

HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA

COVID-19

PRACTICE DIRECTION 2020

In exercise of the powers conferred on me by Section 259 of the Constitution of the Federal Republic of Nigeria 1999 (as amended); Section 109 of the High Court Act, Cap. 510 Laws of Nigeria, 2004, Order 1 Rule 3 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2018; Section 490 of the Administration of Criminal Justice Act, 2015 and by virtue of all other powers enabling me in that behalf, I, HONOURABLE JUSTICE I. U. BELLO, CHIEF JUDGE OF FEDERAL CAPITAL TERRITORY, ABUJA hereby issue the following Practice Direction:

Commencement

1. This Practice Direction shall take effect from Monday, the 11th day of May, 2020.

Applicability

2. This Practice Direction shall, save to the extent and as may otherwise be directed by the Chief Judge apply to both criminal and civil causes or matters in the High Court of Federal Capital Territory, Abuja as well as the Magistrates/District Courts in the Federal Capital Territory, Abuja.

Objective and Guiding Principle

3. The purpose of this Practice Direction is to regulate the sitting of the Courts of the Federal Capital Territory, Abuja in the wake of the relaxation of the Stay-at-Home/Lockdown by the Federal Government of Nigeria and to ensure the effective conduct of court business without compromising the health and safety of Honourable Judges, Learned Magistrates, Court Staff, Counsel, litigants and other court users in conformity with extant directives and advisories issued

by the Federal Government of Nigeria and/or other relevant agencies on containing the COVID-19 pandemic.

Directions

4. All Courts in the Federal Capital Territory, Abuja shall resume regular sitting with effect from Monday, the 11th day of May, 2020.
5. The period beginning from Monday, 23rd March, 2020 to Monday, 4th May, 2020 (six weeks), being the period of the sit-at-home/lockdown declared by the Federal Government of Nigeria by reason of the COVID-19 pandemic shall be excluded for the purposes of COMPUTATION OF TIME for doing any act under the Rules of Court.
6. The Honourable Judges and Learned Magistrates shall ensure the strict observance and enforcement of the rules of PHYSICAL DISTANCING and the wearing of FACE MASKS by court staff, counsel, litigants and all persons inside the courtroom and/or within the precincts of the court.
7. Every litigant or group of litigants suing or being sued together in a cause or matter shall be represented by not more than ONE counsel in the courtroom. Where the Rules of the Legal Profession or other exigency make it imperative for counsel to appear with another counsel, then only ONE junior counsel shall be led in the cause or matter.
8. In order to avoid a situation where traffic in and out of Correctional Centres (Prisons) may catalise the spread of COVID-19 to inmates, hearing in criminal matters requiring the production of defendants in custody is hereby suspended until further notice. Other criminal

matters, applications for bail or remand and overnight cases shall be entertained and determined by the Court.

PROVIDED that in considering remand applications, the Court –

- (a) shall exercise necessary caution to ensure that, as far as practicable, suspects are not ordered to be remanded at correctional centres.
 - (b) should give due consideration to the possibility of either granting bail itself or directing the prosecutorial agency to grant administrative on reasonable terms in lieu of making a remand order.
 - (c) shall in the case of non-bailable offences or where it is in the interest of justice to grant the application, order that the suspect be remanded in the custody of the prosecutorial agency.
9. Causes and matters and other proceedings that can be determined on the basis affidavit evidence may, as far as practicable, be heard and disposed of by Remote Hearing on virtual platforms such as Zoom, Microsoft Teams, Skype or other audio or video platform as may be approved by Chief judge. This includes cases initiated by originating summons or originating motion, applications for enforcement of fundamental right and interlocutory motions, as well as adoption of written final addresses and delivery of judgments/rulings. All participants in a remote hearing shall dress appropriately for court proceedings.
10. The Honourable Judges and Learned Magistrates should organise their Cause Lists to ensure that not more than five (5) cases are fixed per day. In keeping with the demands of social distancing, the Court shall indicate in advance the sequence and specific time for hearing cases

on the Cause List in order to avoid the convergence of counsel and parties in the courtroom from the beginning of the day's proceedings. The court shall allot time for each party to present his/her case, taking into consideration the peculiarities of each case.

10. In all cases (whether criminal or civil), only the parties and their counsel shall be allowed into the courtroom, subject to a maximum number of TEN (10) PERSONS (excluding court officials) at any given time. In representative actions or other matters with multiple parties, only ONE representative shall be allowed.
11. The Honourable Judges and Learned Magistrates shall keep to the barest minimum the number of staff/clerks working with them in the courtroom.
12. In addition to observing social distancing and wearing of face masks, all Court officials are advised to wash their hands with soap, apply recommended hand sanitizers regularly and comply with all advisories issued by the Nigeria Centre for Disease Control (NCDC).
13. The Honourable the Chief Judge may review this Practice Direction and/or issue further directives as prevailing circumstances may render expedient or necessary.

DATED this 8th day of May, 2020.

Signed

Hon. Justice I. U. Bello, *FNIALS*
Chief Judge