

Foreword by: Hon. Justice Umaru Abdullahi, CON



# Court Of Appeal

40 YEARS AND COUNTING



**Lillian Okenwa**  
**Kirsten Y. C. Okenwa**



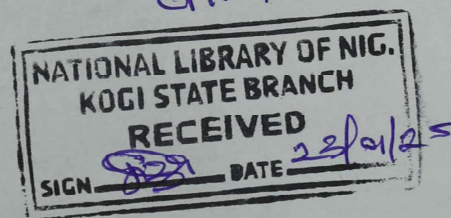




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*40 Years and Counting*

**Lillian Okenwa**  
**Kirsten Y. C. Okenwa**



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Map of Nigeria

● States with Divisions of the Court



**COURT OF APPEAL**  
40 Years and Counting

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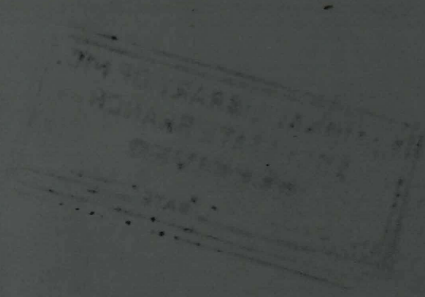
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# FOREWORD



They say that history is always written by the victors, but also that men who made history have little time to write it.

I seriously pondered over this statement and at the end I arrived at the inescapable conclusion that there is veracity in it.

This book - **Court of Appeal, 40 Years and Counting** - is a good witness I can rely on to support my conclusion. The book touched upon the lives of the great founding fathers of the Court. It went further to adequately treat the history of the Court both in words and pictures. The pictures captured the great players as well as the great events that occurred in the life of the Court up to a very recent time. I must confess that I have never come across anything like it before concerning the Court.

As the title of the book sensibly suggested, **40 Years and Counting**, it cannot be ruled out that we have not heard the last word.

This book has in a very simple language brought out clearly, not only the history and the story of the founding fathers of the Court, as well as the numerous developments it went through over the years, it also clearly highlighted the position of the Court in the scheme of things; namely its hierarchy in the Nigerian judicial system, its responsibilities and indeed its importance and contribution in the national development, particularly to the development of the Rule of Law .

I would like to conclude by saying that this book is one single great effort made to make available to the general public all that needs to be known about the great Court, so far.

I sincerely recommend this compendium of history of the Court of Appeal of Nigeria to judicial officers of all grades, legal practitioners, students, institutions and the general public.

**Hon. Justice Umar Faruk Abdullahi, CON, (WALIN HAUSA)**  
Former President,  
Court of Appeal Nigeria

# DEDICATION



To the ONE who changes times and seasons.



# ACKNOWLEDGEMENTS



So many people provided information, guidance, advice and support in the course of writing this book. Hon. Justice Umaru Abdullahi gave me this opportunity. He stomached my persistent phone calls, visits in the office and at home, and all those interviews! Thank you Baba. To Hon. Justice Zainab Bulkachuwa; you resurrected this project when it was almost dead. For making it happen I say a big thank you! To Hon. Justice M.L. Uwais, for paving the way into documentary making; patiently enduring my continual borrowing of his books, materials and ideas. What about the unending phone calls to ask questions? Your Lordship, I can't thank you enough! Hon. Justice Maman Nasir, *Galadiman Katsina*, I'm grateful for your kind reception at Malumfashi, Kaduna and insight into cases and history of the Court. To Hon. Justice Mustapha Akanbi for his warm welcome at Ilorin and immense contributions. To Hon. Justice Isa Ayo Salami for all the encouragement. To Hon. Justice Uthman Mohammed for those wonderful receptions at Arugungu and the enlightening interviews. To Hon. Justice Suleiman Galadima, we cannot forget your support. Many thanks to all the interviewed justices of the Supreme Court, Court of Appeal and all who spared time amidst busy schedules to speak with us. For granting us those interviews, I thank you. I have learnt so much from you!

My gratitude goes to Chief Afe Babalola, SAN for his fatherliness and warmth. The information we got from him came very useful in this work; to Chief Chris Uche SAN whose contribution formed most of Chapter Five (Appeal Court and Election Petitions). Many thanks sir. Chief Mrs Victoria Awomolo, SAN also contributed to that chapter. We appreciate you ma. To Wahab Gbadamosi for always cheering me on. You read the entire manuscript and tore it to pieces! Thank you. To Chidi Odinkalu, a dispassionate critic, you read most of the manuscript and your contribution is priceless! Thanks for your wise counsel. To Ibe Ikwechegh for those cases you brought to my knowledge, reading part of the manuscript and reminding me to keep my language simple but story-like. Many thanks. To Tunde Akani who also read the manuscript. Thanks for your assistance. Brian Browne, you spared time to look at our work. Thanks for your contribution. To Samirah Tahir who also read the entire manuscript! You read it all over again when I lost over 150 pages on my laptop! I can't thank you enough. To Monisola Ayinde for excellent editing skills. To Mallam Mohammed Shuaaib, for helping trace those elusive cases and citations. Thanks! Alhaji Mahmud Shuaaib, you led the way to the archives of New Nigerian Newspapers and Arewa House, Kaduna (National Archives). It was a lot of work and I thank you. A big thanks to Mallam Mahmud Abubakar for fishing out the law report on Karimatu's story. To Ezekiel Ajugu, Emeka Anyamene and Loveth Agbo-Ogbodo for your prayers! Your support was beyond measure.



Most of this work would have been impossible without the Nigerian Law Publications Library. The best law and newspaper library in Nigeria owned by late Chief Gani Fawehinmi. Chief, you gave me invaluable access. So sad you are not here to see the finished work. Thanks Chief, for the privilege of benefitting from you and the library. To Mr. Ugwuzor Adindu for lending a hand.

To the Court of Appeal family, Alhaji Aliyu Ibrahim, Chief Registrar of the Court, Alhaji Hafizu Isah, Deputy Chief Registrar (HQ), Mrs. Tonia Haddison, Mr. Esien I. Kooffreh, Ms. Rita Enuminam, the library staff of the Court, all staff of the Hon. President's chambers and Chief Registrar's office for enduring all my pestering! Thanks.

Many thanks to my sister Doris Okenwa who wrote most of the video documentary script. To my mum, Mrs. R.O Okenwa for her support. To my sister Phyllis Okenwa who never hesitated to laugh at some lines or remind me that: *"That is too lawyerly! You had better break that sentence down!"* To my brothers Gerry and Karl for always being on hand to provide comic relief. Many many thanks to my family for their support and ability to tolerate Kirsten and me.

A million thanks to Kirsten, my partner in this project without whose assistance this book could not have happened; for those trying times of re-designing and fitting in my numerous corrections! For the countless times you read this manuscript. For your wonderful insight, contributions and writing! I could not have had a better co-author.

**Lillian Okenwa**  
April 2019

# IN A NUTSHELL



It never occurred to me that I would one day produce a historical documentary much less write a book on a court's history. However, the idea began to form sometime in 2002 while as a Court Reporter with This Day Newspaper. I ran into the Late Sam Umah who was a lawyer then in the Notary Public Department of the Supreme Court of Nigeria.

I had often bumped into Sam along the winding corridors of the Court while nosing around for news stories. I was barely a year old in judicial reporting and still disgruntled over being moved from a more interesting Features desk. So one can only imagine my amusement when during one of our chance meetings on the court's hallway the following interesting conversation ensued.

"Lillian, why don't you do a documentary on the Supreme Court? I mean write a book." Figuring that he was talking gibberish, I retorted, "and what makes you think I'm the best person to write a book on the Supreme Court?" He replied. "You're a judicial reporter and you come to the court (meaning the Supreme Court) often. I'm sure you can do that." I replied, "Why haven't you done anything in that wise yourself? You're a lawyer and you even work in the Court. *A beg, I need to see somebody...*" I said in mixed Pidgin English, nicely ending the discussion and walking away.

I thought that was the end of it but how wrong I was! Sam saw me the next time and the greeting was: "So how's the book coming up?" I smiled and walked away. He kept on pestering. On this particular day he added, "Look, I can give you names of some contacts at USIS" (United States Information Service). They have a good library and you can look in to see what other people have done on the Supreme Court of the United States." Then I started thinking. I had no clue on how to go about this book, more so, on the Supreme Court of Nigeria! It sounded far-fetched but I decided to give it a go and ask Sam for help. Even if I didn't make any headway, I could learn a thing or two. In any case, my guide was not giving up for he kept harassing me until I asked for the names of the contacts.

At that point I decided to see Hon. Justice M.L. Uwais, then Chief Justice of Nigeria to tell him about my plans to write a book; a documentary on the Court. I thought perhaps he would remind me I had no business in that arena but interestingly he encouraged me and even gave me more ideas. Almost immediately, he began to reel out the names of former justices of the Court I could interview and later asked his secretary, the late Mr. Awonusi to compile for me the names of those justices with their addresses and telephone numbers.

After that I found myself procrastinating for quite a while. Eventually I managed to call the late Chief Justice Fatayi William and told him what I was up to, and that Justice



Uwais said I could call him and schedule an interview. He sounded very interested but said he would not be available within that period and that I should call back at a later date for us to schedule a meeting.

Procrastination set in again and one day I saw his obituary in the papers. I then called former Chief Justice Mohammed Bello who was delighted to speak with me. It was an interesting meeting with a very humble, simple man. He too died shortly after.

Afterwards I called up Justice Kayode Eso and a meeting was scheduled for his Ibadan residence. I met his Lordship but at my first question he was convinced I was not ready to interview him. He sent me off with a couple of law books which he asked me to read up and then call to reschedule another interview. He also instructed me not to leave Ibadan without visiting Spectrum Books for a copy of *The Mystery Gunman* that he authored and which he said would tell me all I wanted to know about him. I finally landed an interview with him a month later and was not sent back.

Justice Uwais on his part spared a lot of time at different periods to talk with me about the workings of the Court. His patience and humility is amazing. However, I discovered along the line that embarking on a book documentary of that kind would be too expensive for me to shoulder. By early 2003, I had shelved the idea.

In 2005, it occurred to me that I could approach the Supreme Court to sponsor a video documentary. Justice Uwais bought my new idea and that began my journey to the world of video documentary production. I teamed up with Kirsten Okenwa and by June 2006 when Justice Uwais retired from the Court, our first video documentary, *The Supreme Court of Nigeria, 55 Years of nation Building* had been born.

In 2007, I figured it was time for the Court of Appeal Production. I approached Hon. Justice Umaru Abdullahi, then President of the Court of Appeal and asked if we could produce a documentary similar to the one made for the Supreme Court. Obviously impressed by that of the apex court, he graciously embraced the idea and eventually, our second video documentary *The Court of Appeal, 30 & 2 Years, The Journey So Far* came into being. Satisfied with the production and considering that so many details were left out of the two-and-half hour production, he gave an approval for us to do extensive work on that production which culminated into this book. His confidence in us was astounding. He not only prodded and asked questions, he was very helpful; giving us clues, information and all that was needed to make the project work. When he retired from the bench, we were still laboring on. Hon. Justice Isa Ayo Salami who took over from him was no less helpful.

At the time I signed off in August 2011, I thought we were ready to sail. But little did I know there would be hitches along the way. A lot of events occurred in the Court and we had to stop press. It took another seven years of hard work for us to fill in the

missing pieces. I remember how Her Lordship, Hon. Justice Zainab A. Bulkachuwa had such faith in me... She provided all the necessary tools, hence this resurrection!

I began my journey into documentary production as a court reporter and ended the production of this book a lawyer. Who said hanging around courts, lawyers and judges wasn't infectious?!

Thankfully, I reached the goalpost.

**Lillian Okenwa**

Abuja.

April, 2019.



# INTRODUCTION



Though the Court was created on October 1, 1976, it was not until February 22, 1977, that it finally opened for business. 40 years after that historic occasion, the Court of Appeal has continued to impact Nigeria.

A book telling the Court of Appeal's story cannot be complete without recognizing its numerous pronouncements. These are covered within three exciting chapters – Chapter Two: *Notable Decisions I*, Chapter Three: *Notable Decisions II*; and Chapter Seven: *Divisions* which delves into some of the first and/or earlier judgments delivered, grouped by the divisions of the court.

Although this is a book which gives an account of the Court's history, it can also be used as a textbook. That said, we have attempted to tell the story of The Court in a relaxed, friendly and compelling manner. It is not intended to be too staid or technical.

As much as we want this book to be of great benefit to lawyers and everyone in the legal profession as a whole, we also want people who are not in the business of law to read, enjoy and appreciate the story of The Court. Hence we have made little use of legal jargon English in our writing.

Another reason for this book is for non-lawyers to understand and appreciate the workings of the judiciary and the legal profession. That is why we have taken time to explain several happenings in this book.

I must point out that most of the materials used in this writing were gathered from oral interviews conducted on a number of people in the course of making the video documentary, *The Court of Appeal, 30 & 2 Years, the Journey So Far*. Their names and photographs are on pages 353 to 360. Other details were gathered from researches and further interviews conducted after the 2011 break....This makes the book exclusive.

The thoughts and inspirations of these great men and women, never before documented, have appeared in this book. Some of them passed away after our interview and I can't help but think how the wealth of information they supplied would have gone unknown had we not embarked on this work. It is my hope that the eight years and 20 months Kirsten and I spent in writing will prove useful as you read or learn from this book.

My Lords, ladies and gentlemen, I present to you: **Court of Appeal, 40 Years and Counting**. I hope you enjoy the ride.

