

JUDICIAL IMMUNITY AND JUDGES RAID CONUNDRUM IN NIGERIA

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ABSTRACT

For the first time in the judicial history of Nigeria, judges were arrested in different locations of the country and their homes searched through a coordinated raid carried out by operatives of the Department of Security Services (DSS) in the wee hours of 8 October to the dawn of 9 October 2016. In furtherance of this, article examines three germane issues taking into consideration the legal theories on judicial immunity, pertinent provisions of the Nigerian Constitution, National Security Agency Act (NSA Act) and National Judicial Council Act (NJC Act). The first issue stems from the provisions of the NJC Act whether judges enjoy absolute or qualified immunity from arrest and or prosecution. The second is whether the arrests carried out by the DSS and the search warrant procured are lawful within the provisions of the enabling law in complying with the due process of law. Lastly, the enabling provisions of the law and judicial decisions on judicial immunity from Ghana and the United States will form comparative studies on this subject.

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