transparent, then the four factors above must be present.

2.

Ford Foundation | act:onaid

Citizens Led Engagement on Judicial Accountability in

Post-Election Justice Delivery in Nigeria

(CLEAP-Justice) Project

C. THE COURTS AND THEIR HIERACHY

The constitution guarantees the independence of the judiciary and permits the exercise of Sharia Law for consenting Muslims. In order of hierarchy (seniority and authority), the courts in Nigeria are ordered as follows:

1. Supreme Court of Nigeria, being the apex court
2. Court of Appeal
3. Federal High Court
4. National Industrial Court
5. High Court of the Federal Capital Territory and High Court of a State
6. Sharia Court Appeal of the Federal Capital Territory
7. Sharia Court of Appeal of a State
8. Customary Court of Appeal of the Federal Capital Territory
9. Customary Court of Appeal of a State
10. Magistrates' Court of the Federal Capital Territory and the States
11. Area Courts in FCT and some States
12. Sharia Courts in some States
13. Customary Courts in FCT and some States.

3.

D. How Judges are appointed and their role.

Judges of the courts of Nigeria are appointed by the president on the recommendation of the National Judicial Council and approved by the Senate. Judges in the state high courts are appointed by the state governors, also on the recommendation of the National Judicial Council, and approved by the state assembly.

To be a judge you must have practiced law for at least 10 years then, you can apply to be a judge. After application, you must be recommended by the Governor or president as the case may be before being appointed as a judge. The appointment is approved by the Senate.

What does a Judge do?

1. Judges preside over cases brought to the court.
2. He or she listens to the evidence brought to court, analyses the evidence, and gives judgment based on the evidence brought to the court.
3. Judges help in interpreting the law and applying the law in giving judgment.
4. Resources

4.

The role of Lawyers

- A lawyer's position in society is to first know the law, and then to advise their clients on the position of the law to help them avoid falling foul of the law.
- A lawyer also helps in negotiating business. They also represent litigants (persons who are accused of offenses) in court.
- Lawyers ensure that your rights are protected.
- Lawyers help the police and society in keeping crimes off the street by prosecuting suspects who have been arrested and taken to court for trial.

E. Ethics and Attributes of Judge

- **A sound knowledge of the Law**
- **Be Humane and Exhibit patience**
- **Bold, upright, honest, truthful, and hardworking**
- **A judge should not be too sensitive to issues**
- **To uphold the Rule of Law**
- **Not to Over Socialize**

5.

Steps to take at a police station in the event of a crime or suspected crime

- When a complaint is made concerning a crime, the police ask questions and then begin an investigation.
- After the investigation, the police then take action based on the investigation such as arrest. By the constitution, the police do not have the right to imprison or detain a person without considering the person's rights even if evidence is available.
- The police will draw up a charge and take the suspect to court to be arraigned.
- Every citizen has a right to present their case and be given a fair hearing.
- The suspect/accused is expected to contact a lawyer to defend the crime. In that case, the lawyer is playing the role of a defense lawyer to the suspect/accused.
- The lawyer is expected to look at the case holistically to determine if there is a case against his/her client. It is based on the findings of the lawyer, presenting his case in court.

6.



F. Criminal Administration in Nigeria

Criminal administration in Nigeria is a broad term for the processes starting from when a complaint is made against a person for having committed a criminal offense to when the person is given the right to defend himself in court and when he is given punishment for the crime committed.

This process is important because the constitution states that before a citizen is convicted of a criminal offense, the prosecutor must prove to the court without reasonable doubt that the person committed the offense. This implies that before a suspect is taken to court and after the case if the judge hears that there is a possibility the suspect did not commit the crime, he will be discharged and acquitted.

Resources

- https://yusufali.net/articles/THE_EVOLUTION_OF_IDEAL_NIGERIAN_JUDICIARY_IN_THE_NEW_MILLENNIUM.pdf
- <https://www.ohchr.org/en/instruments-mechanisms/instruments/basicprinciples-independence-judiciary>
- Wikipedia
- Independence Of The Judiciary: The Nigerian Experience, Ononye, Ifeoma Uchenna, 1 Oguekwe, Udoka Dennis & Oguekwe, Adaeze Udeze

7.

G. Some Institutions of the Judiciary

The National Judicial Institute

The Institute organizes and conducts continuing judicial education and training, including study courses, lectures, seminars, workshops, and conferences, for all cadres of Judicial Officers in the country and their supporting staff.

The Mandate of the Institute is to serve as the principal focal point of Judicial activities, relating to the promotion of efficiency, uniformity, and improvement in the quality of Judicial Services in the Superior and Lower Courts. Its Vision/Mission is to enhance productivity and promote fairness through continuing education, training, and research.

The National Judicial Council

The National Judicial Council is one of the Federal Executive Bodies created by the 1999 Constitution of the Federal Republic of Nigeria. Amongst other functions, it is responsible for the Appointment, Promotion, and Discipline of Judicial Officers. The Council has through various Reforms ensured that it protects and preserves the sanctity of the Judiciary. It is its to foster a justice system that is fair, speedy, and meets the hope of all men.

Its vision is A Judiciary that is integrity-driven with adequate measures to enhance the timely and equitable dispensation of justice in Nigeria, and its mission is for the efficient and effective administration of justice in Nigeria.

8.

CITIZENS' LED ENGAGEMENT
ON JUDICIAL ACCOUNTABILITY
IN POST-ELECTION DELIVERY IN NIGERIA
#Aheadof2027 #CLEAPJustice

act:onaid



with support from
Ford Foundation