

COVID-19: SUSPENSION OF COURT SITTINGS IN NIGERIA

Overview

The continuous surge of the coronavirus disease (COVID-19) globally has called for urgent measures and reactions to prevent its continued spread. In Nigeria, the Judicial System followed this line of precautionary and protective measures as a way to contain and/or reduce the spread of the virus in the country.

In a circular issued by the Chief Justice of Nigeria ("CJN") and Chairman of the National Judicial Council, Hon. Dr. Justice I. T. Muhammad, CFR, on March 23, 2020 (the "Directive"), all Heads of Courts, Federal and States Judiciary have been directed to suspend Court sittings for an initial period of two (2) weeks at the first instance, except in matters that are **urgent, essential or time bound according to extant laws of Nigeria**.

Comments

It is our view that matters which will qualify under extant laws as 'urgent, essential or time bound' will include cases affecting the life and liberty of citizens as protected by the Constitution and other domesticated international treaties and/or applicable international instruments to Nigeria, cases involving the urgent need for determination and/or interpretation of the provisions of extant laws, including the Constitution of the Federal Republic of Nigeria, cases that may affect the revenue, sovereignty and/or integrity of the Federal Republic of Nigeria, other sensitive and urgent commercial cases, including admiralty matters.

Although there is no clarity, as at the time of issuing this Briefing, as to how the Courts will operate for the purpose of hearing matters that may come within the purview of 'urgent, essential or time bound' cases, we are of the view that similar operational model adopted during the annual Courts vacation may be applicable. Where this is the case, litigants and/or their Counsel will need to bring before the Courts, relevant applications to justify the urgency of any matter(s) that may qualify for adjudication under the exceptional circumstance of being **'urgent, essential or time bound'**. **The merits or otherwise of such applications ultimately remains at the discretion of the Courts.**

We are mindful that the realities of this present time require that the safety of lives, including those of the Court officials, should rank ultimately over and above all things; and so we applaud the CJN for the Directive and we also recommend that the Nigerian Judicial System should fully embrace technology in the dispensation of justice which would have duly catered for sensitive times as we currently have. To this end, it is doubtful if the operational model adopted by the Courts during its annual vacation may even be sustainable in the current face of this pandemic. We are however hopeful that the spread of the pandemic will abate soon to enable the return of life to normalcy, including the full operation of the judicial system.

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