



NIGERIAN BAR ASSOCIATION

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COVID-19 PANDEMIC

1. The Nigerian Bar Association (“NBA”) commends the proactive measures that were announced by the Lagos State Chief Judge on 20 March 2020 (“Directives”) in an effort to prevent the possibility of the court houses in Lagos State becoming centers for the spread of the dreaded Coronavirus (“COVID-19”). For those who may not have read the Lagos State Judiciary’s Statement, entries to court premises in the State are now limited only to persons who need “to file urgent matters/applications. In all cases, only parties whose cases are to be heard, their witnesses and Counsel, will be allowed into the court room at any sitting time, subject to a maximum of twenty persons all together. In the court rooms, persons shall keep a distance of at least one meter to each other, as recommended by the World Health Organization”.

2. The Chief Judge’s Statement further stipulates that, “in criminal matters, only remand/bail applications and overnight cases will be heard” while “in civil matters, only *ex-parte* and urgent applications (and) adoption of written address will be entertained”. In addition, “judgments and rulings will be read”. These Directives complement the Federal and Lagos State Governments’ directives for preventing the spread of the COVID-19 pandemic. Incidentally, the Lagos Judiciary Directives may have been overtaken by the Lagos State Government Directive of today which imposes a stay-at-home order on the State’s civil servants on Grade Levels 01 to 12. With that order, activities in the Lagos State Judiciary have mercifully been scaled down beyond the Chief Judge’s contemplation in his Directive.

3. We recommend the Lagos Judiciary Directives to all the Federal and States Judiciaries in Nigeria, at a minimum. In point of fact, we are inclined to recommend a more drastic and immediate shutdown of the courts, particularly in cities with large densities such as Abuja, Lagos, Port Harcourt, Kano etc. pending further directives from the Nigerian Center for Disease Control. To illustrate the point that we make, one of the oft-repeated advisories for preventing the infection with and spread of

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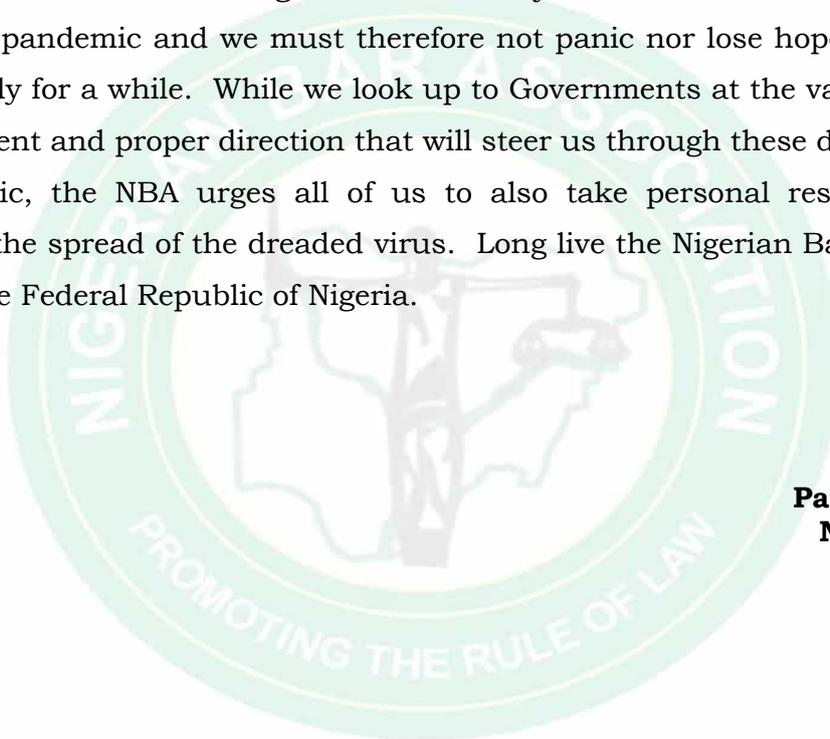
COVID-19 is constant and repeated hand washing with soap over running water. How many of our court houses in the Federation have wash-hand basins, with soap and constant running water, if at all, for the use of members of the public who visit court premises daily for one business or the other? Those who have – and they must be pretty few – do they have them in sufficient numbers for the crowd we routinely have in our court complexes? The truth is, our public buildings are abysmally deficient in these basic necessities and it is in consideration of that fact, amongst others, that we urge all the Heads of Courts, both Federal and States, to seriously contemplate the possibility of, at the minimum, drastically limiting the permissible businesses of the courts to the most urgent in this period of global medical emergency, similar to the Lagos Judiciary Directive. Even those urgent matters must be paced out in a manner that limited number of matters are heard by any court on any day in order to minimize and manage the number of persons in our court rooms and allow, as much as possible, for the maximum recommended number of 20 persons and the social distance of 1-meter in-between persons.

4. Even as we recommend these drastic limitations in the permissible businesses of the courts per day at these times, we must mention that some of our court rooms are so tiny and ill-ventilated such that persons in those court rooms are traditionally packed like sardines. That is a perfect scenario for the spread of COVID-19. Not even at the Supreme Court might it be possible to reduce the number of persons during any sitting to the recommended 20 – not with the 5-7 Justices, the Court Registrars and the battery of Senior Advocates of Nigeria and their respective junior colleagues and of course the litigants. Indeed, in practical terms, it is difficult if not impossible to maintain the WHO-recommended one-meter social distancing between persons even in the Supreme Court which arguably has the largest court rooms in Nigeria on any hearing date, particularly on those days when Their Lordships may have some contentious political matters on the court's dockets.

5. In addition to our recommendations in this Release, the Nigerian Bar Association will be immediately consulting with the Chief Justice of Nigeria, Honorable Justice (Dr.) Ibrahim Tanko Muhammad, CFR and the various Heads of Courts, notably at the Federal level, on how best to address the COVID-19 pandemic *vis-à-vis* our courts and their users. We will periodically update our members on the outcome of these consultation. It is however critical that we all, individually, comply with the directives of the Federal and State Governments on the COVID-19 pandemic. Preventive advisories, based on releases by WHO which we must all imbibe, include

the maintenance of social distancing, avoiding our customary Nigerian handshakes, hugs and backslapping, avoiding crowd gatherings, hand-washing with soap and water, not taking your hands to your face, coughing into your inner elbow, staying home and/or visiting the clinic if you are ill.

6. One fact is certain though: these dark days of COVID-19 will pass. We will survive the pandemic and we must therefore not panic nor lose hope. These dark days are only for a while. While we look up to Governments at the various levels to give consistent and proper direction that will steer us through these days of COVID-19 pandemic, the NBA urges all of us to also take personal responsibility for preventing the spread of the dreaded virus. Long live the Nigerian Bar Association. Long live the Federal Republic of Nigeria.



Paul Usoro, SAN
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