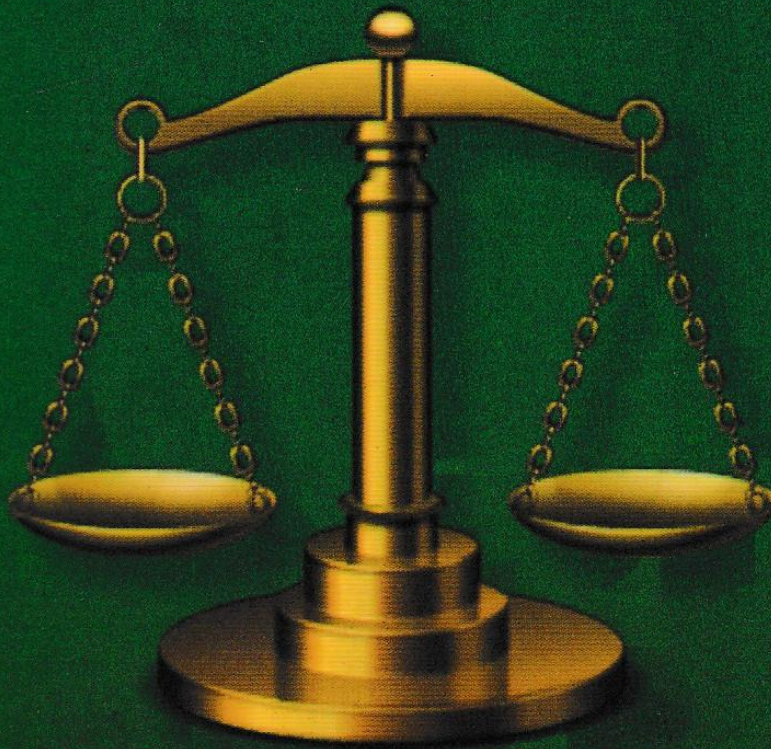


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## ADVANCEMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY IN THE JUDICIARY: THRILLS AND PERILS IN THE ADMINISTRATION OF JUSTICE IN NIGERIA\*

### Abstract

Can it be said that the phrase, ‘necessary evil’ summarizes the impact of technology in the judiciary in Nigeria? Or would one call it ‘unnecessary good?’ From whichever perspective one looks at the subject, the advancement of technology in the judiciary appears to come with some thrills and perils in the course of administration of justice. This paper seeks, primarily to examine the effect of the advancement of technology on the Nigerian Judiciary with particular reference to her traditional role of administration of justice. The paper argues that the Nigerian judiciary, though experiencing technological advancement in the administration of justice, is still lagging behind because in her quest to “be like other nations” has left out some pre-requisites or core factors that should be in place for the strive for technological advancement to be in accord with core demands for administration of justice. Although the paper is largely doctrinal and analytical some efforts have been made to have comparison with other countries where the context so permits.

### Introduction

One of the big shocks that judges, lawyers and other persons who have dealings with the judiciary had a few years ago was probably the fact that a lot of things, that were hitherto done manually, had to be done through the use of computers, internet and other gadgets. Regrettably, a lot of them were largely unfamiliar with these devices.<sup>1</sup> Like other facets of the society and government, the sweeping effect of

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<sup>1</sup> A.Ahmed, “The law and the use of Computers in Nigeria,” available at <https://www.techtrendsnigeria.com>, accessed April 10, 2018. The author discussed the initial challenges due to lack of training of the judiciary

technology has had a tremendous impact on the Nigerian Judiciary. From the introduction of computers, electronically generated evidence, use of e-payment channels, electronic filing of court processes among others have brought to the front burner, the preparedness or otherwise of the judiciary to embrace technology in the administration of justice. It is undeniable that these innovations have brought a lot of thrills in the administration of justice and it is also difficult to deny that there are yawning gaps in this regard. In embracing global trends, one cannot ignore the local milieu that the trends are being appropriated. This paper traces the technological trends and thrills in the Nigerian Judiciary and highlights some challenges that need to be addressed for effective administration of justice. The paper contains thematic recommendations that will make room for reforms in this regard.

## 1. Understanding the Judiciary

The judiciary is the branch of government which administers justice according to law. The term 'Judiciary' is broadly used to describe the courts, the judges, magistrates and other support personnel who run the system.<sup>2</sup> In most democracies, like Nigeria, Ghana and United States of America, there are three arms of government namely; the Executive, the Legislature and the Judiciary with the latter being the arm responsible for interpreting the laws and administering justice.<sup>3</sup>

Administration of justice is one of the vital functions of every government. It is actually difficult for government to satisfy the citizenry without ensuring that justice is properly and efficiently administered. It involves the application of both the rules of law and machinery of justice set up by the government such as the courts, the Ministry of Justice, the law enforcement agents among others.<sup>4</sup> The Judiciary is

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personnel on the use of these devices. He said among others that "When the internet was first introduced, it was like a state of nature..."

<sup>2</sup> Queensland Parliament, "Everyone's Parliament: The Role of the Judiciary," available at [www.parliament.qld.gov.au](http://www.parliament.qld.gov.au), accessed on March 24, 2018

<sup>3</sup> J. Athanasus, "11 Functions of the Nigerian Judiciary", available at <https://infoguidenigeria.com>, accessed on March 24, 2018

<sup>4</sup> O. V.C Okene, "Effective Administration of Justice in Nigeria", available at [https://works.bepress.com/ovunda\\_v\\_c\\_okene/36/](https://works.bepress.com/ovunda_v_c_okene/36/) accessed on March 24, 2018

the primary place where the “common man” can get justice that is why it is often said that the judiciary is the last hope of the common man.<sup>5</sup>

The role of the Judiciary in the administration of justice is critical. It is considered the ultimate interpreter of the Constitution and it is assigned the delicate task of determining what is the extent and scope of the power conferred on each branch of government, what the limits in the exercise of such power under the Constitution are and the determination of the question whether any action of any branch transgresses such limits.<sup>6</sup> Infact, the judiciary is the guardian of the Constitution and of the democratic process.<sup>7</sup> This position was re-echoed in *A.G of Bendel State v A.G of the Federation*,<sup>8</sup> where the Supreme Court held that courts of law in Nigeria, being guardians of the Constitution, shall always rise to their feet to declare any infraction of the Constitution null and void.

The Judiciary also ensures that the rule of law is upheld at all times by the other arms of government and their agencies. Indeed, it is the Judiciary that spotlights and corrects the error of the other two arms of government ensuring checks and balances. In *Military Governor of Lagos State v Ojukwu*,<sup>9</sup> the Court upheld the rule of law in the following words: “The Nigerian Constitution is founded on the rule of law, the primary meaning of which is that everything must be done according to the law”.

## **2. Brief History of the Development of the Judiciary in Nigeria**

The history of the development of the Nigerian judiciary dates back to period before the advent of the British rule in Nigeria. Long before the 19<sup>th</sup> century, each of the territories which together now constitute Nigeria had a system of administration of

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<sup>5</sup> I. Agunkwu, “Judiciary: The Last Hope of the Common Man”, available at <http://thenigerialawyer.com/judiciary-the-last-hope-of-the-common-man-by-ikedi-agunkwu/>, accessed on March 23, 2018

<sup>6</sup> D.O Wisdom, “The Role and Historical Development of the Judiciary in Nigeria,” available at <http://ssrn.com/abstract=2142928>, accessed on March 24, 2018

<sup>7</sup> A. Opuka, “The Judiciary as an Unbiased Umpire in the Democratic Process,” in C. Okeke (Ed.) *Towards Functional Justice* (Ibadan: Cold Press Ltd., 2007) at 182

<sup>8</sup> (1983) 3 NCLR 1 at 40

<sup>9</sup> (1986) 1 NWLR (Pt.18) 621

justice.<sup>10</sup> In the Southern part of Nigeria between 1843-1913, the colonial masters through a combination of the *Foreign Jurisdiction Act* of 1843 and 1893 established laws under which various courts were set up. More specifically, in 1854, the earliest courts called the “Courts of Equity” were established by the British in the Southern parts of Nigeria particularly Brass, Benin, Okirika and Opobo.<sup>11</sup>

In 1863 and 1900 respectively, the Supreme Court of Lagos and a Supreme Court for the protectorate of Southern Nigeria was established.<sup>12</sup> Between the periods of 1934 and 1954 appeals from the Supreme Court went to the West African Court of Appeal (WACA) which further went to the Privy Council in England. However, from 1954, appeals from the Supreme Court of Nigeria then went straight to the Privy Council.<sup>13</sup>

In 1967, Nigeria became a federation of twelve states each with its own state judiciary which necessitated the emergence of a sophisticated judiciary designed to cope with the challenges of an emergent quasi-federal state. In 1973, the Federal Revenue Court was established by the Federal Revenue Court Decree No. 13 of 1973 in order to meet the need for cases involving determination of the revenue of the Federal Government. The court exercised jurisdiction throughout the country on certain matters but it was renamed, the Federal High Court by Section 228(1) and 230(2) of the then 1979 Constitution of the Federal Republic of Nigeria.

At present, under the Nigerian Constitution the superior courts constituting the Judiciary are the Supreme Court, the Court of Appeal, the Federal High Court, the High Court of the FCT, Abuja, the High Court of the State, the National Industrial Court, the Customary Court of Appeal, Abuja, the Sharia Court of Appeal of the FCT, a Sharia Court of Appeal of States and Customary Court of Appeal of

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<sup>10</sup> A.O Obilade, *The Nigerian Legal System*(Ibadan: Spectrum Books Ltd., 2009) p.17

<sup>11</sup> See Y. Ali, “The Evolution of Ideal Nigerian Judiciary in the New Millenium” available at [www.yusufali.net/articles](http://www.yusufali.net/articles), accessed on March 24, 2018

<sup>12</sup> D.O Wisdom, “The Role and Historical Development of the Judiciary in Nigeria”, p. available at <http://ssrn.com/abstract=2142928> accessed on March 24, 2018

<sup>13</sup> *Ibid.*, p.5

States.<sup>14</sup> Indeed, the Nigerian Judiciary has undergone some rebranding in some ways such as the creation of specialized courts, training of judges and other officers of the court, introduction of research assistants to judges among others.<sup>15</sup> The National Judicial Institute organizes and conducts continuing judicial education and training including seminars, lectures, workshops and conferences for all cadres of judicial officers in the country and their supporting staff.<sup>16</sup> This is done with the view of improving general efficiency, performance and uniformity in the quality of judicial service in the courts.<sup>17</sup> The focus of this paper is on the issue of the impact of Information and Communications Technology on the Nigerian Judiciary and this will be discussed below.

### **3. The Impact of Information and Communications Technology (ICT) on the Nigerian Judiciary: Thrills and Perils.**

An undeniable major development in the contemporary world is the advent of Information and Communications Technology (ICT) which has led to the gradual transformation from the conventional paper form of record keeping to software formats like micro-films, diskettes, USB devices, CDs, VCDs, DVDs and CDROMs.<sup>18</sup> The subject of ICT is still evolving even in definition and scope. As observed by Margaret Rouse: "Although there is no single, universal definition of ICT, the term is generally accepted to mean all devices, networking components, applications and systems that combined allow people and organizations (i.e. businesses, non-profit agencies, government and criminal enterprises) to interact in the digital world."<sup>19</sup>

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<sup>14</sup> See *The Constitution of the Federal Republic of Nigeria, 1999 (As Amended)*, section 6.

<sup>15</sup> United Nations Office for Drugs and Crime, "Ten Years of Justice Sector Reform in Nigeria: A 360 DEGREE REVIEW" available at <https://www.undoc.org/other-publications>. Accessed on May 28, 2018.

<sup>16</sup> The National Judicial Institute was established by Decree No. 28 of 1991 as amended by Decree No. 15 of 1999, now Act N55 Laws of the Federation of Nigeria 2004

<sup>17</sup> See generally, The National Judicial Institute official website at [nji.gov.ng](http://nji.gov.ng)

<sup>18</sup> J.A Dada, *The Law of Evidence*, 2<sup>nd</sup> Edition, (Calabar: Optimist Press Nigeria Co. 2015) p. 299

<sup>19</sup> M. Rouse, "ICT (Information and communications technology, or technologies)" available at <https://searchcio.techtarget.com> accessed on April 10, 2018.

Generally, ICT has swept through all facets of human endeavor, but it has been noted that the judiciary has been conservative and seemingly backwards in embracing ICT.<sup>20</sup> In the course of its development, the Judiciary in many countries suffered and some still suffer pre-technology challenges such as corruption due to human interface in filing processes, delay in recording, delay in oral evidence presentation, delays in filing, delays in compilation of records and transmission.<sup>21</sup> However, since the evolution of ICT, the Judiciary has upgraded to a higher pedestal and this is evident in the pace of judicial service in the country. The impact of ICT in the Nigerian Judiciary is aptly summarized by M.D Abubakar in the following words:

In deciding cases, judges weigh the record, the briefs, and the arguments of counsel, mixed with an independent view of law and policy.... Given the workload and volumes of information and data in the judicial process, applying ICT in the judicial and legal process will increase efficiency, promote easy research and allow for easier information retrieval and in the long run reduce stress and enhance the health of judicial officers.<sup>22</sup>

It is pertinent to discuss some of the specific things that the application of ICT has brought.

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<sup>20</sup> H. Doma, "Enhancing Justice Administration in Nigeria through Information and Communications Technology" available at <https://repository.jmls.edu/viewcontent> accessed on April 17, 2018.

<sup>21</sup> S.A.C Upadhyay, "Information and Communication Technology and Judiciary" available at [jaassam.gov.in/pdf/article/Article63](http://jaassam.gov.in/pdf/article/Article63) accessed on April 10, 2018.

<sup>22</sup> M.D. Abubakar, "Impact of Information Technology on the Law and Court Process," *Daily Trust*, available at <https://www.dailytrust.com.ng/impact-of-information-technology-on-the-law-and-court-process.html> accessed on April 10, 2018.



### 3.1. Thrills brought by ICT into the Nigerian Judiciary

The introduction of ICT in the judiciary has brought several exciting innovations which has resulted in a more efficient service in so many ways. It has been rightly observed as follows:

The increasing nature and advancement of Information and Communication Technology (ICT) due to technological innovations unfolds a new opportunity to significantly improve justice delivery, thereby proffering solutions to the nagging issue of delay in justice delivery in the Nigerian courts which is associated with the conventional method. Undoubtedly, the use of ICT will enhance rapidity, accessibility, accountability and transparency, with the resultant effect of helping the judiciary to provide adequate and quality services”.<sup>23</sup>

Some of the thrills associated with ICT can be summarized as follows:

- i. Introduction of Judicial Information Technology Policy: The Nigerian Judiciary introduced the Judicial Information Technology Policy, 2017 which among others contains illustrious provisions and directives on the deployment of information technology in judicial service delivery.<sup>24</sup> The very existence of this policy is something worth celebrating, because there is a backup document for insisting that all the stakeholders apply ICT in the service delivery.

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<sup>23</sup> A.S Asonibare and H.T Akaje, “E-Path to Effective Justice Delivery: The Nigerian Courts in Perspective” available at <http://eprints.covenantuniversity.edu.ng/5276/1/Amended%20copy%20of%20reviewed%20paper%20titled%20E-%20Path%20to%20Effective%20Justice%20Delivery-%20The%20Nigerian%20Courts%20in%20Perspective.pdf> accessed on April 5, 2018.

<sup>24</sup> S. Usman. *Judicial Information Technology Policy, 2017*, available at [nji.gov.ng](http://nji.gov.ng) > images > IT\_ Workshop, accessed on April 5, 2018.

- ii. Use of computers: In *Yesufu v ACB*,<sup>25</sup> the Supreme Court of Nigeria stated that: “The law cannot be and is not ignorant of modern business methods and must not shut its eyes to the mystery of the computer”. Computers of varying categories have been deployed in various courts in Nigeria in the last couple of years and this has enhanced efficiency and speed in judicial services.<sup>26</sup>
- iii. Transparency and accessibility: Adopting the e-system has promoted transparency in the administration of justice since some of the crimes were enhanced by the monopoly of records by some persons, unlike the e-system that makes room for accessibility of records to more persons.<sup>27</sup> This allows the relevant stakeholders to have a better understanding of case laws and increases legal predictability. In the United States of America, case information including docket sheets and filed documents are provided online for easy accessibility by attorneys and the public at any time from locations other than the court house.<sup>28</sup>
- iv. Security of court documents: Risks such as loss of documents, cases of missing files and destruction of archives has been reduced since some of the files can now be backed up in so many ways.<sup>29</sup>
- v. Payment through E-Channel: Electronic payment systems are the instruments, organizations, operating procedures, information and communication systems employed to initiate and transmit payments from a payer to a payee and for

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<sup>25</sup> (1976) 4 S.C.I

<sup>26</sup>T. Oyesina, “Repositioning the Judiciary for Graft War” available at <https://newtelegraphonline.com>. Accessed on May 28, 2018 where the Chief Justice of Nigeria, Justice Walter Onnoghen was quoted to say that the Nigerian Judiciary among others is ICT compliant and that this has enhanced service delivery.

<sup>27</sup> United Nations Office for Drugs and Crime, “Ten Years of Justice Sector Reform in Nigeria: A 360 DEGREE REVIEW” available at <https://www.undoc.org/other-publications> Accessed on May 28, 2018.

<sup>17</sup> International Bank for Reconstruction and Development & The World Bank. “Improving Court Efficiency: The Republic of Korea’s E-court experience” available at <http://www.doingbusiness.org/u/media/G/AWB/Dowy%20Business/Documents/AnnualReports/English/DB.14Chapters/DB14-Improving-court-efficiency-pdf> accessed on March 24, 2018

<sup>29</sup> A.S Asonibare and H.T Akaje, op.cit.

settling payments. Electronic payment channels, where properly applied, have brought a lot of convenience to both individuals and corporate customers, unlike many years ago when the economy was heavily cash driven.<sup>30</sup>

vi. E-Filing: E-filing is the process of filing processes with the court electronically. The delay in filing processes has been reduced drastically due to the electronic filing system which saves one the rigors of dealing with assessors who maybe highhanded in performing the duties.<sup>31</sup> The Nigerian Judiciary is still at the teething stage on this, but it is exiting that it has been adopted as one of the options for judicial service delivery in Nigeria.<sup>32</sup>

vii. E-Transmission of records: With the introduction of this technique under the aforesaid policy, it will knock off technicalities and cumbersome procedures associated with manual transmission of records. Thus the transmission of court records in event of a transfer of case files between court or on appeal will be more convenient and at the same time faster.<sup>33</sup>

viii. Privacy: One of the pros of ICT is that it reduces the amount of information made available to non-parties to a suit.<sup>34</sup> In civil actions, it has been argued that the public interest in getting at the truth could, in the absence of special circumstances, trample on a litigants' right to privacy.<sup>35</sup> Generally speaking, as

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<sup>30</sup> Tijani T.A and Ilugbemi A.O, "Asian Economic and Financial Review Electronic Payment Channels in the Nigeria Banking Sector and its Impact on National Development" p. 521 available at [www.aessweb.com/pdf-files/951-aefr-2015-5\(3\)-521-531.pdf](http://www.aessweb.com/pdf-files/951-aefr-2015-5(3)-521-531.pdf) accessed on April 5, 2018.

<sup>31</sup> In the United States Courts, there is the Federal Judiciary's Case Management/Electronic Case Files (CM/ECF) system which allows case documents, such as pleadings, motions, and petitions, to be filed with the court using a computer and Internet connection. This process gives the courts a way to easily manage these files electronically. Visit <http://www.uscourts.gov/courtrecords/electronic-filing-cmecf> for more information.

<sup>32</sup> U.S. Usman, op.cit.

<sup>33</sup> T. Oyesina, op.cit.

<sup>34</sup> The issue of confidentiality is managed efficiently with the introduction of I.C.T this way non-parties do not have full knowledge of the facts of the matter as such is made available to the parties to a suit.

<sup>35</sup> G. Querry and J. Blair, "Insights on CyberSecurity, Privacy and Protection Law: Disclosing a Litigant's Private Information during Judicial Proceedings is not a Privacy Breach," available at

noted above, the introduction of ICT has brought good news to those who do not have to face the shame that the manual approach attracts and one can stay at the comfort of his home to transmit his documents to the court, without those who have no business with the case seeing the person around court premises, at the mere filing stage and raising questions of what could have been filed.

### **3.2. Perils Under the ICT Regime in the Nigerian Judiciary**

The numerous advantages of technology in the judiciary although highly commendable, is literally bedeviled with a lot of challenges which make them perils in the administration of Justice.

i. Power failure: It is a common fact that the poor power supply in Nigeria is still a major issue of concern. This has affected almost all facets of the Nigerian economy with the courts inclusive. Most sectors in Nigeria depend on electricity to conduct their businesses and the poor state of electricity has led to unlimited reduction in the output of these sectors. This issue of epileptic power failure affects the success of the adoption of electronic methodology in Nigerian courts since most ICT infrastructures depend on electricity to function.<sup>36</sup>

ii. Inadequate Funding: There is no gainsaying that resources at the disposal of the judiciary are limited. The judiciary as the third organ of government competes with the two other arms namely the legislative and the executive. Over the years, the judiciary in Nigeria has not been given the necessary priority by the government in terms of its funding. This is a major setback to the implementation of ICT as it requires huge funds for procuring infrastructures, training and re-

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<https://www.canadiancybersecuritylaw.com/2018/03/disclosing-a-litigants-private-information-during-judicial-proceedings-is-not-a-privacy-breach/> accessed on April 6, 2018.

<sup>36</sup>T. Dina, "The Effects of Electricity Power Outage on the Provision of Electronic Newspaper Services" available at

<https://digitalcommons.unl.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3061&context=libphilpr> accessed April 5<sup>th</sup>, 2018.

training of judicial staff.<sup>37</sup> It is hoped that the recent alteration in the Constitution of Nigeria to allow for judicial autonomy will ease this problem.<sup>38</sup>

iii. Lack of, or refusal to use, ICT Skills: A lot of judges, magistrates, lawyers and court officials lack ICT skills. This is as a result of the fact that some of them have not been trained on ICT or some have a lackadaisical attitude towards acquiring or using the requisite ICT skills. This is a challenge inhibiting technological advancement in the Judiciary. Very recently, The Chief Justice of Nigeria, Hon. Justice Walter Onnoghen (JSC), noted during the refresher course organized for magistrates that proficiency in ICT will soon become the basis for promotion or career advancement in the Judiciary.<sup>39</sup>

iv. Viruses: There are more than 50,000 types of computer viruses, internet malicious programs and Trojans. Software like Trojan horses can easily take up password on the web browser or any cached information on operating system.<sup>40</sup> This virus can be introduced into the website with no exception to the court's website with the intention to destroy vital information stored on the site.

v. Inadequate working tools: Judicial officers in Nigeria still write in long hands as they are yet to access the ICT tools. This creates more confusion and lawyers or litigants meet up with records for other courts which make use of electronic equipment to record court proceedings and this in turn slows down the administration of justice..<sup>41</sup>

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<sup>37</sup> O. Kehinde, "Inadequate funding hampering efficient performance of the Judiciary," available at <https://guardian.ng/features/law/inadequate-funding-hampering-efficient-performance-of-the-judiciary/> accessed at April 5<sup>th</sup>, 2018.

<sup>38</sup> The Constitution (4<sup>th</sup> Alteration Act) No.4, 2018

<sup>39</sup> I.Eric, "ICT proficiency to be considered in judges' promotion. *The Nation Newspaper*." Retrieved from <http://www.thenationonlineng.net>, accessed on April 20, 2018.

<sup>40</sup> Goyal V etal, "Mobile Banking in India:Practices, Challenges and Security Issues, *International Journal of Advanced Trends in Computer Science and Engineering*" Vol. 1 No.2 May-June 2012, ISSN No 2278-3091

<sup>41</sup> O. Olopade "Access to Justice-Factors Militating Against and Solutions Thereto" available at <http://www.isrcl.org/papers/2004/2004/Olopade.pdf> accessed April 6, 2018.

vii. Network Failure: The main challenge in ICT service delivery in Nigeria, is network failures which can be attributed to lack of modernized equipment, non-upgrading of the existing network and boosting of its overall capacity for quality network delivery.<sup>42</sup> When this obtains people can hardly meet up with deadlines in filing court processes and it negatively impacts on the administration of justice.

viii. Incompatibility of some rules and laws with ICT policies: Research has shown that one of the main problems which continue to hamper the computerization of courts is the lack of coherent ICT policies for the judiciary, including pre-established standard requirements of hard and software to be purchased.<sup>43</sup> In fact, some laws and rules of procedure run counter to ICT regime and this has led to the rejection of otherwise admissible electronic and computer-generated evidence in our courts.<sup>44</sup>

ix. Corruption: There is no gainsaying that corruption is a cankerworm that has eaten deep into all the sectors of the polity and the judiciary is not an exception. Corruption is a consistent constraint to the development of the ICT in the judiciary. The truth of the matter is that ICT is still a function of human input into the computer. Thus court officials typing processes for judges or magistrates could omit, delete files, vary or post out the wrong information to the advantage of those who bribe them. Studies have shown that a large portion of litigants had experienced demand for bribery:

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<sup>42</sup> C.A Ekejiuba, A.A Adeola & O.S Adeoye, "Assessment of GSM Network Failure, Quality of Service Evaluation and its Impact on E-Learning", 2015 available at <http://ijseas.com/volume1/v1i5/ijseas20150510.pdf> accessed on April 6, 2018.

<sup>43</sup> Assessment of Justice Sector Integrity and Capacity in Ten Nigerian States Report of a Baseline Study conducted by the Legal Defence and Assistance Project in 2007 funded by the European Union available at [https://www.unodc.org/documents/nigeria/publications/Otherpublications/Assessment\\_of\\_Justice\\_Sector\\_Integrity\\_and\\_Capacity\\_in\\_10\\_Nigerian\\_States\\_20071.pdf](https://www.unodc.org/documents/nigeria/publications/Otherpublications/Assessment_of_Justice_Sector_Integrity_and_Capacity_in_10_Nigerian_States_20071.pdf) accessed on April 6, 2018.

<sup>44</sup> See generally the reasoning of the Supreme Court in *Dickson v Sylvia & Ors (2016) LPELR-41257(SC)* querying why the electronically generated evidence was rejected by the lower court.

The main reason for paying bribes was to expedite the court process or to be granted bail. Other court-related procedures identified as related to corruption included: delays in the execution of court orders; prisoners not being brought to court; lack of public access to copies of court orders and decisions; disappearance of files; unusual variations in sentencing; delays in the delivery of judgments; high rates of decisions in favor of the executive; and appointments resulting from political patronage”.<sup>45</sup>

Unless and until the issue of corruption is effectively addressed the ICT regime may even become a smarter way of doing injustice with punching just one key pad on a system.

x. Cybercrimes: According to M.D Abubakar, the ICT revolution has brought along computer crimes which poses a serious challenge to the Judiciary. He further stated that issues of criminal trespass into another computer, theft of computer data, the use of internet to commit or aid in the commission of fraud could hardly be established through the conventional standards of evidence.<sup>46</sup>

## Conclusion and Recommendations

The major task of this paper was to examine the thrills and perils brought by the introduction of ICT in the administration of justice in Nigeria. The paper has shown that the courts experienced certain challenges before the adoption of ICT which included difficulty of filing of courts processes, inadequate working tools, and insecurity of court's documents and among others. All these lead to unnecessary delays in the administration of justice. However, the introduction of ICT has resulted

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<sup>45</sup> *Ibid.*, p.11

<sup>46</sup> See M.D Abubakar, "Impact of Information Technology on the Law and Court Process," available at <https://www.dailytrust.com.ng/impact-of-information-technology-on-the-law-and-court-process.html>, accessed on April 10, 2018.

in a more qualitative judicial service delivery such as e-filing, easy accessibility of law reports, reduction of delays in litigation, payment of filing fees through various e- channels among others. Nigeria's progress level in the adoption of ICT may be described as slow when compared with other fast developing nations but some progress has been made. Nonetheless, there are constraints inhibiting the free flow of the merits of ICT in the judiciary such as power failure, network failure, viruses, hackers, corruption in the judiciary, inadequate funding of the judiciary, inadequate working tools among others. It is evident that in view of all these, improved technological advancement must be balanced with other guard rails for the Nigerian Judiciary to function effectively. Therefore, the following are recommended to facilitate the successful adoption of Information and Communications Technology:

- i. The Nigerian government should provide stable electricity supply to the judiciary. Virtually all the sectors of society that deal with ICT, need electricity to perform effectively.
- ii. Acquisition of ICT skills by Judges, Magistrates, Legal Practitioners and court officials should be made compulsory. This can be achieved by making it a prequalification requirement for employment, confirmation of appointments or promotion. Special trainings and workshops can be organized for all the relevant persons.
- iii. The Judiciary should be adequately funded by the government for effective provision and maintenance of ICT infrastructure and equipment in all the facilities that may be required.
- iv. Amendment of laws and Rules to be ICT Compliant: There should be adequate legal framework and policies accommodating the use of ICT in the Judiciary and all Rules of Procedure have to be reviewed to accommodate Digital Evidence Presentation System (DEPS). Provisions could be made for teleconferencing with witnesses that may be in hospitals, prisons, those who are out of jurisdiction or for confirmed security reasons cannot be physically present in court.



- v. Powerful security software should be made available to back up systems used in courts so as to prevent virus attack and hackers from accessing court processes.
- vi. Serious background checks should be made before employing persons to occupy any role in courts and corrupt practices should be seriously dealt with to serve as a deterrent to others.