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ENHANCING JUSTICE ADMINISTRATION IN NIGERIA THROUGH INFORMATION AND COMMUNICATIONS TECHNOLOGY

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“The ordinary administration of criminal and civil justice ...contributes more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards government.”¹

Alexander Hamilton,
Federalist17, (1787)

1. INTRODUCTION

Communication and the information that goes with it is the basis for all social order. As an index of societal values, law essentially depends on networks of information, while the form and content of the law constantly changes to conform to the communicative devices available at any given time.² Therefore, today, the judicial systems in place passed through many years and stages of development, with the prevailing communicative structure of each era momentarily influencing

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1. *The Federalist Papers: No. 17*, THE AVALON PROJECT, avalon.law.yale.edu/18th_century/fed17.asp (last visited Dec. 2, 2015)

2. Agustí Cerrillo and Pere Fabra, E-JUSTICE: USING INFORMATION COMMUNICATION TECHNOLOGIES IN THE COURT SYSTEM, xii (2008)

the legal system.³ The underlying system of information also conditions the manner in which justice is administered.

The end of the twentieth century brought about the system of Information Communication Technologies (“ICT”)⁴ which represents the start of a new era. Communication is faster and more efficient than ever before. As a result, the world is brought closer together. Our means of communication and social interactions have changed dramatically. Due to the technological communication advances, we are no longer tied to our desks to make phone calls or have to travel thousands of miles for meetings. ICT enables us to contact friends, family and business colleagues at the touch of a button whatever the time, wherever the place. There are billions of daily internet users and every two days, “[w]e create as much information as we did from the dawn of civilization up until 2003.”⁵ ICT and the Internet are not momentary obsessions; on the contrary, courtesy of cloud computing, information and processing power are increasingly being made available as a utility, in the manner of water and electricity.⁶ There has been much coverage on the effects that ICT has had on our lives generally but it is particularly interesting to investigate how this technology is transforming the judicial sector.

This article looks into the effect that ICT has had on judicial administration generally, after which the case study of Nigeria is analyzed. The way in which this technology can enhance the justice system in a country where illiteracy, insecurity, corruption, lack of training and lack of access to justice are all severe problems, will be considered before concluding that ICT stands to be vital in helping a country such as Nigeria develop not only its legal system but its economy.

2. THE REQUISITE FOR ICT IN JUSTICE ADMINISTRATION

The World Bank has identified three factors that motivate leaders of developing countries to embrace and encourage the use of ICT in their countries. The factors are: the potential of ICT as a solution to

3. *See id.* (illustrating that the jump from oral to written word to large-scale reproduction via printing press brought many cultural changes, the consequences of which were not fully visible until after long periods of time).

4. ICT is an umbrella/generic term that includes any communication device or application such as radio, cellular phones, computer and network hardware and software, satellite systems, as well as all services and applications associated with them such as video conferencing, Internet, and distant learning).

S. Thankuskodi, HANDBOOK OF RESEARCH ON INVENTIVE DIGITAL TOOLS FOR COLLECTION MANAGEMENT AND DEVELOPMENT IN MODERN LIBRARIES, 2-3 (2015).

5. MG Siegler, *Eric Schmidt: Every 2 Days We Create as Much Information as We Did Up To 2003* (Aug. 4, 2010) <http://techcrunch.com/2010/08/04/schmidt-data/>.

6. RICHARD SUSSKIND, TRANSFORMING THE LAW: ESSAYS ON TECHNOLOGY, JUSTICE, AND LEGAL MARKETPLACE, 10 (2003).

economic and social problems; the risk of being isolated from other countries if they fail to embrace the impetus of ICT; and the integration of ICT into development or aid programs by international leaders and foreign donors.⁷ ICT, particularly the Internet, has led to globalization. It “blurs national boundaries’ and ‘creates an international channel of communication.”⁸ This global access is essential for development because sharing knowledge has long been one of the most valuable tools for aiding the developing world. Much international aid is plowed into education in the Third World, and the “self-help” scheme, which begins with the sharing of knowledge, has been lauded by many as the most effective tool for sustainable development. The judicial sectors of developing countries continue to follow this model, and there is no doubt that technology presents unlimited possibilities to empower people in developing countries to overcome social and economic problems. Indeed it has been noted by the General Counsel of the World Bank that, “Harnessing global knowledge is essential to devise strategies and programs of legal and judicial development...and interconnected societies provide opportunities to learn and build partnerships to achieve these goals.”⁹

The legal sector, and the legal profession itself, is a conservative industry where decisions are made by referencing past cases and legislation, some of which are centuries old. Thus, initially, many lawyers and judges expressed reservations about moving from the traditional text based approach to using technology to support their work.¹⁰ However, this is not the story today as ICT is now used in all large corporate firms, and most small firms around the world. Today, it is a generally accepted view that ICT has improved efficiency, increased accessibility, and has the more general effect of promoting confidence in the justice system.¹¹

Globally, many countries have embarked upon statutory reforms in order to accommodate the adoption of technological measures (coupled with other initiatives) that promote the rule of law and strengthen

7. *Southern, African Development Community - World Economic Forum Consultation Report On E-Readiness*, WORLD ECONOMIC FORUM, 8 available at <http://info.worldbank.org/etools/docs/library/57493/sadc.pdf>

8. HAKIKUR RAHMAN, DEVELOPING SUCCESSFUL ICT STRATEGIES: COMPETITIVE ADVANTAGES IN A GLOBAL KNOWLEDGE-DRIVEN SOCIETY, IGI GLOBAL, 104 (2008).

9. Waleed H. Malik, *E-Justice: Towards A Strategic Use Of Ict In Judicial Reform The World Bank*, 1 (2002), available at <ftp://pogar.org/LocalUser/pogarp/judiciary/wmalik/ejustice.pdf>.

10. *See generally* MARCO FABRI & FRANCESCO CONTINI, JUSTICE AND TECHNOLOGY IN EUROPE: HOW ICT IS CHANGING THE JUDICIAL BUSINESS, KLUWER LAW INTERNATIONAL (2001).

11. Marco Velicogna, JUSTICE SYSTEMS AND ICT: WHAT CAN BE LEARNT FROM EUROPE, UTRECHT LAW REVIEW, 129 (2007).

democratic principles.¹² Waleed Malik, a senior public management specialist, gives a detailed narrative and experiences of countries that are using ICT to reform their justice sector.¹³ He reveals that, in Brazil, the introduction of technologies in the courts have improved their efficiency,¹⁴ and that Venezuela has introduced in-house networks and web-based applications into court governance through systems that support the tasks of Judges. Other improvements include the publication of court decisions, a streamlined administrative management system, and applications for user information centers.¹⁵ Also in Venezuela, ICT based pilot programs were introduced at the lower courts to test the implementation of the newly introduced court management structure.¹⁶ Malik further reveals that in Guatemala, judges and their support staff now enjoy internet based distant learning, while both Argentina and Mexico have programs that update legislative records and informs on reform initiatives and studies.¹⁷ In Mexico, ICT is being used by judicial officials to learn from the experiences of other states by sharing information and gauging the success of the applications being used in those states.¹⁸ Chile is managing and coordinating its criminal justice system with the aid of information systems, while the telecommunication reform in El Salvador has presented an opportunity for the introduction of modern technologies in the court system.¹⁹ Other countries like Colombia, Dominican Republic, and Costa Rica have similarly invested in ICT to develop their justice system.²⁰

The availability of web services, the possibility of consulting online legislation and case law, the use of electronic filing, and the electronic exchange of legal documents are only some examples that are spurring the judicial administrations around the world to rethink their current functions and activities. ICT is a veritable tool that can assist any judiciary to carry out its functions maximally by enhancing efficiency, increasing accessibility, and delivering quick dispensation of justice in a transparent and accountable manner.²¹ The automation of court systems and the use of Internet unlock the courts to the public, thereby increas-

12. *Id.*

13. Malik, *supra* note 9.

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

20. *Id.* These initiatives are funded by national governments, bilateral donors such as USAID, World Bank, IDB, UNDP, and other agencies.

21. Marco Velicogna, *Justice Systems and ICT: What can be learned from Europe?*, UTRECHT L. REV. 3, 129 (2007)

ing access to its services.²²

Africa is sometimes described as “The Last Frontier,”²³ being a very poor and underdeveloped continent with abundant resources that are mostly untapped. In many countries including Nigeria, corruption has hampered national, social, economic, and political progress. Public resources are allocated inefficiently, honest citizens feel frustrated, and the general population’s level of distrust is high. As a result, productivity is lower, administrative efficiency is reduced, and the legitimacy of the political and economic order is weakened.²⁴ The judiciary, which ordinarily should be the last hope of the common man, “is plagued by corruption, a lack of access to justice, and lack of trained professionals.”²⁵ Hence many western aid agencies such as the UNODC, USAID, DFID, EU, and many others have been of great assistance to the judiciary by sending professionals to train and inform local experts on global best practices. The idea is to enable them continue to develop and strengthen their own legal systems locally, while relying on ICT to communicate to their counterparts worldwide if further training or information is needed.

The power of ICT in Nigeria and indeed Africa is key to development. At present the Internet still remains inaccessible in most rural areas. However, the tide is changing due to the influx of affordable smart phones and constant expansion of telecommunications companies and operations. As access to the Internet increases, more people are able to learn about their rights and the justice system. Again, professionals are able to polish their skills and also learn about current global trends and best practices in all areas of development.

In Africa, Kenya is a success story with regards to the influence of the Internet and its uses in empowering the public.²⁶ Tanzania and Rwanda have also made remarkable efforts in improving their court systems using ICT. With the support of donor funds, both countries now have electronic filing systems, electronic records management systems, and legal information portals.²⁷ Nigeria is also not lagging behind in the

22. *Id.*

23. See generally Vincent Owhoso, *Entering the Last Frontier: expansion by US multinational to Africa* *International Business*, 11 INT’L BUS. REV. 421 (2002).

24. Shehu, Abdullahi, *The Risk of Corruption, Money Laundering, Financing Terrorism and Organized Crime*, 2011 All Nigeria Judges Conference, National Judicial Institute Abuja (2011) (On file with author).

25. JIMMY CHIJIJOKE, *THE ROLE OF THE JUDICIARY IN THE CRUSADE AGAINST CORRUPTION AND UNETHICAL PRACTICES IN THE PUBLIC SERVICE*, VDG INTERNATIONAL, 319 (2008) (On file with author).

26. See generally *Transforming The Courts: Judicial Sector Reforms In Kenya (2011-2015)*, PRINCETON UNIVERSITY, available at http://successfultsocieties.princeton.edu/sites/successfultsocieties/files/MG_OGP_Kenya.pdf.

27. A. Asonibare and H. Akaje, *E-Path To Effective Justice Delivery: The Nigerian*

E- Justice revolution, and her efforts are considered in Section 4 of this paper.

2.1 INFORMATION COMMUNICATION TECHNOLOGIES WITHIN THE COURTROOM

Marco Velicogna classifies technologies used in the courtroom into four categories based on their technological and organizational characteristics and functions.²⁸ He identifies the first group as comprising of simple computer tools like desktop computers, word processing programs, spreadsheets, and e-mailing facilities.²⁹ He further identifies the second group as the systems or programs that are used by the court staff for administrative purposes which include case management systems and computerized registries. The third group is comprised of those technologies that support the judges in tasks such as law electronic libraries and database software packages. Finally, the fourth group consists of technologies used in the courtroom.³⁰

3. PROBLEMS WITH JUSTICE ADMINISTRATION IN NIGERIA

Section 6 of the 1999 Nigerian Constitution provides that the judicial powers of the Federation shall be vested in the courts established for the Federation to which this section relates.³¹ These courts are: The Supreme Court of Nigeria, The Court of Appeal, The Federal High Court, The National Industrial Court, The High Court of the FCT Abuja, The High Court of the States, The Customary Court of Appeal of the FCT, The Shariah Court of Appeal of the FCT, The Customary Court of Appeal of the States, and The Shariah Court of Appeal of the States.

Judicial power is therefore the power of a court to decide and pronounce judgments and carry it into effect between any parties before it.³² The responsibilities captured here are enormous as it involves the resolution of disputes involving social and moral questions of great importance to society. The public therefore expects an effective judicial system that can meet the demands of modern democratic society.

It is widely believed that the efficacy of any judicial system is

Courts In Perspective, AFRICAN LEADERSHIP DEVELOPMENT CENTRE (June 10-12, 2015) (On file with author).

28. Marco Velicogna, *ICT within the Court in the E-justice Era*, EFFECTIUS, available at effectius.com/yahoo_site_admin/assets/docs/ICT_within_the_court_in_the_e-Justice_Era_by_Marco_Velicogna.207234735.pdf.

29. *Id.*

30. *Id.*

31. NIGERIAN CONSTITUTION, VI available at <http://nigeriaworld.com/focus/constitution/chapter6.html>.

32. *See id.*

gauged by its capacity to provide timely and appropriate justice to parties in a dispute.³³ Unfortunately, the Nigerian Justice System cannot boast of such effectiveness. The most serious indictment of the Nigerian justice system is that it takes too long and costs too much, with the average period between filing and concluding a case ranging from 7 to 20 years. A typical example is the case of *Ekperokun v. University of Lagos*,³⁴ where it took the High Court seven years to dispose of a case of wrongful termination of employment. At the Appellate Court level, the period is even longer. In *Maja v. Samouris*,³⁵ it took nine years to final judgment at the Supreme Court; in *Obasohan v. Omorodion*³⁶ it took 16 years; in *Ekpe v. Oke*,³⁷ it lasted 17 years; in *Onagoruwa v. Akinyemi*,³⁸ it took 21 years; and in *Nwadiogbu v. Nnadozie*,³⁹ it concluded in 23 years.

Generally, the backlog of undecided cases becomes an impasse for the even flow and orderly disposition of cases because the cases keep piling up and the time between filing of a lawsuit to ultimate disposition keeps increasing. A recent statistic, presented by the Chief Judge of the FCT High Court,⁴⁰ indicated that in the close of the 2009/2010 legal year, it had 6,109 ongoing cases while the 2010/2011 legal year recorded a total of 9,083 cases pending (an increase of 30%). He said in the same 2010/2011 legal year, the court had a total of 17,269 cases to deal with compared to 12,269 in the previous year (5000 cases more). Other commercial cities like Lagos, Kano, and Rivers have equally startling statistics. The Supreme Court and Court of Appeal are faced with the same backlog. Due to the volume of appeals inundating the two courts, especially on interlocutory matters, the dockets of these courts are overflowing.⁴¹

Closely linked to the vicious circle of backlog and delays, another indicator of the inefficiency and ineffectiveness of the administration of

33. DELE PETERS, MINIMIZING DELAYS IN THE ADMINISTRATION OF CIVIL JUSTICE IN NIGERIA, VDG INTERNATIONAL, 453 (2008) (On file with author).

34. *Ekperokun v. University of Lagos* (1986)4 NWLR 152(Nigeria) (On file with author).

35. *Maja v. Samouris* (2000) 7 NWLR (pt. 765) 78(Nigeria) (On file with author).

36. *Obasohan v. Omorodion* (2001) 13 NWLR 9PT. 728) 298(Nigeria) (On file with author).

37. *Ekpe v. Oke* (2001) 19 NWLR (Pt. 721) 341(Nigeria) (On file with author).

38. *Onagoruwa v. Akinyemi* (2001) 13 NWLR (Pt.729) 38 (Nigeria) (On file with author).

39. *Nwadiogbu v. Nnadozie* (2002) 12 NWLR (Pt. 727) 315(Nigeria) (On file with author).

40. Hon. Justice L.H Gumi, National Judicial Policy: An Imperative for the Sustainance of Judicial Ethics, National Judicial Institute, Abuja, Nigeria (2011)(On file with author).

41. *Id.* at 21.

justice is limited access to justice. Generally in Nigeria, the law is discriminatory, while the legal processes are expensive, slow, and complex.⁴² The result is that people, and particularly the poor and vulnerable, have inadequate and unequal access to justice through the formal legal system. For these reasons they tend to rely much more on traditional justice systems, or take the law into their own hands.⁴³

In addition to delay and difficulty in accessing justice, other challenges include a lack of transparency and predictability in court decisions and shortages of resources. The consequential effect of these collective problems is a weak public confidence in the Nigerian judicial system. In his speech at a special session of the Supreme Court to mark the commencement of the 2011 Legal year, the former Chief Justice of Nigeria, Hon. Justice Musdapher remarked:

It follows therefore that where public confidence in the judicial system is high; the incidence of people taking the law into their own hands would be very low indeed. Whereas the reverse would be the case where public confidence is low. Accordingly, De Balzac quite aptly asserted that ‘...the lack of public confidence in the judiciary is the beginning of the end of society’⁴⁴

4. DEPLOYING ICT TO TACKLE THE PROBLEMS

The President of the World Bank recently commented that:

the capabilities of information and communication technologies, together with a rising sense among people all over the world that they are entitled to participation openly in government and society, offer enormous potential for advances that can be of great and lasting benefit to all people of the world..... and particularly to the poorest people of the world.⁴⁵

Nowhere does this sentiment ring more true than in Nigeria, being a country which, in the last few years, has experienced much unrest and turmoil reflecting the social, political, and economic problems facing the nation. Again, it is widely reported that despite the relative eco-

42. M.T. Ladan, *Access to Justice and the Justice Sector Reform in Nigeria*, INTERNATIONAL INSTITUTE FOR JUSTICE AND DEVELOPMENT CONFERENCE ON THE STATE OF AFFAIRS OF AFRICA (2006), available at http://ijjd.org/PDF%20Files/Muhammed_Tawfiq_Ladan_Justice_Sector_Reform_Nigeria_.pdf.

43. *Id.*

44. *I Will Redeem Battered Image Of Nigerian Judiciary, Says New CJN*, IREPORTS-NG (Sept. 20, 2011), ireports-ng.com/2011/09/20/i-will-redeem-battered-image-of-nigerian-judiciary-says-new-cjn/

45. Malik, *supra* note 9.

conomic success in Nigeria, the main struggle “is still for justice.”⁴⁶ Obviously this is of concern not only to aid agencies but also to citizens alike, and it is perhaps in this area that ICT can make the greatest impact.

If the judiciary in Nigeria can embrace ICT, citizens may then be able to, as Internet access increases, discover how to gain access to justice. Publishing aims, priorities, goals and codes of conduct through ICT can only stand to inform, educate and empower the public. It will enable them to learn about their rights and understand how to ensure that these rights are upheld. It will now be shown that ICT can be used to tackle the main problems faced by the judiciary in Nigeria as highlighted in 3.0 above. Even with such challenges the prospects are great because ICT allows the judiciary to share information which increases efficiency, helps to clear backlog of cases, makes the justice sector more transparent, and increases access to justice in the following ways:

4.1 IMPROVING EFFICIENCY

Globally, it has been noted that the greatest advantage of ICT is that it increases efficiency and helps organizations improve their administration. The adoption of electronic filing will ensure the maximum security of court records, as well as easy retrieval of the same records if the need arises. The use of electronic files will also eliminate the need for large storage facilities in the courtrooms. Some Nigerian judges that were interviewed for this paper confirmed that ICT has enhanced their job performance because it allows them communicate and share information and experiences with their colleagues, which only stands to improve the quality and efficiency of the judiciary throughout the country.⁴⁷ They all agreed that using online data bases and related applications allows them to carry out legal research with more ease, compared to going through voluminous textbooks and law reports which was the former practice.⁴⁸ A Nigerian newspaper recently made that very point in stating:

Every federal and state judiciary must integrate ICT to create better efficiencies in the use of time, reduce costs, labour and other processual waste in the judicial system? Why do our judges use nineteenth

46. *Nigeria at the heart of African economic renaissance*, BBC NEWS (Jan. 30, 2012), www.bbc.com/news/world-africa-16800822.

47. Hon. Justices A. I Kutigi and Y. Halilu of the FCT High Court, and Ho. Justice Oyewunmi of the National Industrial Court were interviewed by the authors on the role of ICT in the judiciary on October, 5, 2014, in Abuja, Nigeria (On file with author).

48. Joseph Chu'ma Otteh, *For Nigeria's tomorrow, our Judiciary needs a complete makeover*, VANGUARD NEWSPAPER, October 8, 2010, <http://www.vanguardngr.com/2010/10/for-nigeria%E2%80%99s-tomorrow-our-judiciary-needs-a-complete-makeover-2/>.

century infrastructure and expect to meet the challenges of the 21st century?⁴⁹

ICT will undoubtedly help Nigerian lawyers become more efficient and the current shift towards the purchase of online rather than paper based legal tools⁵⁰ reflects that the Nigerian judiciary is appreciating these valuable tools. All that is then needed to make the most of ICT is competent staff.

4.2 IMPROVING STAFF PROFICIENCY

ICT stands to be vital in enabling Nigeria to ensure that it has the competent staff needed to revolutionize its judicial service. It is an incredibly useful tool for education, it allows professionals to share experiences, knowledge, and even teach others remotely.⁵¹ Those working within the judiciary in Nigeria could thus use ICT to communicate with professionals who could provide advice and training. They could use the Internet to stay current with changes in the legal world and can access the tools needed to work through their case load. Azinge noted the value of ICT in the legal profession, especially in keeping a lawyer informed and thus enabling the judiciary of Nigeria to have competent staff.⁵² He remarked that “Internet access to judicial decisions[,] with basic IT facilities like a personal computer, a dial-up or wireless connectivity[,] a lawyer can now access judicial decisions of the Supreme Court of Nigeria, and all the House of Lord Judgments. The same is applicable to the judgments of many U.S. Courts. Online legal databases like Lexis/Nexis and Westlaw are already a practical experience of legal professionals in developed countries.”⁵³

It seems that ICT is being used within Nigeria to allow lawyers to keep up to date with their own judicial system and to access cases and legislation throughout the world.⁵⁴ This also enables the Nigerian lawyers to learn from other countries’ precedents and continue to educate themselves through the medium of ICT.

49. *Id.*

50. J.E. Owoeye, *Information Communication Technology (ICT) Use as a Predictor of Lawyers’ Productivity*, UNIVERSITY OF NEBRASKA-LINCOLN (2011), available at digitalcommons.unl.edu/libphilprac/662.

51. See generally A.U. Nwabueze and R.E. Ozioko, *Information And Communication Technology For Sustainable Development In Nigeria*, UNIVERSITY OF NEBRASKA-LINCOLN (2011), available at digitalcommons.unl.edu/libphilprac/600.

52. Owoeye, *supra* note 50.

53. *Id.*

54. See generally www.unilawonline.com.

4.3 CHECKING CORRUPTION

One of the greatest problems not only in Nigeria, but in most of Africa, is corruption, which is all the more problematic to the judiciary whose role is to promote law and order.⁵⁵ For Nigeria to develop an effective legal sector, it must first subdue corruption and many believe that ICT can help if it is utilized as a transparency tool to help foster good governance while also exposing corruption.⁵⁶ For example, ICT has long been used throughout the world for fraud protection; it can also be used to empower the public to act against corruption by teaching them what to look for and giving them the means to report it. Kofi Annan, the former Secretary General of the UN, noted the importance of ICT for tackling corruption in one of his papers; he described how making the judiciary transparent by publishing decided cases online and allowing the public to access them increases transparency and creates a system which can be self-regulating.⁵⁷ Nigeria is beginning to appreciate the power of ICT for reducing corruption by recently creating a Judicial Reform Committee to look into and proffer possible solutions to the problems of the Nigerian Judiciary, and the issue of corruption was a key item.⁵⁸ The Committee, created in response to this problem, determined that a new Judicial Code of Conduct was necessary to address the nagging issue of judicial corruption in the country.⁵⁹

It is regularly remarked in academic circles that for the judiciary to run without corruption and to remain independent from the legislative and executive branches, a system of checks and balances needs to be in place. In the 21st century, many have identified lay citizens as a potential check and balance and their empowerment through the Internet is a tool for counteracting this corruption. It cannot be denied that ICT (in particular print media and the Internet) has great potential for exposing corruption and dishonesty, and, as Jeremy Bentham (1748–1832) the English jurist, philosopher and social reformer noted so poignantly,

55. Kolawole Olaniyan, *How Corrupt is Nigeria?* VANGUARD NEWSPAPER (Dec. 17, 2014), <http://www.vanguardngr.com/2014/12/corrupt-nigeria/#sthash.2jbVm9me.dpuf>.

56. See generally Åke Grönlund, et. al., *INCREASING TRANSPARENCY & FIGHTING CORRUPTION THROUGH ICT*, SPIDER (2010), available at spidercenter.org/polopoly_fs/1.163640.1390315885!/menu/standard/file/Spider%20ICT4D%20series%203%20Increasing%20transparency%20and%20fighting%20corruption%20through%20ICT.pdf.

57. *Id.* at 15.

58. Olugbenga Soyole, *National Conference And Judicial Reforms*, LEADERSHIP (June 26, 2014), leadership.ng/features/375991/national-conference-judicial-reforms

59. Adetokunbo Mumuni, *Corrupt Judge Harmful To Nigeria, Says Chief Justice of Nigeria*, SAHARA REPORTERS (Feb. 9, 2012), <http://saharareporters.com/2012/02/09/corrupt-judge-harmful-nigeria-says-chief-justice-nigeria>.

“[i]n the darkness of secrecy, sinister interest and evil in every shape have full swing.”⁶⁰ Therefore, ICT can, through exposing acts of corruption, act as a potent check to it and potentially improve the judiciary as a result.

However, it must be noted that, despite being a potential tool in the battle against corruption, ICT can also lead to corruption and as a result it is imperative that the judiciary is alert to this threat. Another African nation, Kenya, recently noted that the spread of ICT through the country has led to increased levels of cyber fraud and other related offences.⁶¹ Their suggestions for combating such corruption are extremely applicable to other developing nations such as Nigeria. However, plans should be made in order to combat the new threat of fraud that comes with the spread of this technology. Unfortunately, Nigeria has yet to implement any legislation on data protection and privacy. Although two data protection related bills were presented before the National Assembly (one dated 2008, and the other dated 2010), neither has been passed into law.⁶²

4.4 PROMOTING ACCESS TO JUSTICE

Perhaps the most exciting prospect for the introduction and use of ICT by the judiciary in developing countries such as Nigeria is the impact it will have on the access to justice.⁶³ Publishing the judiciary’s aims, priorities, goals, and codes of conduct through ICT (whether the Internet, broadcasting media, or email) can only stand to inform, educate, and empower the public. It will enable them to learn about their rights and understand how to ensure that these rights are upheld. The Master of the Rolls, Lord Woolf, identified some principles that a justice system must meet in order to ensure access to justice.⁶⁴ The justice system should, he wrote,

60. Jeremy Bentham, *The Works of Jeremy Bentham*, vol. 9, Section XIV (1843), available at oll.libertyfund.org/titles/1999.

61. Grönlund, *supra* note 56 at 16.

62. F. Franklin Akinsuyi, *Data Protection & Privacy Laws Nigeria, A Trillion Dollar Opportunity*, LINKEDIN (Apr. 15, 2015), <https://www.linkedin.com/pulse/data-protection-privacy-laws-nigeria-trillion-dollar-f-franklin>

63. Improving access to justice requires that both formal and customary systems be made to work justly and equitably. It also means more than reforming legal procedures. It can also mean law reform, making courts more user friendly, improving African Customary Systems and improving the treatment of offenders.

64. *The Civil Justice System*, *LAWTEACHER* (July 1996), <http://www.lawteacher.net/lecture-notes/english-legal-system/civil-justice-review.php#ixzz3rsIlwMOH>.

be just in the result it delivers;
be fair in the way it treats litigants;
offer appropriate procedures at a reasonable cost;
deal with cases with reasonable speed;
be understandable to those who use it;
be responsive to the needs of those who use it;
provide as much certainty as the nature of the particular case allows;
and
be effective, adequately resourced and organized.⁶⁵

The proper use of ICT can guarantee all the principles mentioned above. For instance, adopting the electronic filing method and the process of making applications for court rulings and proceedings will enhance the ease and speed of hearing and determination cases. With this method, information can be accessed online at anytime and from anywhere, thereby reducing the cost of litigation. It is noteworthy that access to the Internet remains limited in many parts of Nigeria. However, as many academics note, the power of ICT is that its growth is rapid and has an insatiable appetite that accompanies this growth, which inevitably leads to the spread of knowledge and a subsequent increase in access to justice.⁶⁶ Despite such prospects, it is important to note that to be accessible, the ICT medium used must accommodate the local tastes and customs of the people so that the information is easily understood. As noted by the World Bank, “[j]udicial reform needs to be developed with local culture and traditions in mind, and activities need to be sequenced with benchmarks to show demonstrable quick results.”⁶⁷

A particularly innovative use of ICT for increasing access to justice can be found from looking at other developing nations. In South America, for example, “wireless technology, KIOSKS and portable court houses” have been used “to help improve access to justice without heavy capital investment and loss of time.”⁶⁸ In Brazil, this has taken the form of small claims courts utilizing Internet technologies and portable minivans.⁶⁹ In Singapore, remote kiosks using ICT are extremely useful where they enable citizens to pay for parking fines without having to go

65. *Id.*

66. *See generally* Ethan Katsh, *Digital lawyers: orienting the legal professionals to cyberspace*, 55 U. PITT. L. REV. 1141 (1994).

67. Malik, *supra* note 9 at 5.

68. *Id.* at 8.

69. *Id.*

through the traditional, time consuming legal system.⁷⁰

It is apparent from these examples that even without the use of the Internet, remote and mobile ICT technologies can be used to ensure that justice is accessible and that more should be invested in the technologies such as the portable minivans of Brazil that Nigeria.

5. THE NIGERIAN INITIATIVES

Recently, the Nigerian government has made efforts to restore the credibility of its institutions (including legal and judicial institutions), which had been seriously undermined under military rule. According to Ladan, the judicial branch, along with the legislative branch of government, is trying to claim its right to independence, including budgetary and operational independence.⁷¹ He expressed a number of initiatives that could positively impact justice sector performance, including a proposed presidential panel on judicial and legal reform,⁷² and activities planned under the ongoing Economic Management Capacity Building Project (EMCAP).⁷³

International organizations and local civil society organizations have also been active in an informal process of developing a national justice sector agenda. A variety of Nigerian non-governmental organizations have worked in the area of reform and improvement of the justice sector. In all of these reform initiatives, the introduction of technology into the justice administration was a key recommendation proposed by all the groups.⁷⁴ The Judicial Information Technology Policy Committee, which was inaugurated on January 30th, 2012, established a foundation for an automated court system and complete computerization of the justice sector with the National Centre for State Courts of America serving as consultants to the project.⁷⁵ The project was an ed system for the Nigerian judiciary, such that cases would efficiently move from the trial court to the appellate court, and ultimately the Supreme Court.⁷⁶

To this effect, the Case Management System of the Supreme Court

70. *Id.*

71. Ladan, *supra* note 42 at 7.

72. *Id.*

73. *See generally* Nigeria - Economic Management Capacity Building Project, WORLD BANK (2000), *available at* <http://documents.worldbank.org/curated/en/2000/02/437789/nigeria-economic-management-capacity-building-project>

74. Ladan, *supra* note 42.

75. Lemmy Ughegbe, *Nigeria: Aloma Mukhtar and Automated Court System*, ALLAFRICA (Dec. 23, 2014), *available at* allafrica.com/stories/201412230161.html.

76. *Id.*

and the National Judicial Council were recently launched.⁷⁷ The system is expected to operate in such a way that all lawyers in the country will be required to register with the courts and will be assigned user identifications and a secured email address.⁷⁸ This is projected to facilitate communications between the courts and counsel because when a lawyer files a process, all of the parties and the courts will be notified instantly.⁷⁹ It is also expected that cases can be duly filed online and processes served using authenticated email addresses. Speaking at the commissioning, Justice Aloma-Mukhtar (who then was the serving Chief Justice of Nigeria) explained that the objective of the court automation project was to improve court efficiency, access to justice and transparency. She said:

What we are witnessing today is the solid foundation for tomorrow's fully automated court. Indeed, this aligns with the vision of transforming from the current predominantly manual court processes and its attendant weaknesses to technological solution 'tailor-made' for the Nigerian judiciary.⁸⁰

At present, the project, which is being implemented in phases, is operational in 16 pilot sites.⁸¹ Consequently, the new Evidence Act, which came in force in 2011, allows for the admissibility of electronically generated documents in evidence.⁸² More recently, the Court of Appeal (Fast Track) Practice Direction 2014 was made by the President of the Court to deal with appeals quickly through an active case management system which accommodates electronic service and signatures.⁸³ Also the Administration of Criminal Justice Act 2015 encourages the use of technology in all areas of criminal justice administration.⁸⁴

77. *Aloma-Mukhtar Inaugurates Courts Computerisation System*, THEWILL (Nov. 10, 2014), thewillnigeria.com/news/aloma-mukhtar-inaugurates-courts-computerisation-system/.

78. *Id.*

79. *Id.*

80. *Id.*

81. Namely: the Supreme Court, the Court of Appeal (Abuja and Lagos Divisions), the Federal High Court (Abuja and Lagos Divisions), the National Industrial Court (Abuja and Lagos Divisions), the High Court of the Federal Capital Territory as well as the high courts of Bayelsa, Borno, Ebonyi, Kaduna, Kogi and Lagos states, and the National Judicial Council.

82. Section 84, Evidence Act of Nigeria 2011 (On file with author).

83. Nigerian Court of Appeal (Fast Track) Practice Direction 2014 (Issued on December 8, 2014) (On file with author).

84. Femi Falana, *The Administration of Criminal Justice Act, 2015 (2)*, THEGUARDIAN (Sept. 1, 2015) www.ngrguardiannews.com/2015/09/the-administration-of-criminal-justice-act-2015-2/.

5. CONCLUSION

In today's world of global communication, the questions of sustainable national development cannot be analyzed in isolation from policies that affect information flows, and exchange of knowledge. Thus, the importance of ICT to all sectors of the national economy is well recognized. This essay has sought to examine the role of ICT in judicial administration with particular focus on the case study of Nigeria and how ICT can be used here to facilitate effective justice in a country where inefficiency, inadequate funding, corruption, lack of competent staff, and problems with access to justice are all rife. It has been shown how powerful technology can be in increasing productivity in the judiciary and how ICT can be used in Nigeria to solve the current problems upsetting the Administration of Justice System. ICT will undoubtedly improve the quality of organization and effectiveness by moving the judiciary away from the current paper based approach and by connecting the nation's lawyers and judicial system online. The use of ICT in training the judiciary is also extremely exciting. ICT facilitates distant learning and will enable lawyers and judges to keep up to date not only with national legal matters but worldwide legal developments so that the Nigerian judiciary can learn from other nation's experiences. ICT will, of course, increase court staff competency.

The spread of knowledge and information through ICT will help to increase the transparency of the system, make the judiciary more accountable, and hopefully reduce corruption. Finally the spread of ICT and the use of technologies, such as "portable court houses," will increase access to justice in Nigeria and hopefully reach those in the rural areas who are most in need of it. While many of these prospects with ICT remain largely theoretical and are drawn from experiences elsewhere, some commendable initiatives have been taken. However, many challenges still remain as ICT is at its infancy in Nigeria. Accessing ICT and educating the judiciary and the public in the use of it is imperative for the advantages to be realized. Also, there is the urgent need for a very robust legal and regulatory framework that will accommodate the increasing nature and advancement of ICT. Lastly, there is equally the need for data protection and privacy laws to curtail the extremes of ICT.