



## **PURSUANT TO THE SUPREME COURT RULES, 1999 (AS AMENDED) AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED)**

### EXPLANATORY NOTE

The purpose of this Rule is to establish a specialized system of case management in the Supreme Court of Nigeria, that will provide for the fair, impartial and expeditious administration of Criminal appeals arising out of all Criminal Appeals relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking as listed in Rule 2 of these Practice Directions.

### **ARRANGEMENT OF RULES**

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### **SUPREME COURT (CRIMINAL APPEALS) PRACTICE DIRECTIONS, 2013**

COMMENCEMENT [15<sup>th</sup> Day of July, 2013]

In exercise of the powers conferred on me by section 236 of the Constitution of the Federal Republic of Nigeria 1999 (as amended); Order 10 Rule 2 of the Supreme Court Rules, 1999 (as amended) and by virtue of all other powers enabling me in that behalf, I, ALOMA MARIAH MUKNTAR, GCON, CHIEF JUSTICE OF NIGERIA, issue the following Practice Directions of the Supreme Court of Nigeria—

#### **Commencement**

#### **Objective and Guiding Principle**

- 1.- (1) The purpose of these Practice Directions are to—
  - (a) establish a specialized system of case management in the Supreme Court of Nigeria, that will provide for the fair, impartial and expeditious administration of Criminal appeals arising out of cases

listed in Rule 2 of these Practice Directions;

- (b) create a system for fast tracking the hearing and determination of interlocutory applications and appeals from the decisions of the Court of Appeal on interlocutory applications and preliminary objections, and cases pertaining to offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking;
  - (c) ensure that in the determination of appeals, the Court will only determine applications which cannot be taken with the substantive appeal;
  - (d) ensure that the attitude of each Panel of the Court should be to take all steps, in the determination of appeals, to reduce the delay occasioned by interlocutory appeals as much as is reasonably possible in furtherance of the need to minimize the delay occasioned at the lower Courts by ensuring expeditious disposal of interlocutory appeals;
  - (e) reduce the time spent on hearing and determination of interlocutory applications both at the trial Court on appeal and in the process minimize the avenues for parties to make use of interlocutory applications as a means to frustrate or delay the expeditious conduct of cases at the Courts below;
  - (f) ensure that the conduct of appeals are not stalled by the unpreparedness of the Court or the parties and that the Appeals are timeously conducted;
  - (g) minimize undue adjournments and delays occasioned by counsel;
  - (h) reduce the delay in the preparation and delivery of the Court's Rulings and judgments in the category of cases listed in Rule 2 of these Practice Directions; and
  - (i) ensure that where possible, trials are not delayed by the hearing and determination of interlocutory appeals.
- (2) The Rules made under these Practice Directions shall by the hearing and determination of interlocutory appeals.
- (3) These Practice Directions shall enable the Chief Justice of Nigeria to fast track the hearing and

determination of appeals in respect of cases which fall under, the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking.

**Applicability.**

2—(1) These Practice Directions shall, save to the extent and as may otherwise be ordered by the Chief Justice of Nigeria, apply to—

(a) all Criminal Appeals, particularly those relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking.

(b) Interlocutory Applications; and

(c) appeals challenging the ruling of the Court of Appeal on an interlocutory application heard in that Court in relation to the cases listed in Rule 2 (1) (a) of this Rule.

(2) The Rules made under these Practice Directions shall apply mutatis mutandis to all criminal cases, which fall under the category of offences listed in Rule 2 (1) (a) of this Rule as well as all interlocutory appeals and applications in respect of the listed offences.

(3) An appeal shall not be heard in respect of any matter falling under Rule 2(1) of this Rule, unless—

(a) the appeal involves the interpretation of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) ; and

(i) affects the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering, Human Trafficking and Interlocutory Applications and

(ii) challenges the ruling of the Court of Appeal on an interlocutory application heard in that Court, or pertains to any right which is recognized by the Constitution, in respect of the offences earlier mentioned in Rule 2 (1) of this Rule; or

(b) the Appeal discloses a matter of National Security or Public Policy.

### **Service of Notices.**

- 3—(1) A party shall not serve a notice of an application on another party on the date scheduled for the hearing of the Appeal.
- (2) A Notice of Preliminary Objection in accordance with the Supreme Court of Nigeria Rules, must be served not later than seven days prior to the date scheduled for the hearing of the appeal.
- (3) To ensure speedy dispensation of justice, electronic mail, e-mail and other electronic means may be employed by the Court in order to inform counsel of urgent Court and case events; provided that such notification shall be given at least forty-eight hours before the scheduled Court date.
- (4) In line with the provisions of Rule 3 (3) of this Rule, parties are expected to furnish the Court Registrar with functional telephone numbers and e-mail addresses of themselves and their counsel.

### **Compilation and Transmission of Records.**

- 4.—(1) In any appeal in respect of all criminal appeals, particularly those relation to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking, the Registrar of the Court of Appeal shall, not later than fifteen days after the filing of a Notice of Appeal, compile and transmit the Record of Appeal to the Court.
- (2) In any appeal in respect of matters listed in Rule 4 (10) of this Rule, the Registrar of the Court of Appeal shall not later than fifteen days after filing of a Notice of Appeal, with the assistance of the Appellant, compile and transmit the Record of Appeal to the Court.
- (3) Pursuant to Rule 4 (2) of this Rule, the Registrar shall, within seven days summon the parties before him to—
- (a) settle the documents to be included in the Record of Appeal; and
  - (b) fix the amount to be deposited by the Appellant to cover the estimated cost of compiling and forwarding the Record of Appeal to the Court.

(4) Where at the expiration of fifteen days after the filing of the Notice of Appeal the Registrar has failed or neglected to compile and transmit the Record of Appeal in accordance with the provisions of this Rule, it shall become mandatory for the appellant to compile the record of all documents and exhibits necessary for his appeal and transmit same to the Court within fifteen days after the registrar's failure or neglect.

(5) The records compiled by the Appellant, pursuant to Rule 4(4) of this Rule, shall be served on the Respondent or Respondents within fifteen days.

(6) Where the Respondent considers that there are additional records which may be necessary in disposing of the appeal, he shall be at liberty to, within five days of the service on him of the record, in accordance with Rule 4 (5) of this Rule, compile and transmit to the Court such record to be known as the additional Record of Appeal.

#### **Amendment of Notice of Appeal.**

5—(1) A Notice of Appeal may be amended by or with the leave of the Court at any time before judgment, provided that in any application or appeal in respect of:-

(a) all criminal appeals, particularly those relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking; and

(b) Interlocutory applications and appeals challenging the ruling of the Court below on an interlocutory application heard in the Court of Appeal, such application for amendment shall not be taken on the day scheduled for the appeal, without the leave of the Court.

(2) The Court shall not permit more than two amendments per party in the case of matters falling under interlocutory applications and appeals challenging the ruling of the Court of Appeal on an interlocutory application heard in the Court of Appeal.

#### **Briefs of Argument.**

6—(1) The Appellant shall within ten days of the receipt of the Record of Appeal from the Court of Appeal file in the Supreme Court, a written brief of argument, being succinct statement of his

argument in the appeal.

(2) The Respondent shall within seven days of the service on him of the brief of argument for the Appellant, file the Respondent's brief of argument which shall be duly endorsed with an address or addresses for service which must include electronic mail, e-mail addresses and functional telephone numbers.

(3) The Respondent's brief of argument shall, in accordance with established rules of Court, answer all material points of substance contained in the Appellant's brief of argument and contain all points raised therein which the Respondent wishes to concede as well as reason why the appeal ought to be dismissed.

(4) The Appellant may file a Reply brief of argument not later than three days after service on him with the Respondent's brief of argument.

#### **Determination of appeals and stay of execution.**

7.—(1) In the determination of appeals arising from interlocutory decisions of the Court of Appeal in all criminal appeals relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking, the Court shall give priority to those matters and where possible, hear such matters on a day basis until final determination.

(2) Without prejudice to any of the foregoing, the Court may refuse to hear appeals arising from interlocutory decision of the Court of Appeal where the matter deals with any Criminal Appeals relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking, and the Court is of the opinion that ground(s) raised in the appeal are such that the Court can conveniently determine by way of an appeal arising from the judgment of the Court of Appeal on the substantive matter.

#### **Appeal Certification Committee.**

8.—(1) The Chief Justice of Nigeria shall, in furtherance of the objectives of these Practice Directions, constitute a Committee of Justices of the Supreme Court, which shall be tasked with the certification of all appeals coming for hearing under these Practice Directions which shall be known as

the Appeal Certifications Committee.

(2) An Appeal shall not be listed by the Registry unless same has been certified by the Committee.

**Citation.**

9. These Practice Directions may be cited as the Supreme Court (Criminal Appeals) Practice Directions, 2013.

MADE at Abuja this 15<sup>th</sup> day July, 2013.

EXPLANATORY NOTE

(This Memorandum does not form part of the above Practice Directions but intended to explain its purport)

The purpose of this Rule is to establish a specialized system of case management in the Supreme Court of Nigeria, that will provide for the fair, impartial and expeditious administration of Criminal appeals arising out of all Criminal Appeals relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking as listed in Rule 2 of these Practice Directions.