



STATEMENT ON THE CHIEF JUSTICE OF NIGERIA

The Commonwealth Lawyers Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Magistrates' and Judges' Association (CMJA) are concerned about the allegations made against the Justice Walter Onnoghen, the Chief Justice of Nigeria, who has been brought before the Code of Conduct Tribunal for alleged misrepresentation of his assets.

We are particularly concerned that the constitutional procedures and due process in the investigation of a judicial officer in Nigeria have not been followed. Where members of the judiciary are accused of criminal conduct, the State is entitled to charge them with the relevant crimes, but the manner in which they are charged and arrested must be consistent with the rule of law and the Constitutional safeguards. The judiciary like other members of society may not be subjected to violations of their fundamental human rights no matter what the charges are against them.

The *Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003)*, which form part of the Commonwealth fundamental values state that disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness that is to say, the right to be fully informed of the charges against them to be represented at a hearing, to make a full defence and to be judged by an independent and impartial tribunal.

Furthermore these Principles require that judges should be subject to suspension or removal **only** for reasons of incapacity or misbehaviour that **clearly** renders them unfit to discharge their duties.

The Associations urge the Government of Nigeria to abide by the constitutional provisions, natural justice and due process in order to safeguard the independence of the judiciary. In particular the Government of Nigeria is urged to respect the provisions in the Commonwealth (Latimer House) Principles which govern the relationship between the three branches of government and are a cornerstone of the Commonwealth values.

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)
24 January 2019

NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth.
www.commonwealthlawyers.com

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK.
www.clea-web.com

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org