



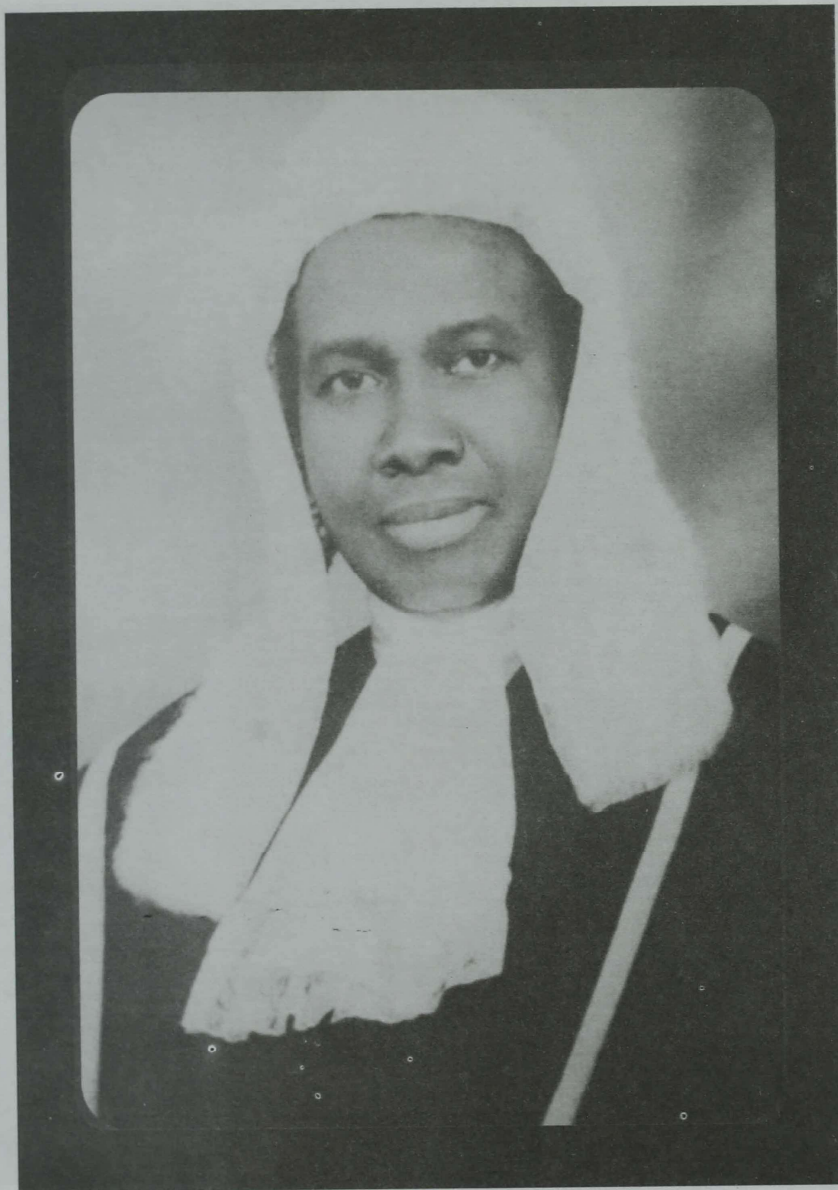
CHAPTER SIX



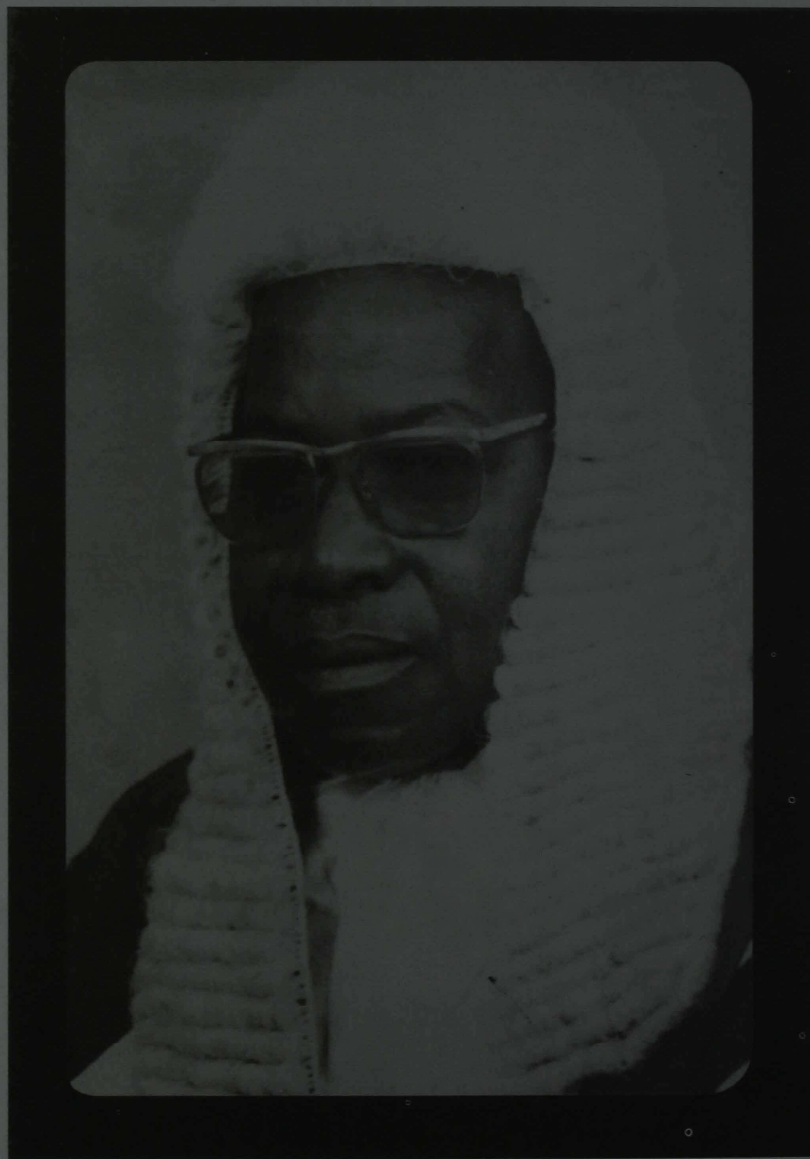
PRESIDENTS

From 1976 - Date

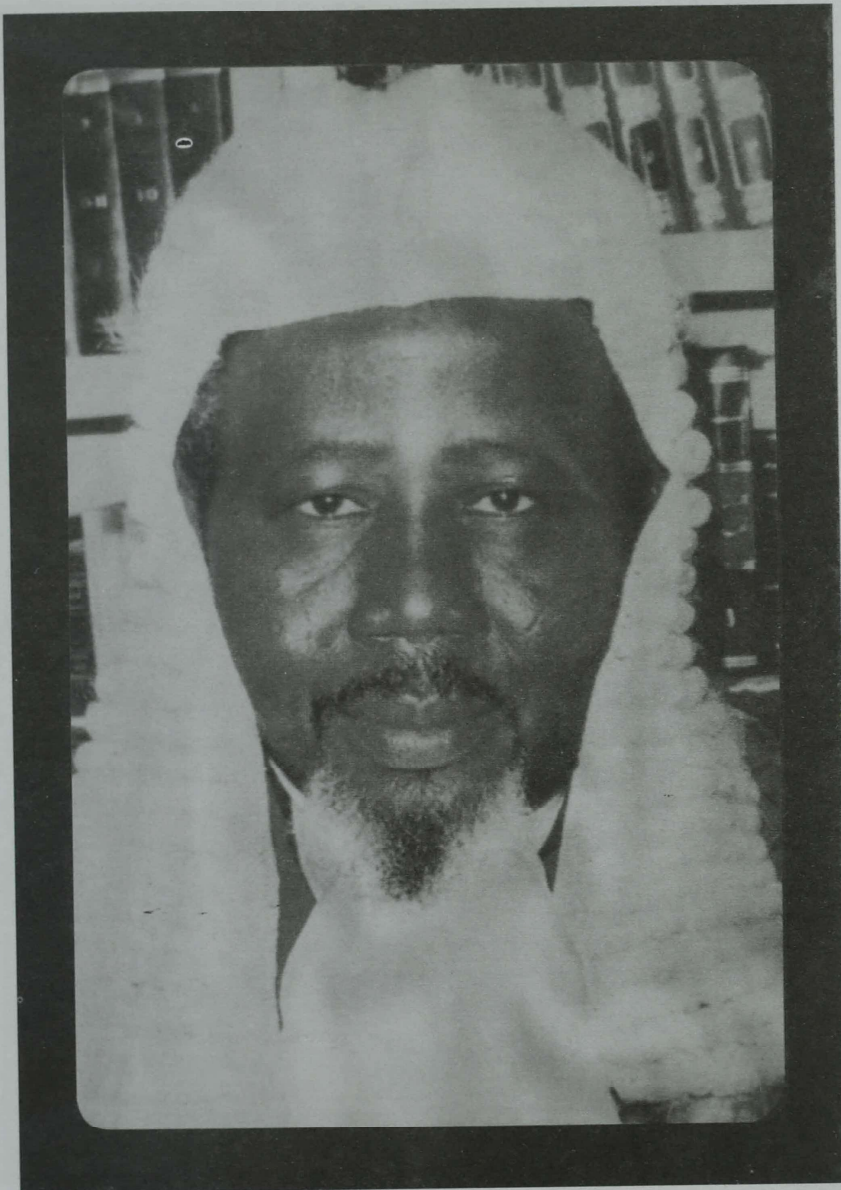




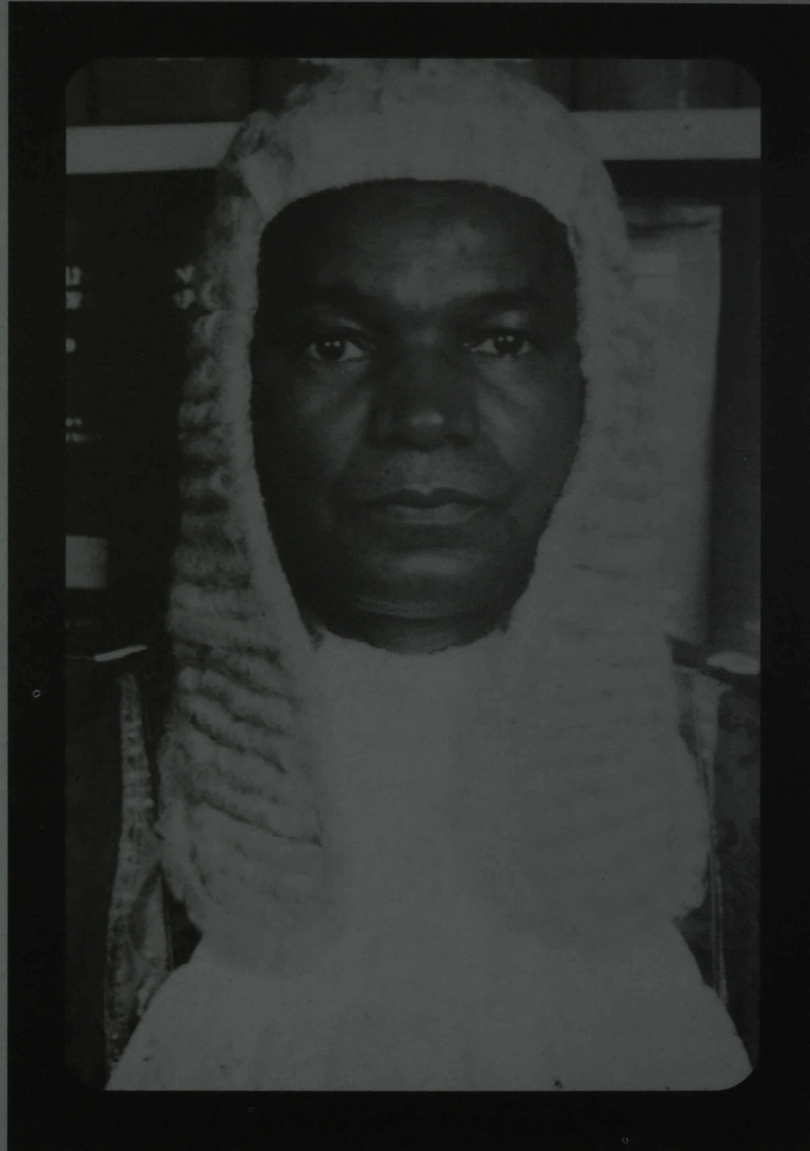
LATE HON . JUSTICE DAN O. IBEKWE
1st President Court of Appeal
1976 - 1978



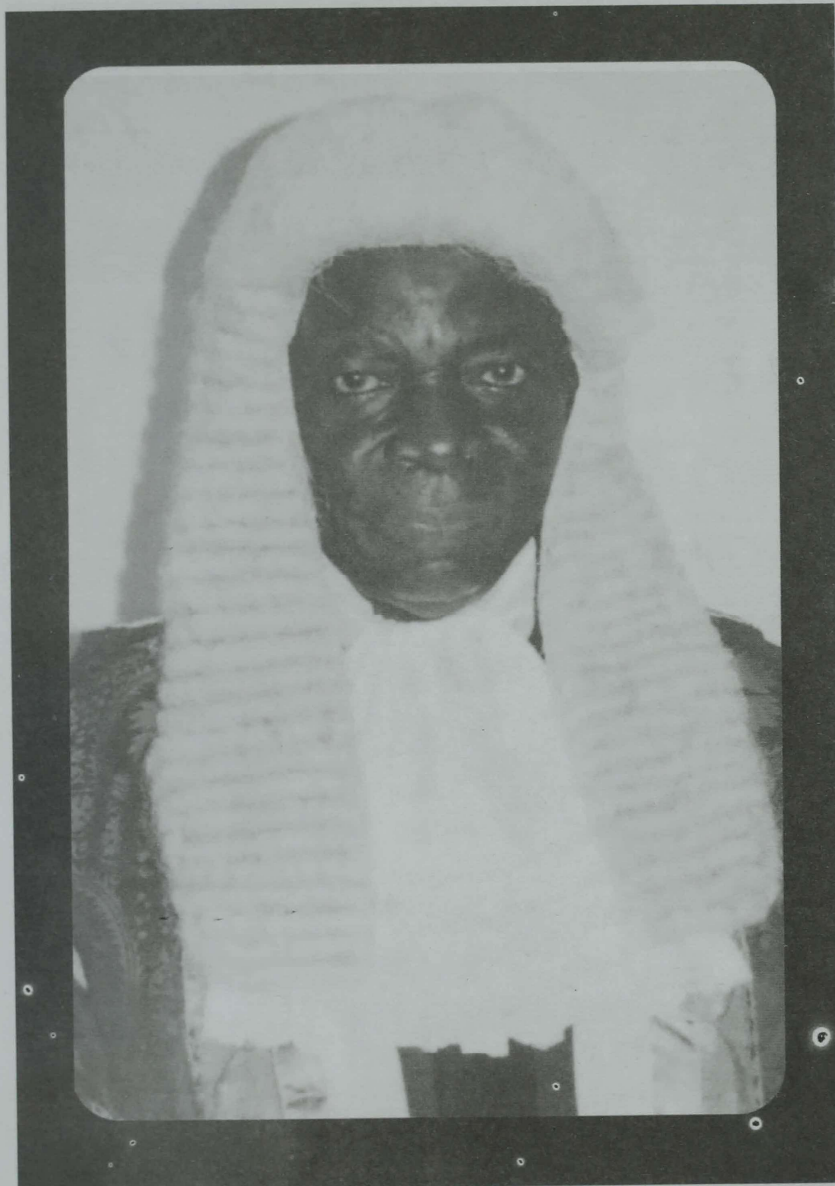
HON. JUSTICE MAMMAN NASIR
2nd President Court of Appeal
1978 - 1992



HON. JUSTICE MUSTAPHA M. A. AKANBI
3rd President Court of Appeal
1992 - 1999



HON. JUSTICE UMARU ABDULLAHI
4th President Court of Appeal
1999 - 2009



HON. JUSTICE ISA A. SALAMI
5th President, Court Of Appeal
2009 - 2012

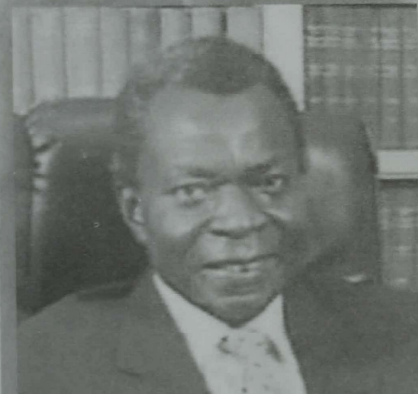
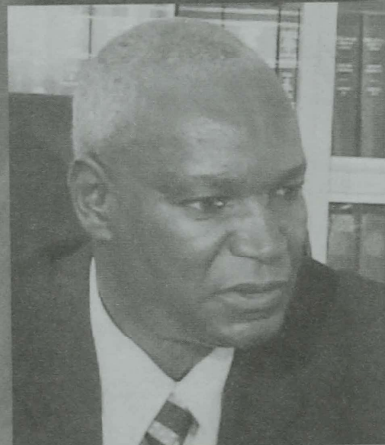
COURT OF APPEAL PRESIDENTS' BRIEF BIOGRAPHY

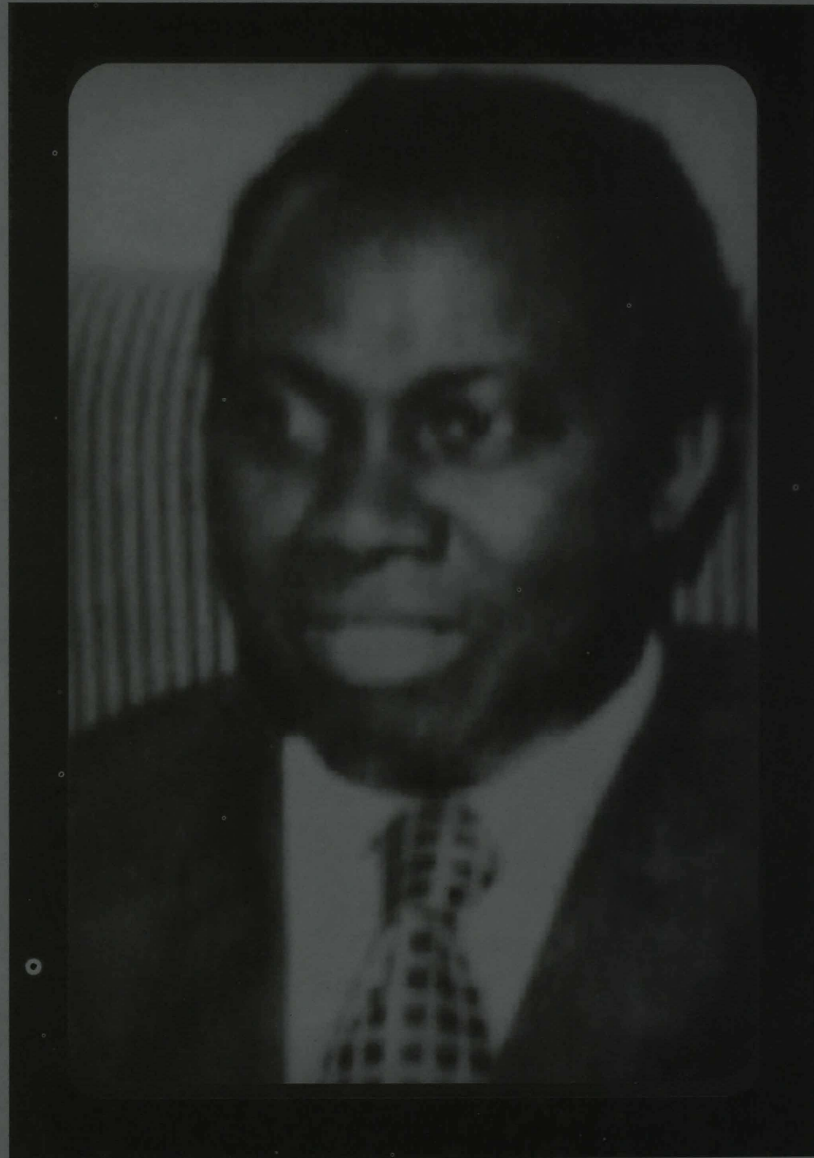


HON. JUSTICE ZAINAB ADAMU BULKACHUWA
6th President, Court Of Appeal
2012 -



COURT OF APPEAL PRESIDENTS' BRIEF BIOGRAPHY





Hon. Justice Dan Ibekwe

HON. JUSTICE DAN IBEKWE

1st PCA. 1976 - 1978

The late Hon. Justice Daniel bekwe has been described by many as and a true gentleman. He arrived the Court of Appeal with a record of unparalleled experience in private legal practice, public service and judicial life unlikely to be repeated in Nigeria's judicial history.

He was political adviser and counsel to Dr. Nnamdi Azikiwe, Nigeria's first President at Independence and that gave him deep insight into the workings of the political terrain. Ibekwe was called to the Bar in May 1951. In September 1973, he was appointed straight to the Supreme Court from the post of Commissioner for Works, Housing and Transport in the then East Central State - now comprising of Anambra, Enugu, Imo, Abia and Ebonyi States. While still in the Supreme Court, Ibekwe was in 1975 appointed as the Federal Attorney- General.

When the Court of Appeal was created, Ibekwe showed interest and accepted to be its first President. He was appointed on December 1, 1976. Former President of the Court, Justice Akanbi, while summing up Dan Ibekwe, concluded:

"If you combine all these, it was only natural that he was made the head. He did well at it. He was magnanimous and understanding . A great leader."

Many who had met him or read his decisions insist he was a pioneer and so far the structures he built have endured. At the inauguration of the Court in 1976, Ibekwe promised that:

*"The Justices of the Court of Appeal will dispense justice without fear or favour, ill-will or affection except with the fear of the Almighty."*²

Born on the 23rd of June, 1927 at Onitsha, Anambra State, Ibekwe did not spend a long time on the Appeal Court bench. He died suddenly during the Easter of 1978 and was succeeded by the most senior Justice, who came with him to the Court from the Supreme Court; Hon. Justice Mamman Nasir.



Hon. Justice Mamman Nasir

HON. JUSTICE MAMMAN NASIR

2nd PCA. 1978 - 1992

Hon. Justice Mamman Nasir (Galadiman Katsina) studied Latin at the University College Ibadan and attended the Council of Legal Education School of Law (London). He also took legal courses at the Middle Temple and became a member of the Honourable Society of Lincoln's Inn. Born 1929, he was one of the first generation of lawyers produced in Northern Nigeria.

Nasir's first appointment came in 1956, as Pupil Crown Counsel. Serving with the dedication he was known for, he rose to the position of Senior Crown Counsel in 1957 in the then Northern Region of the First Republic. From 1961 to 1966 he was the Minister of Justice for the Northern Region. He served as Political Adviser to the Premier of the Northern Region, Sir Ahmadu Bello. Thereafter, he went into private legal practice (Mamman Nasir & Co.) in 1966 at Kaduna State and was appointed Solicitor-General of the North Central State in 1968. He became the Attorney General and Commissioner for Justice of North Central State in 1969. Mamman Nasir was appointed Justice of the Supreme Court of Nigeria in 1975. He was one of the people working in the background towards the creation of the Court of Appeal. In 1976, he was appointed along with Ibekwe to serve in the new court. Nasir was made President of the Court in 1978.

Nasir was the first Presiding Justice of the Kaduna Division but later moved to Lagos to succeed Ibekwe following his death. His former colleagues claimed that during his tenure, there was nothing he focused his mind on that he did not achieve. They described him as a stickler for unity, teamwork, uprightness and discipline. According to Justice Oguntade,

*"Nasir was imperial in his approach to leadership, but very effective. From time to time, he went from Division to Division to join the Justices in adjudicating over difficult cases. He would go and preside there instead of leaving the Justices in that branch alone. There is a lot to be gained in such method. It enables the President to know the difficulties confronting each division of the Court, when it is necessary to strengthen particular divisions in terms of experience of Justices to handle certain cases which are peculiar to certain divisions. It enables the President himself to be able to speak with confidence as to the state of his court if he regularly sits with different divisions so that when complaints come, he can treat such complaints, given the hindsight of his own experience in these Courts. The influence of Justice Nasir's judgments always had a punch the people respected. What was important was not only the Court deciding on the point of law and rule but also projecting to the populace that it was doing a good job, acting justly, 3deciding promptly and rightly"*³

Nasir as Minister of Justice in Northern Nigeria pioneered the training of young northern lawyers in conjunction with the Council of Legal Education, England, at Zaria, Kaduna State. He championed the establishment of the law Faculty at Ahmadu Bello University, Zaria. He was also one of those that mobilised the university to introduce the award of diploma in law. Ninety percent of northerners in the Judiciary today, including the Supreme Court and Court of Appeal owe their training to the works of Nasir.

He retired from the Court in 1992 to be succeeded by Hon. Justice Mustapha Akanbi.



Hon. Justice Mustapha M. A. Akanbi

HON. JUSTICE MUSTAPHA ADEBAYO AKANBI
3rd PCA. 1992 - 1999

Born 11th September, 1932 at Ilorin, Kwara State, Hon. Justice Mustapha Adebayo Akanbi got his primary and secondary education in Ghana. He attended the Accra Royal School, African College and Odogono Secondary School, Ghana. He worked briefly as an executive officer in the Ghanaian was a Trade Unionist and Chief Governor of the Plant Pool & Allied workers Union.

Akanbi returned to Nigeria and took up an appointment with the Government of Northern Nigeria as an Assistant Executive Officer and he served in the School Broadcasting Department of the Ministry of Education. Later when the then Government of Northern Nigeria under the leadership of late Sir Ahmadu Bello embarked on training schemes for various professionals by offering them scholarship, Mustapha Akanbi was one of the twelve students selected to read law at the Institute of Administration now Ahmadu Bello University, Zaria in 1960. fulfilled the pre-requisite to proceed to the United Kingdom to complete his bar final examination in 1961. He was called to the English Bar in 1963. On his return home, he attended the Nigeria Law School and was called to the Nigerian Bar on January 1964.

Prior to joining the Court of Appeal on January, 1977 as part of the second batch of justices appointed to the Court, he served as a Judge in the Federal High Court which was then known as Federal Revenue Court, from 1974.

Justice Akanbi served in Enugu division for a brief period before being transferred to start the Ibadan division in June 1977 with Hon. Justice O. Akinkugbe as the Presiding Justice. He remained at Ibadan until 1983 when he was posted to Jos to start a new division. This he pioneered with Hon. Justice G. O. Agbaje, Hon. Justice Michael Ogundare and Hon. Justice Umaru Abdullahi. He was in Jos for five years as the Presiding Justice till December 1987. In 1988, Akanbi was sent back to Ibadan to be the Presiding Justice. He remained there until 1992 when he was appointed President of the Court.

Akanbi's career as a judge came into severe confrontation with the Military Government when he was appointed Chairman of the tribunal into the university crises in 1986. In May 1986, students were massacred by the Nigerian Police at Ahmadu Bello University (ABU) Zaria, while protesting against an unpopular university policy. This led to a nationwide protest. The military President, General Babangida later set up two panels to investigate the nationwide protest by students and academic staff in the wake of the killings in ABU. The first panel headed by General Abisoye, made several recommendations which were intended to undermine the structure of university administration. The second panel, led by Akanbi, was thorough and inquisitive. The students and staff made representations in spite of their initial reservations. Interestingly, the findings and the recommendations of this panel, which were made public, indicted the government for promoting crises through its policies of under funding and interference in university autonomy.

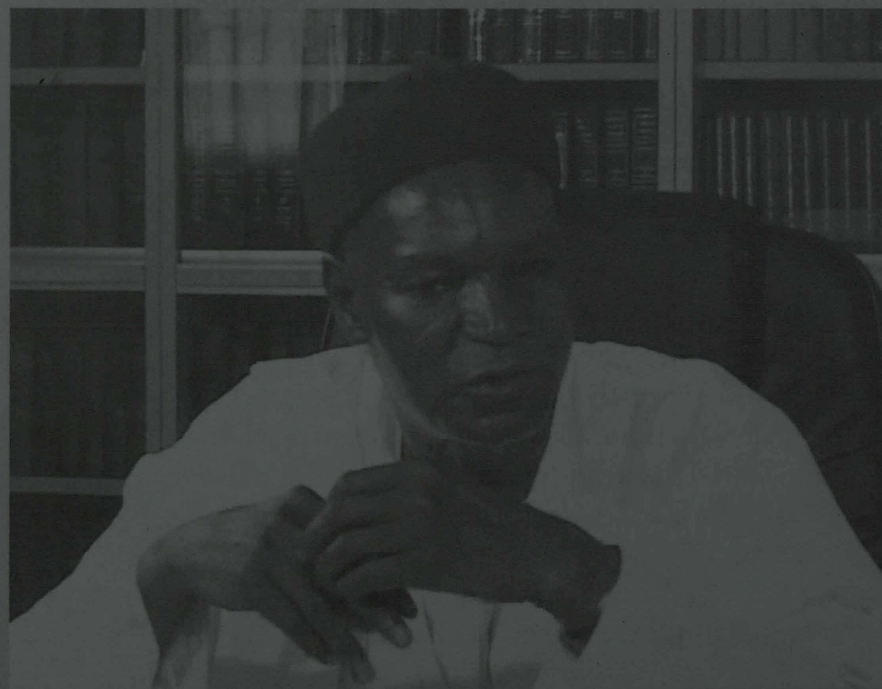
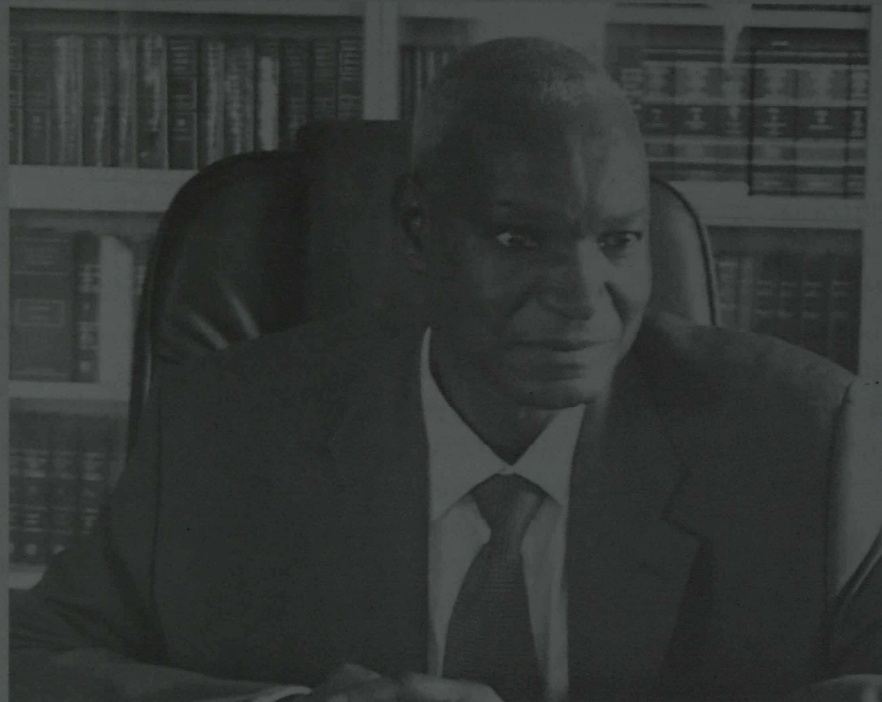


Justice Akanbi was the first Judge to be appointed as President from the rank of Justices of the Court of Appeal. He was an insightful leader. Though the nation was under a military dispensation, he surmounted every challenge and ensured that whatever was needed to make the Court function well was provided. During his tenure, he built up the Divisions that were established during the closing stages of Justice Maman Nasir's term i.e. the Jos and Port Harcourt Divisions and also set up a Division of the Court in Ilorin, Calabar and Abuja.

The Court of Appeal Act, cap. 95 Laws of the Federation, 1990 had increased the number of Justices of the Court to 41 but in 1993, Justice Akanbi secured an amendment on the eve of the departure from office by the former Military President, General Ibrahim Babangida, increasing the number of Justices to 50. Akanbi recalled that the regime of late General Abacha did not make a single appointment and the number of Justices depleted to twenty nine. Recommendations were made but the government did not act on them. Usually when Justices are posted around, there must be at least three to sit and one in reserve in case of an emergency. Under Abacha, it became difficult to post all three at the end of the day. If one fell ill, there was no replacement for him. Abacha died in 1998 and the next military head of government, Gen. Abdulsalami Abubakar, approved the appointment of 24 Justices in one fell swoop just as Akanbi was about to leave office. *That made it easy for new divisions to be established*"⁴

He decided on an early retirement in 1999 and was succeeded by Justice Umaru Abdullahi who was also appointed from the body of Justices within the Court.

Following retirement in 1999 Akanbi was appointed the first Chairperson of the Independent Corrupt Practices and Other Related Offences Commission, (ICPC).



Hon Justice Umaru F. Abdullahi



HON. JUSTICE UMARU FAROUK ABDULLAHI
4th PCA. 1999 – 2009

Hon. Justice Umaru Farouk Abdullahi from Katsina State was born on 30th of November 1939. He attended School of Arabic Studies, Bayero College Kano from 1962 to 1963. In 1963, he proceeded to the Institute of Administration, ABU Zaria where he completed his Bar exams Part 1. He went to the UK for further legal training from 1964 to 1966 at the Noble Society of Lincoln's Inn, London. There he qualified and was called to the English Bar in July 1966.

On his return, Abdullahi attended the Nigerian Law School and was called to the Nigerian Bar in 1968.

He joined the public service in Kaduna as a Pupil State Council at the Ministry of Justice and was later appointed Magistrate Grade II, a position he held from 1969 to 1973 when he became a Principal State Counsel. Abdullahi served as Acting Chief Registrar of the High Court of Kaduna State in 1973. In 1974, he was named the Chief Registrar. He was back to the Ministry of Justice in 1975 as Attorney General until August 1977, during which he was chosen as Acting Judge of the High Court in Kaduna State. In 1978, he was made a substantive Judge of the High Court.

Justice Abdullahi came to the Court of Appeal on January 4, 1983 from the Kaduna State High Court. His first judicial assignment was in Jos, Plateau State from January 1983 until September 1987. When Katsina State was created from the old Kaduna State, Abdullahi was requested to go to the new state to establish the judiciary. He worked there for four years, becoming the first Chief Judge of Katsina State on the condition that he would retain his seniority in the Court of Appeal. When he was satisfied that the state Judiciary had taken shape and was on course with judges and structures available, he came back to the Court of Appeal in November 1992. He was then posted to the Lagos Division, from where he was later sent to Enugu as Presiding Justice from the end of 1992 to early 1994. The Kaduna Division received him as Presiding Justice in 1994 and he was there until February 1999, the period he became President of the Court of Appeal.

As President of the Court, Abdullahi was reputed to be very reliable and dependable. A man of integrity and hard work. His name would go on record as the man who handled one of the longest elections petitions in Nigeria's history (*Buhari v. Obasanjo*).⁵ In view of his experience in that case, Abdullahi as President of Court of Appeal, handed out a new code of rules for the purpose of eliminating unnecessary delays in the trial of election petitions.

Abdullahi is considered as the President who brought Information Technology to the Court. Computers and internet facilities have been deployed to automate operations and hasten dispensation of justice.

He consolidated the existing Judicial Divisions of the Court, providing better buildings and housing facilities. Justice Abdullahi strengthened and reinforced divisions and established new divisions of the Court in Sokoto and Owerri, bringing the total number to 12 at the time of his departure.

Known to many as a manager of men, Abdullahi was also strict when it was needed. He was very conscientious in making sure that the Court lived up to expectation and that all Justices discharged their duties, wrote their judgments and sat on time as much as possible. Described as a good listener and quick to iron out problems, Abdullahi always encouraged all to work as a team because once one was not in line or not working at the same level with others, he would slow down the system. He often reminded each Justice of the need to be alive to their responsibilities so they would not attract unfounded criticism from the public.⁶

Umaru Abdullahi pioneered and saw to the construction of the new Court of Appeal Headquarters complex in Abuja. He strove and pepped up the living and working conditions of both staff and Justices. A welfarist, he paid adequate attention to the increment in staff salaries and allowances. It was widely acknowledged that in the judicial circle, staff of the Court of Appeal were some of the best looked after under his leadership.

Abdullahi retired as a Justice of the Court in November 2009 after attaining the age of 70. He handed over to Hon. Justice Isa Ayo Salami.



Hon. Justice Isa A. Salami

HON. JUSTICE ISA AYO SALAMI
5th PCA. 2009 - 2012

Hon. Justice Salami's elevation as President of the Court of Appeal came on November 17, 2009 when he was nominated by the late President Umaru Muḡ Yar'Adua. After his nomination he served as Acting President of the Court for a month and 13 days. Eventually his appointment was confirmed by the Senate and on December 30, 2009 he was sworn in as President of the Court.

Salami was born on October 15, 1943 in Ganma, a town in Kwara State, North Central Nigeria. He was raised and educated at Offa, Kwara State. His Lordship's early education was at Iyeru Okin African Church School, Offa, Kwara State. He was at St. Cyprian Catholic School, Offa and Offa Grammar School, Offa. Upon graduating from Provincial Secondary School now known as Rumfa College Kano in 1963, Salami embarked on his higher education at the Institute of Administration, Ahmadu Bello University, Zaria, between 1964 and 1967 where he obtained a Bachelor of Law degree (LL.B). Thereafter, he proceeded to the Nigerian Law School, Lagos in 1967 and was called to the bar on June 28, 1968.

A patriotic citizen, Salami who has served as a public servant in all the years of his career started work as Collector of Customs and Excise Grade II. He worked in this capacity until March 1, 1971 when he was transferred from Federal Public Service Commission to North Central State Public Service Commission, as State Counsel Grade II. He was elevated to the position of State Counsel Grade I on June 28, 1972, Senior State Counsel Grade II on June 28, 1973 and Senior State Counsel Grade I on April 1, 1975. From this April date to October 31, 1975, he was Acting Solicitor General and Permanent Secretary, Ministry of Justice Kaduna.

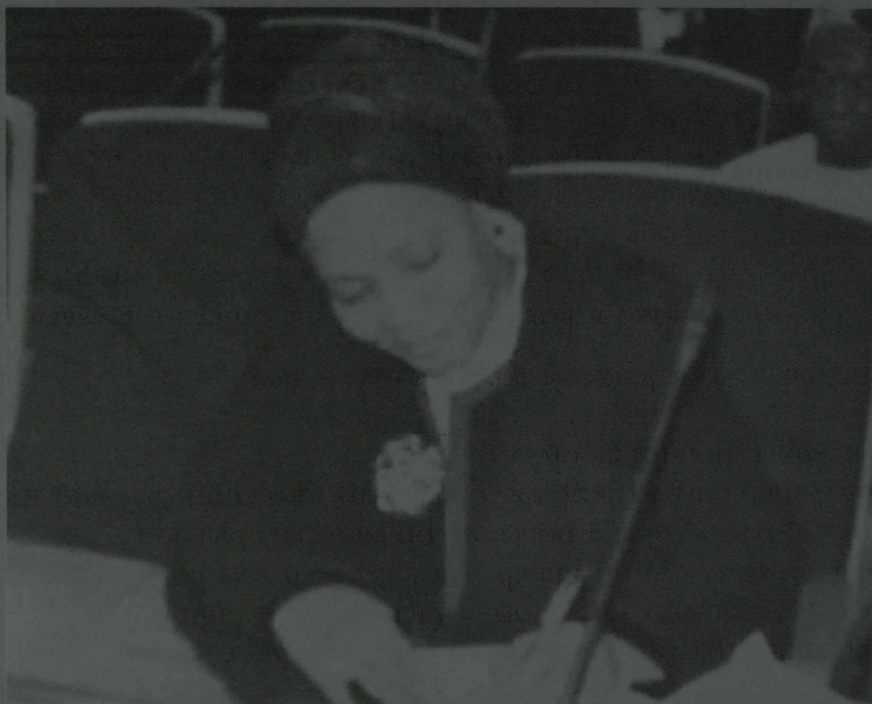
In November 1975, Justice Salami was transferred from North Central State Public Service to Kwara State Public Service as Senior State Counsel Grade I. Still making an impact in public service, he was appointed Acting Director of Public Prosecution from January 1, 1976 to December 31, 1976. When the Kaduna division of the Court was inaugurated in 1977, Salami, then addressed as Mr. I. A. Salami was among the first lawyers to appear before it. On April 19, 1977 when that court delivered its first judgment, in *Onobere Sunmonu v. The State*,⁸ a culpable homicide case, Salami represented Kwara State in the matter.

In October 1977, he started serving as Acting Solicitor General and Permanent Secretary at the Ministry of Justice, Ilorin and was elevated to Deputy Solicitor General later that month. This ran alongside his appointment as Deputy Director of Public Prosecution in the same month. On July 1, 1978, Salami became the substantive Solicitor General and Permanent Secretary, Ministry of Justice Ilorin.

He began his judicial career on December 1, 1978 as a Judge of the High Court of Kwara State and moved up to the Appeal Court bench on February 4, 1988. Justice Isa Ayo Salami was the Presiding Justice, Kaduna division of the Court from May 1999 to September 2004. Later in September 2004, he was transferred to Lagos as Presiding Justice and remained there until his appointment as President of the Court.

Barely one year into his tenure as President of the Court, Hon. Justice Salami opened three new divisions of the Court in Yola, Ekiti and Akure.

However, a dispute arose between him and Hon. Justice Aloysius. I. Katsina-Alu, then Chief Justice of Nigeria leading to his indefinite suspension by the National Judicial Council (NJC). The NJC in May 2012 reversed its decision and recommended his reinstatement but it was unheeded by the Federal Government. He eventually retired on October 15, 2013. Within the period of his suspension, Hon. Justice Dalhatu Adamu was appointed acting President of the Court. Following the retirement of Salami, Hon. Justice Zainab A. Bulkachuwa became next President of the Court.



Hon. Justice Zainab A. Bulkachuwa

HON. JUSTICE ZAINAB ADAMU BULKACHUWA

6th PCA. 2012 –

Sure-footedly, she navigated a territory overwhelmingly colonised by men, rising to the apex in second highest court of the land. On her ascension, many expressed concerns about her competence. Yet, within four years of being in the saddle, she has spun around the fortunes of the court.

Born in March 1950 at Bauchi, Bauchi State, Hon. Justice Zainab Bulkachuwa, an indigene of Nafada Local Government Area of Gombe State, studied Law at the Ahmadu Bello University, Zaria and graduated in 1975. She proceeded to the Nigerian Law School, Lagos and was called to the Nigerian Bar on 3rd July 1976.

She began her career as an arbiter in 1980; having served as Magistrate Grade I, Senior Magistrate Grades I and II and Chief Magistrate Grade II in the Kaduna State Judiciary. Bulkachuwa continued her career in the Bauchi State Judiciary as Chief Magistrate Grade I, Deputy Chief Registrar, as well as Acting Chief Registrar. She was sworn-in as Judge of the Bauchi State High Court in 1987.

A woman of many firsts, at the creation of Gombe State, the Hon. President became the first Chief Judge; a position she held from January 1997 to December 1998 when she was elevated to the Court of Appeal bench in 1998. In November 2012, President Goodluck Ebele Jonathan approved her appointment as acting President of the Court Of Appeal. Prior to her appointment, she was the Presiding Judge of the Abuja division of the court.

Bulkachuwa was acting president of the Court for over a year before her appointment was confirmed as substantive president by former President Goodluck Jonathan, on April 17, 2014 making her its sixth president and the first woman to man the second highest court in Nigeria's judicial hierarchy. She was sworn-in by Hon. Justice Aloma Mariam Mukhtar, who was then the CJN and first female Chief Justice of Nigeria.

During her inauguration, her lordship promised to push the judiciary further to a higher level. *"I feel happy, I feel elated, but I also thank God for bringing me to this stage,"* She said. Delivering her post-swearing in speech, she pledged to introduce creativity and dynamic interpretations to demonstrate that the judicial process is *"neither cold nor impersonal by working for the continued relevance of the laws to the realities of our times."*

Indicating the principles that would guide her journey, she clearly stated: *"This is the time to get back on our feet and in doing so, we must remember that in every dark hour of our existence, a leadership of frankness and vigour that will bulwark freedom, justice, fairness and human rights is crucial to this institution."* She is to retire in 2020 and represents Gombe state at the court.

In 2015, she sacked and replaced the five man panel of judges handling the April 11,

2015, Delta state governorship election at the Court of Appeal in Benin City following cases of alleged corruption, compromise, and abuse of office leveled against the judges.

Among some reforms carried out in the court are training for Justices of the Appeal Court and Election Petition Tribunal Judges on the Fast Track Election Petition Tribunal ensuring that the court is fully ICT compliant.

Some her notable pronouncements as President of the court include:

a. On avoidance of Burdensome Technicalities

"Grounds of Appeal are generally complaints by a party against the decision of a lower Court to an Appellate Court and its purpose is to give notice to the other party of what he is to meet at the appellate Court. Once that intention is conveyed then the purpose is achieved. "In the quest for Justice, the appellate Court should not be over burdened by Technicalities. Its aim should be the attainment of the ends of justice. See BP(West Africa) Ltd. v. Allen (1962) 2 SCNLR 388; Bakare v. state (1968) 1 All NLR 364; Ezenwani v. Onwordi (1986) 4 NWLR (Pt. 33) 27." Action Congress v. Kaigama (2008) 8 NWLR (Pt. 1088) 165

b. On Meaning of Final Judgment.

A judicial decision is deemed to be final when there is nothing to be heard or judicially determined between the parties. It is therefore absolute complete and certain and capable of being executed where it is not appealed against. The decision of the 'subject' matter of this application to my mind falls under the category of a final decision particularly when the provisions of Section 246(3) of the 1999 Constitution apply to it." Abba v. Adikpe (2010) LPELR- 3551 (CA)

c. On Appeals

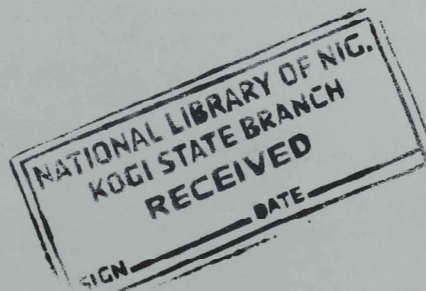
"An appeal as I have mentioned earlier is an extension of the matter thrashed at the trial stage. Any issue sought to be introduced outside the issue determined before the trial Court becomes a new Issue. A party who feels he can raise it at the appellate stage for the just determination of the matters appealed can so raise it but must first seek and obtain the leave of the Court to do so" Bichi v. Shekarau (2009) 7NWLR (Pt.1140) 311

NOTES

1. Okenwa, L.N. (producer). (2008). The Court of Appeal, 30 & 2 Years, The journey So Far. [DVD]. Fiduciare Media Productions.
2. Ibid.
3. Ibid.
4. Ibid.
5. Abdullahi and his team would sit from about 9.00am and rise 7.00pm. The appeal lasted for an uninterrupted period of 18 months including sittings on Saturdays. A total of 338 witnesses were called.
6. Okenwa, Supra.
7. Constitution of the Federal Republic of Nigeria 1999, Section 238(1) states that:

The appointment of a person to the office of President of the Court of Appeal shall be made by the President on the recommendation of the National Judicial Council, subject to the confirmation of such appointment by the Senate.

8. *Onobere Sunmonu v. The State* (1977), 1 F.C.A (Reserved Judgments of the Federal Court of Appeal, March - June, 1977) 50.



CHAPTER 6

List of Cases

1. Onobere Sunmonu v. The State (1977) 1 F.C.A
2. Action Congress v. Kaigama (2008) 8 NWLR (Pt. 1088) 165
3. Abba v. Adikpe (2010) LPELR- 3551 (CA)
4. Bichi v. Shekarau (2009) 7NWLR (Pt.1140) 311

