

R. S. L. NO. 2 OF 2020
HIGH COURT OF RIVERS STATE PRACTICE DIRECTIONS
NO. 2 OF 2020

1. PREAMBLE:

In furtherance of the enforcement of the directive issued by the Hon. Chief Justice of Nigeria, Hon. Justice I. T Mohammed, OFR, which is in tandem with the COVID-19 Regulations 2020, made pursuant to the Quarantine Act 2004.

I, Hon. Justice I.A. Iyayi Lamikanra, the Chief Judge of Rivers State, pursuant to Section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and all other laws enabling me issue these Practice Directions.

2. APPLICABILITY:

These Practice Directions shall, unless otherwise ordered or directed in writing by the Honourable Chief Judge, apply to all cases in all the Judicial Divisions and Magisterial Districts in Rivers State.

3. OBJECTIVES AND GUIDING PRINCIPLES:

These Practice Directions are to ensure continuous and efficient administration of justice, to bring about ease in doing business with the Judiciary in Rivers State; and guaranteeing timely and efficient disposal of cases through the use of available technology.

4. DIRECTIONS:

a) E-FILING AND SERVICE OF PROCESSES:

- (i) All E-filings in the Rivers State Judiciary shall continue in accordance with Practice Direction No.1 of 2019 through the RivCOMiS platform.
- (ii) In addition to the provisions of Cap 13, Rivers State High Court Law of 2001, Rivers State Magistrates' Courts Law of 2004, and any other Legislation, service of court processes may be effected by email, WhatsApp, or any other electronic means as directed by the court.
- (iii) Such service shall constitute proper service and time shall begin to run from the date it was sent.

b) REMOTE HEARINGS OF CASES:

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- (i) Notwithstanding the Rivers State High Court Law of 2001, the Rivers State Magistrates' Courts Law of 2004 and any other Legislation, proceedings of Court can be by Remote Hearing or In-person Hearing.**
- (ii) Physical sittings in courtrooms should be avoided as much as possible during this COVID-19 pandemic. Such physical court sittings must be limited only to time-bound, urgent, and essential matters that may not be heard by the court remotely or virtually. Each Court has the responsibility for determining the matters that fall within these set boundaries and shall submit a list of such cases to the Chief Judge for approval before issuing hearing notices and publishing the same thereof for the information of Court Staff, litigants, Counsel and members of the public.**
- (iii) Remote Hearings shall be by any video communication method as directed by the Court.**
- (iv) The court shall liaise with the Parties through the registrar, to ensure the suitability and availability of facilities before scheduling hearings.**
- (v) Notice of a Remote Hearing shall be issued to the Parties and the Public by electronic means and publication of the Cause List on the RivCOMiS website and the Rivers State Judiciary website.**
- (vi) The Notice of the Remote court sittings shall show the web address or social media channel where there would be live streaming of the proceedings.**
- (vii) Save with the consent of the court or the prior written agreement of the parties, it is not permissible for any of the parties to a matter that is being heard virtually to be in the courtroom with the judicial officer (s) during the Remote court sitting while the other party or parties to the same matter join the proceedings remotely.**
- (viii) The Court shall give directions to the Parties and the Public on access to the hearing and the use of video and audio devices during the proceedings of the Remote Hearing and ensure live streaming on a social media platform to guarantee public viewing.**

- (ix) Except with the leave of court or as directed by the Court, Counsel shall be properly robed for any virtual court sitting.**
- (x) Counsel shall ensure their respective remote locations from where they participate in the virtual court sitting are devoid of distractions and interferences to the proceedings. Counsel shall be responsible to the courts for ensuring that their clients comply with this provision if the clients join and take part in the proceedings from different locations.**
- (xi) Except with the leave of the court and a party's Counsel, the fact that a party may join a virtual court sitting from a different location and using a different end-user device does not confer on the party the right to be heard where he or she has a Counsel present.**
- (xii) Judicial officers may conduct virtual court sittings from the regular courtrooms, their respective chambers, or from whichever location the judicial officer may be, provided that the facilities necessary for a successful online sitting are available in such locations.**
- (xiii) The proceedings of the Remote Hearing shall be recorded in audio and or video by the Court.**
- (xiv) The Presiding Judge may cause the whole or any a part of the proceedings to be recorded verbatim by an official court reporter using a stenography machine, or by audio, video or any other recording device approved by the Chief judge.**
- (xv) Certified True Copies of the proceedings shall be made available upon request. The presiding judge shall sign or otherwise authenticate transcript of any recordings.**
- (xvi) All counsel and or litigants shall provide their active email addresses and phone numbers (including WhatsApp numbers) in all processes as communication shall be through these electronic channels.**

C. PHYSICAL COURT SITTINGS

- i. The courts shall be considerate of Counsel and litigants regarding remote hearings and physical court sittings. As it relates to virtual court sittings, allowance must be made by the courts for the poor state of our power and communication infrastructure in the courts'**

expectations of Counsel, particularly where Counsel is resident or practices in under served or unserved locations in terms of power and communications networks and infrastructure. On physical court sittings, courts need to take into account the total shutdown of air travels and land transportation systems, not to mention the barricades at States' boundaries.

- ii. Where the courts must conduct or hold a physical courtroom sitting or hearing, the following guidelines shall apply:
 - a. The containment guidelines in the various published advisories by the World Health Organization and relevant agencies of the Federal and States Governments, including but not limited to the Nigerian Center for Disease Control, as may be revised from time to time, must be strictly enforced by Judicial Officers and court staff within their courts including courtrooms, offices, registries and the chambers of judicial officers.
 - b. There must not be over 20 persons in any courtroom during any court sitting. This number shall include the Judge or Magistrate, Counsel for all the parties, the litigants, the court officials, the security personnel for the court, and members of the public who may attend to observe the proceedings.
 - c. Social/physical distance of not less than 2-meter (6 feet) must be maintained between each person in the courtroom, including between the court registrars and the Judge and even between the court registrars themselves. Maintaining such social/physical distances might require that some rows of seats in the courtroom be left vacant and unoccupied by Counsel, court officials, and other court attendees.
 - d. Courtrooms that cannot maintain the 2-meter social/physical distance between 20 persons must not allow up to that number into the courtroom.
 - e. Matters with multiple parties, the aggregate (notably, the Counsel) of which, added to the Judge and the court officials and security personnel would exceed 20 in number, should not be listed for hearing at all by any court particularly where it is impossible or impracticable to limit the number of Counsel and other attendees.

- f. **Everyone in the courtroom must wear a facemask and that includes the Judge or Magistrate, court registrars, Counsel, litigants, security personnel, all other court attendees. On no account must the facemask be removed by any person while in court, before, during, and even after the court sitting.**

- g. **Courts must deploy temperature monitors at the courtroom entrances. Any person with high temperature (38°C) or symptoms of illness (e.g. cough or fever) should be politely turned back from the courtroom and, if already inside the courtroom, should be politely directed to leave or walked out if he refuses to leave.**

These Practice Directions shall be referred to as Practice Directions No. 2 of 2020 and shall come into force with effect from the 22nd day of May 2020.

Dated the 22nd day of May 2020.



A. I. Iyayi-Lamikanra
Chief Judge
Rivers State