

A CRITICAL APPRAISAL OF RELATIVELY RECENT DECISIONS OF NIGERIAN COURTS ON JURISDICTIONAL IMMUNITIES

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ABSTRACT

Nigerian courts have been singing discordant tunes on the standard-absolute or restrictive – of jurisdictional immunity accepted in this country and sundry other related issues. The paper reviews the relatively recent decisions of Nigerian courts in all of which, jurisdictional immunity was an issue and pointed out the errors in the approach of the courts as perceived by the author. The paper then suggests alternative approaches to the treatment of jurisdictional immunity with the view to accepting in Nigeria progressive developments on jurisdictional immunity as fully as they have been adopted in some other countries of the world.

INTRODUCTION

The term ‘immunity’ is known to both International and Nigerian municipal laws, but has different meanings under both. The Nigeria Constitution confers immunity on some functionaries of federal and state governments from civil and criminal process.¹ This immunity operates in the character of a temporary indemnity, suspending civil or criminal proceedings against the immune head or other top

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¹ S.308 of the Nigerian Constitution confers immunity to the President, Vice President, Governors and Deputy Governors of the Nigerian Federation and her states.