ADMININISTRATION OF JUSTICE IN ELECTRONIC AGE: PERTINENT ISSUES [1]

BY

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1.0. Preamble

1.1. It is a singular honour for me to be offered this opportunity to address this most distinguished assembly, consisting of newly appointed Judges of the High Court, Customary Court of Appeal and Kadis of the Sharia Court of Appeal all over Nigeria, at this year's Induction Course. My deep thanks and appreciation go to the Administrator of the National Judicial Institute (NJI), Hon. Justice R. P. I Bozimo (Rtd), and the Management staff of the National Judicial Institute (NJI), for counting me worthy to handle a subject of this nature that is as novel to us in this part of the world as it is challenging. I remain eternally grateful.

1.2. Your Lordships, I congratulate you on your appointments. I imagine the hurdles you must have passed through to get to this level, given the elaborate procedure recently introduced by the National Judicial Council (NJC) for appointment of judicial officers. It should be a matter of pride to you that you are joining the Bench, at this level, at a time when all eyes are on the Judiciary and the process of appointment is as difficult and tedious as that of selecting the Pope. You should, therefore, see your elevation as presenting immense challenges and ground-breaking opportunities to administer justice without fear or favour; affection or ill-will.

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1.3. The topic for discussion is broad. It covers a wide range of issues relating to policy, law and application of information and communication technology in our courts. The topic is also relevant to the Courts and Judges as we strive to do justice, which is our basic responsibility, in a world that is undergoing technological changes and advancements at supersonic speed.

2.0. Introduction

2.1. We live in a changing world that has passed through many ages and stages of development. Some of these ages included the Ice Age, Stone Age, Copper Age, Bronze Age and Iron Age etc. The world has also passed through several other ages such as the Industrial Age, Steam Age and Nuclear Age amongst others.

2.2. Today, we live in an age that is dominated by computers. Indeed, it has been christened "Computer Age" or "Digital Age" or "Electronic Age" or the Age of Information and Communication Technology (ICT). It is characterized by invention of hardware, software and media for collection, storage, processing, transmission, retrieval and presentation of information. They also include communication and computing equipment and programmes such as satellites, transmission lines, computers, modems, routers, the Internet, intranet, email, wireless networks, cell phones, iPads, iPods, digital cameras and other operating systems and applications. The unalterable truth is that the advancement in technology witnessed in the last few decades around the world has revolutionalised the world and launched the world on an information super high way. It has defined how we live, work and think such that the world has not remained the same again. It has brought the world, not only into a global village or global sitting room but a global palm.

2.3. It is worthy of note that criminals have also taken advantage of technology to advance their criminality. The use of computers to

perpetrate crimes is rampart. The advancing technology provides criminals with a variety of tools and opportunities to conduct their heinous activities. And they are not relenting. At every stage of technological advancement, there is one form of perversion or another. Sometimes, it looks as if criminals are even advancing beyond the pace of technological development.

3.0. How the Courts are involved

3.1. The involvement of the judicial system in matters relating to technology is glaring and obvious. Availability of technological devices for use and the information gathered therefrom, which have brought about changes in the ways people live and work invariably become matters for Judges to deal with one way or the other in cases that come before them. For instance, unknown to many people, the use of electronic devices potentially provides raw evidence that ultimately finds its way to courts in criminal and civil litigations. Quite often, disputes do arise from information gathered, stored and retrieved from electronic devices. And more significantly, the devices and programmes provided by technology are also available for use in courts as tools for transformation and modernization of the judicial system and processes of adjudication. In addition to all these, crimes and civil disputes now take new forms and actions. For instance, we now hear about offences such as computer forgery, computer fraud, hacking, identity theft, child pornography, cyber stalking, cybersquatting, phishing, cyber terrorism and xenophobic offences, amongst other offences. It is in this type of environment and age dominated by technology that Judges are required and expected to administer justice. The courts, today, therefore, face serious challenges in administering justice in electronic age.

3.2. It must be emphasised, however, that beyond challenges, electronic age offers opportunities to bring about globalisation,

transparency, speed, efficiency and effectiveness in the administration of justice. While it is the duty of any judicial system to prepare and meet the challenges posed by advancement in technology in this digital age, it is also the bounden duty of the Judiciary to take advantage of the new opportunities offered by information technology to advance an excellent delivery of justice to the community. Nothing less is expected of us in this electronic age.

3.3. The indisputable truth may be underscored that opportunities are afforded the courts, in this electronic age, through application of ICT, to administer justice cheaper, faster and differently. Advancement in technology now enables stakeholders in the administration of justice to process, retrieve and communicate information effectively, unconstrained by distance, time and volume. Indeed, it can be said, with a high degree of accuracy, that ICT holds the key for unlocking potentials to increase performance and eliminate systemic delay of processes and opportunistic corruption in the Judiciary. ICT is now an essential tool for modernization of the Judiciary.

PART A – APPLICTION OF ICT TO ADMINSTRATION OF JUSTICE

4.0. Opportunities afforded:

4.1. (i). Text creation, storage and retrieval.

The basic function of a Judge consists in hearing and determining cases. He records proceedings, writes and produces judgments and rulings. With the advent of electronic age, it is now possible for the Judge to type out his judgments and rulings directly on the computer. This underscores the point why a Judge, in this digital age, ought to be familiar with the word processing skills. It is possible to store documents, retrieve them very fast and call up other documents on the same computer, or other storage media, such as CD, DVD, USB etc., without having to move from a work environment. Consequently, judgments, decisions and rulings

of courts can proceed much faster in the final form for release to the parties. They are also protected from leakages.

4.2. (ii). Improved access to law

In the past, the main sources of law: statutes and law reports were only available through hard copies in book form or in prints or typescripts. For instance, Laws of the Federation were found in volumes of books which were updated in editions. The last edition was in 2004. All Nigeria Law Reports, Federation of Nigeria Law Reports, Supreme Court Judgments, Nigerian Weekly Law Reports, All Federation Weekly Law Reports etc., were all in book form. Access to different sources of law are now unrestricted. Laws of the Federation and judgments reported in many law reports, local and foreign, are available on the Internet and in electronic format. There are now electronic versions of law reports e.g. Law Pavilion Electronic Law Report (LPELR), the LegalPedia and All Federation Weekly Law Report (All FWLR) available in electronic format. Judgments of the Supreme Court of Nigeria and the Court of Appeal are now speedily reported and made available to the whole world through electronic means. In this electronic age, it is possible to receive electronic versions of judgments delivered from other jurisdictions within few minutes of delivery. (e.g. to receive judgments of the Supreme Court of England, visit: https://www.judiciary.gov.uk). The Internet contains such loads of relevant scholarly materials that there's hardly anything you want that you will not find there. The availability of these materials simplifies research and enhances the performance of Judges that are digital enough to take advantage of them in this electronic age.

4.3. (iii). Recording of proceedings

Judges and Magistrates still record proceedings in long hand in Nigeria. This is clear evidence of our backwardness. It shows we still fall far behind the age of electronics. The current age has even gone beyond the use of court reporters to take proceedings or stenographic machines using shorthand in proceedings let alone recording proceedings in long hand. It is now possible to have digital audio

recordings of voice on the computer. The proceedings thus recorded would be transcribed into hard copy format of which e-version would be available too. It is also possible to have instantaneous recording of proceedings by court reporters which can be viewed by the Judge, counsel and the general public during court sessions. Auto recording of Court proceedings goes a long way towards assisting the Court to resolve matters faster both at trial and on appeal. With Judges freed from the task of recording proceedings in long hand, they can pay attention and concentrate more on determination of cases and judgment writing.

4.4. (iv). Video conferencing

In electronic age, video conferencing is possible. It enables any person who has an interest in court proceedings to be involved in a hearing from a remote location. In its simplest form, a witness at a remote location may give his or her evidence via a video link to the court with one screen and one camera in the courtroom. Where a court has VC equipment, it is possible to get connected with it from a remote location that is linked with it. It seems to me that legislation is required to allow the use of VC. For instance, in the United Kingdom, The Access to Justice Act, 1999 allows VC to be used for civil hearings.

4.5. (v). Case management

In electronic age, case management system is employed which enables the Judge to actively manage a case before him from the beginning to the end: setting hearing dates, giving directions to the parties and Counsel. Traditionally, litigants or their representatives have been required to present themselves personally to court registrars to institute proceedings but now e-filing, a process that dispenses with personal attendance of parties at court registries is introduced. Under the e-filling system court forms are electronically generated, filled, submitted and payments made. It is also possible for counsel and parties to monitor the status of their cases. CCTV system is installed to monitor what goes on in the court.

4.6. (vi). Websites' design

Courts information and services are delivered through Court websites. Most Court websites include and display information about the Court; Judges, Court processes, Court forms, cause lists, contacts details, judgments and rulings of the Courts. By making a wide range of information and services available over the Internet, Courts are able to save and re-direct valuable resources which would otherwise be extended in providing the same services by more traditional means. Heads of Courts and the general public are also able to monitor progress of cases through electronic boards displaying cause lists in all Courts within a particular jurisdiction. In some Courts, Wi-Fi facilities are made available to the general public to enable them connect to the Internet wirelessly within the Courts' premises.

5.0. Some pertinent issues

5.1. The basic issues that have arisen in applying technology to administration of justice concern computerisation of Courts and the judicial system to bring about efficiency and effectiveness in the administration of justice. Funding is critical to computerisation and digitalization. The process of acquiring the highly sophisticated equipment, software, hardware, and manpower needed, with power generation is capital intensive. The dwindling fortunes of the Judiciary in terms of reduction in the annual budgetary allocation to her by the Government pose a serious challenge to computerization. The available funds may have to compete with other numerous pressing demands. It will take an exceptional determination of the authorities concerned to accord computerization any priority in the circumstances. Invariably, abandonment of such laudable projects is a common spectacle.

5.2. It is in the light of the foregoing that I will strongly recommend personal efforts of individual judicial officers at computerization. There is a lot that can be achieved at the individual level to acquire the requisite skills, devices and

software e.t.c. that will enhance one's performance. In this digital age, a Judge may not have to wait to be trained by the Judiciary or Government in order to become computer literate. Access to the Internet is now readily available and cheap. All it takes now is acquisition of a laptop or iPad or tablet or even a smart phone, a router or modem e.t.c. with a monthly subscription of bundles for as low as N1,000.00, then, the whole world is in your palm.

5.3. It is known that majority of Judges and Justices in Nigeria do have computers and are connected to the Internet. And, commendably, quite a good number of them are known to make use of the Internet for legal research. Of course, a significant number too is known never to switch on these computers!!! What is being advocated here is, we must move with time, i.e., the current age, lest we be left behind and consigned into the dustbin of obscurity.

PART B – PERTINENT LEGAL ISSUES WITH PARTICULAR REFERENCE TO ADMISSIBILITYOF COMPUTER GENERATED EVIDENCE.

6.0. Introduction

6.1. Generally speaking, the issue of admissibility of evidence is crucial to any trial, whether civil or criminal, as it has the capacity to determine the outcome of a case one way or the other. And, how a particular Court treats such evidence is of utmost significance. A case may be lost or won on the strength of a particular piece of evidence that has been admitted or rejected, as the case may be. The foregoing also underscores, once again, the need for judicial officers to have clear understanding and appreciation of the intricacies of electronic devices and their operations. As adjudicators, we should be familiar with basic computer terms and operations. Rudimentary knowledge of ICT is also essential to ensure proper and correct interpretation and application of the rules guiding admissibility of electronic evidence, to avoid miscarriage of justice. The case, *Federal Republic of Nigeria v Abdul(2007) 5 EFCLR 204* underscores this point. The accused was arraigned on a two-count charge of being in possession of documents containing

false pretences contrary to Section 6 (8) (b) and 1(3) of the Advance Fee Fraud and Other Related Offences Act. The accused was arrested in a Cybercafé in Benin City by a group of Economic and Financial Crimes Commission (EFCC) operatives, following a petition to the Commission by a citizen alleging the incidence of Internet crime activities at the Cybercafé. The accused and other customers of the Cybercafé were subjected to a search, at the end of which a handwritten letter and a diary containing several email addresses were recovered from the accused. Subsequently, the EFCC investigators, using the addresses found in the diary also discovered a number of scam emails in the email box of the accused. The emails were printed out by an official of the EFCC. At the trial, the handwritten letter, diary and printouts were tendered as exhibits by the prosecution. One of the questions that arose for determination before the trial court was whether or not the printouts which were tendered and admitted in evidence as Exhibits D, D1 and D2, could be said to be in the possession of the accused, when they were not found physically with him but were printed out of his email box after his arrest. The trial Judge held:

> *The documents said to be in the possession of the accused do not exist in the physical form until they are printed.... I have read and construed Exhibits D – D2 clearly. Exhibits D and D1 are letters written with false pretences with intent to defraud. As for Exhibit D2, on its own has no meaning. Read along with Exhibits D and D1, it could be regarded as part of a fraudulent scheme. The point about Exhibits D – D1, however is that they have been sent to the addresses on them. The accused admitted... that he sent the letters. Where letters have been written and posted (in the regular and common method of sending mails), could the writer or the person who posted the letter be said to be in possession of the letter? While the writer may be guilty of sending scam letter, certainly he cannot be guilty of being in possession of a letter he has written and posted. Similarly, in this*

case, with the letters sent to the address as admitted, the accused is no longer in possession of the letters." (P.228)

At the end of it all, the accused was discharged and acquitted.

6.2. It should be noted here that the document involved in the case that was allegedly found in possession of the accused was not in tangible or physical form. It was in the form of a "soft copy." The court in such a case ought to have appreciated the nature of technology by which the offending document was electronically stored and therefore "possessed" by the accused. Most respectfully, His Lordship did not appreciate the fact that when an email is sent from a shared mailbox, the sent email message remains in the Sent Box of the sender and can be said to remain in his "possession".

6.3. One may wish to contrast the decision in *FRN v. Abdul* **(**Supra) with *United States v. Romm (No. 04-10648 of July 2006.) Retrieved from: http//caselaw.findlaw.com/us-9thcircust/1231820.html* where it was held that the defendant "knowingly possessed" illegal pornography by the mere fact that he connected to the Internet, visited and viewed websites containing images of child pornography which were automatically saved in his computer's Internet cache. The defendant admitted to only having viewed the images for a few minutes and consciously sought to delete them. Nonetheless, the court held that the defendant "knowingly possessed" illegal pornography, as he could view the images in his computer's Internet cache on the screen, and print them, enlarge them, or copy them to more accessible areas of his hard drive and send them by emails to others. Thus, the computer's automatic, normal operation led to his conviction of knowingly possessing illegal pornography despite his conscious attempt to avoid possession by deleting the images.

6.4. The outcome of the decision in Romm's case teaches that the emphasis in *FRN v. Abdul* (supra) should not have been placed solely on the physical

possession of the printouts but the contents of the email box of the accused evidenced by the printouts.

7.0. Issues of admissibility arising from the application of the provisions of Evidence Act 2011 and the 'almighty' section 84

7.1. In 2011, the 6th National Assembly enacted Evidence Act, 2011 (Act No. 18). The enactment of the Act, in a way, represents the response of the Legislature to ceaseless clamour for amendment of the old Evidence Act. It took the Legislature a long time to act. When it eventually acted, it went beyond merely amending the Act. It repealed it. Significantly, the legislation attempts to bring the law in line with the reality of advancement in the area of electronic and computer technology as it clearly provides for admissibility of electronically generated documents. In this regard, section 84 stands out noticeably as a towering provision. It provides:

> *84. (1) In any proceeding a statement contained in a document produced by a computer shall be admissible as evidence of any fact stated in it of which direct oral evidence would be admissible, if it is shown that the conditions in subsection (2) of this section are satisfied in relation to the statement and computer in question.*
>
> *(2) The conditions referred to in subsection (l) of this section are-*
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> *(a) that the document containing the statement was produced by the computer during a period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period, whether for profit or not by anybody, whether corporate or not, or by any individual;*
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> *(b) that over that period there was regularly supplied to the computer in the ordinary course of those activities information of the kind contained in the statement or of the kind from which the information so contained is derived;*

(c) that throughout the material part of that period the computer was operating properly or, if not, that in any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of its contents; and

(d) that the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of those activities.

(3) Where over a period the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in subsection (2) (a) of this section was regularly performed by computers, whether-

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over that period: or

(c) by different combinations of computers operating in succession over that period; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers.

All the computer used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceeding where it is desired to give a statement in evidence by virtue of this section, a certificate -.

(a) identifying the document containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer:

(i) dealing with any of the matters to which the conditions mentioned in subsection (2) above relate, and purporting to be signed by a person occupying a responsible position in relation to the operation of the relevant device or the management of the relevant activities, as the case may be, shall be evidence of the matter stated in the certificate: and for the purpose of this subsection it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section-

(a) information shall be taken to be supplied to a computer if it is supplied to it in any appropriate form and whether it is supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) where, in the course or activities carried on by any individual or body, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

8.0. Six basic truths about section 84

8.1. As a threshold point, it is necessary to highlight some basic facts about section 84 for a proper appreciation of its provisions. First, the section opens with the words; "in any proceedings". The words indicate that the section applies to both civil and criminal proceedings with equal force. There is no specification of any form of proceeding to which. The phrase, "in any proceedings" should also be

interpreted in relation to section 256 of the Evidence Act, as being inapplicable to proceedings in courts specified therein.

8.2. Second, it prescribes a special procedure to be applied in admitting electronically generated evidence. It acknowledges the existence of new species of evidence: "a statement contained in a document produced by computer".

8.3. Third, because of the uniqueness of this specie of evidence, particularly, the capacity, ability or ease by which it can be manipulated, interposed, falsified or varied, section 84 specifies and imposes conditions for its admissibility. The conditions are found in section 84(2) and section 84(4).

8.4. Fourth, section 84(2) stipulates the conditions to be fulfilled to render a computer generated evidence admissible, while section 84(4) requires a certificate signed by a person occupying a responsible position or purporting to occupy that position in relation to the operation of the relevant device or the management of the relevant activity as evidence of the matter stated in the certificate.

8.5. Fifth, the condition precedent for admissibility under section 84(1) is that the direct oral evidence of that fact must be admissible.

8.6. Sixth, the word "and" at the end paragraph 84(2) (c) that connects paragraph 84(2) (d) indicates that all the conditions stipulated therein must be met.

9.0. Conditions for admissibility under section 84 (2)

9.1. (i). That the statement sought to be tendered was produced by the computer during a period when it was in regular use, to store or process information for the purpose of any activity carried on over that period:

9.2. (ii). During that period of regular use, information of the kind contained in the document or statement was supplied to the computer:

9.3. (iii). The computer was operating properly during that period of regular use or if not, the improper working of the computer at any time did not affect the production of the document or the accuracy of its contents; and

9.4. (iv). That the information contained in the statement was supplied to the computer in the ordinary course of its normal use.

10.0. Explanation

10.1. Condition No 1 – Section 84(2) (a) Reliability of the computer. It attempts to ensure that the computer from which a document was generated is reliable. The reliability of the computer is established by the fact that there is evidence to show that it was used regularly to store or process information for the purpose of activities regularly carried on over a period.

10.2. Condition NO 2 – Section 84(2) (b) Reliability of the document.

It is about the document itself. It seeks to ensure that the document produced by the computer is authentic. The vulnerability of computer records to manipulation and tampering is directly in point here. Of course, a computer will only produce what is programmed into it. Evidence must, therefore, establish that the computer did exactly what it was instructed to do and the document produced in court consists of what was fed into the computer. If there is any discrepancy between what is contained in the computer and what is produced, such document will be considered unreliable and the entire information could be found to be unacceptable.

10.3. Condition No 3 – Section 84(2) (c) – computer malfunction.

It addresses the question of trusting the operating of the computer

A computer, without any form of manipulation, can malfunction. It may be affected by 'bugs' or infested with viruses. A malfunctioned computer has the tendency of producing inaccurate data. The law, therefore, requires fundamental

evidence to show that at the relevant time, the computer operated properly and if there was ever a time it malfunctioned it did not in any way affect the production of the document or the accuracy of its contents. Evidence of malfunction of a computer is relevant it affects the way the computer processes, stores or retrieves the information used to generate the statement tendered in evidence.

10.4. Condition No 4 – Section 84(2) Requires that the information contained in the statement was supplied to omputer in the ordinary course of its normal use. Similar to condition NO 1.

11.0. Computer certificate – S 84(4)

11.1. Where a witness intends to tender a document produced by a computer, a certificate shall be produced. The certificate is required to satisfy the following conditions:

(a) Identify the document containing the statement and describe the manner it was produced.

(b) Give such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer.

(c) Treat or deal with <u>any</u> matter under section 84(2).

(d) The certificate is to be signed by a person occupying a responsible position in relation to the operation of the relevant device used or the management of the relevant activities

11.2. Note that the effect of satisfying these conditions is stated therein: it "shall be evidence of the matter stated in the certificate." This statement does not make section 84(4) a substitute of section or alternative to section 84(2). It simply means that the identification and description specified need not be corroborated by further proof, if a person occupying a responsible official position in relation to

operation of the relevant device or the management of the relevant activities signs the certificate. In order words, the details contained in the signed certificate are taken as representing the truth of the matter stated therein.

11.3. Another important point to note is, Section 84(4) (b) (1) permits the certificate to deal with "any" (not all) of the conditions mentioned in section 84(2). In interpreting section 84(4) the word "any" must not be replaced with "all" to suggest that section 84(4) is an alternative to 84(2).

11.4. It is to be further noted that Section 84 consists of five sub-sections. There is nowhere in the whole of the section where any disjunctive word such as "or" is used to suggest that one sub-section is an alternative to the other. Accordingly, in consonance with the basic principle of statutory interpretation, the whole section of 84 should be read and interpreted together holistically.

> ***"It is the law that in construing any provision of a statute, a court ought and is indeed bound to consider any other parts of the statute which throw light upon the intention of the legislature and which may serve to show that the particular provision ought not to be construed as it would if considered alone without reference to such other parts of the statute. Also a subsection of a section standing alone cannot be read with full comprehension. A subsection will usually have a connecting relationship with other subsections of the section. A result contemplated by one subsection may not have occurred at all upon a true consideration of the available facts if other subsections create certain conditions for their result. Not to recognise this is not only to read that particular subsection in the abstract but also to disregard the preceding or subsequent condition for a better cohesive understanding of the intention of the lawgiver. Thus, a section of a statute having subsections must be read as a whole and related sections must be read together"*** *Kupolati & Anor. V. Oke & Ors. (2009)LPELR -4410 (CA).* See also *Tukur v. Govt. of Gongola State (1989) 4 NWLR (pt.*

117) 517 at 579; Aqua Ltd v. Ondo State Sports Council (1988) 4 NWLR (pt. 91) 622 at 641

11.5. Another unique feature of Section 84 is that it does not give any discretion to trial Court Judges to take oral evidence in place of a certificate or accept a certificate in place of oral evidence. This fact differentiates our section 84 from section 69 of the repealed PACE Act, 1984 of the United Kingdom. Under the UK law, paragraph 9 part 11 of schedule 3 of the PACE Act, 1984 (repealed) specifically provides that

> ***"Notwithstanding paragraph 8 above, a court may require oral evidence to be given by a certificate under that paragraph"***

11.6. There is no equivalent provision under our law. The decision of the defunct House of Lords in *R. v. Shepherd (1993) 1 All ER 225 (HL)* was based on the above provision. *R. v. Shepherd* (supra), therefore, cannot be an authority for the proposition that a certificate under section 84(4) can serve as an alternative to section 84(2). There is no provision that introduces elements of voluntariness or alternativeness in our law. Interpretation of section 84 must conform to the language of the provisions. Any different approach will contravene the literal rule of statutory interpretation.

12.0. Judicial Interpretation of Section 84.

12.1. Since the enactment of the Evidence Act 2011, Courts have been pronouncing on issues relating to admissibility of electronic evidence under section 84. Courts continue to interpreted and expand the frontiers of the admissibility of this new species of evidence. I proceed to examine some of such important decisions and pronouncements.

12.2. Fulfilment of the conditions stipulated in section 84 is mandatory to render e-evidence admissibility. *Kubor v. Dickson (2013) 4NWLR (Pt*

1345) 534. Omisore & Anor v. Aregbesola & Ors (2015) 15 NWLR (Pt 1482) 205.

> ***There is no evidence on record to show that the appellant in tendering Exhibit "D" and "L" satisfied any of the above conditions (section 84). In fact, they did not as the documents were tendered from the bar. No witness testified before tendering the documents so there was no opportunity to lay the necessary foundations for their admission as e-document under section 84 of the Evidence Act, 2011"***
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> His Lordship, Onnoghen, JSC (as he then was) in *Kubor & Anor. v. Dickson & Ors* (supra) at 557

12.3. Fulfilment of the conditions in section 84(2) is equivalent to laying proper foundation for admissibility of electronically generate evidence.

> ***"Going by the foregoing provision it is discernible that the appellants who were desirous of demonstrating electronically the content of exhibit P50A and P50B failed to lay the necessary foundation regarding the condition of the electronic gadget or computer they were going to use. To the extent that those conditions as spelt out in section 84 supra were unfulfilled the demonstration ought not to be allowed."***
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> Jombo-Ofo, JCA in *Akeredolu & Anor v. Mimiko & Ors (2013) LPELR – 20532 (CA) at p. 30*

12. 4. Laying foundation is the practice or requirement of introducing evidence of certain facts necessary to make further evidence relevant material and admissible. ***Onnoghen, JSC*** refers to it in ***Kubor v. Dickson (supra)*** as "pre-conditions laid down by law" (P. 578). The requirement of laying proper foundation for admissibility of evidence is not a new process introduced by the Evidence Act, 2011. It has been part and parcel of the law and practice of evidence in Nigeria but only known to be applicable to

admissibility of secondary evidence. It is now embodied in section 84 of the Evidence Act, 2011.

See: ***Omolaye-Ajileye, (2016) A Guide to Admissibility of electronic Evidence, PP 105 – 106***

12.5. Evidence (oral) must be called to prove the conditions in section 84 (2*)* *Kubor v. Dickson* (supra)

> ***"A party that seeks to tender in evidence a computer generated document needs to do more than just tendering same from the bar. Evidence in relation to the use of the computer must be called to establish the conditions set out under section 84(2) of the Evidence Act, 2011".***
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> (Supreme Court (per Onnoghen, JSC (as he then was) quoting the the Election Tribunal with approval in *Kubor & Anor. v. Dickson & Ors (supra) at 578)*

12.6. The natural question that arises here is how is oral evidence to be adduced to prove the conditions section 84(2)? Civil and criminal proceedings present two different approaches. Under the rules guiding civil proceedings in the High Court, in Nigeria today, a witness in his or her examination in-chief is only to be led to adopt his written deposition. Proof of conditions under section 84(2), presumably, ought to be through statement on oath of a witness. The rejection of the Internet printout that formed subject-matter of the decision in *Kubor's* case should, therefore, be appreciated against the backdrop of the fact that there were no facts in the deposition of the affected witness to fulfil the conditions stipulated in section 84(2). In criminal cases *viva voce* evidence of witnesses is required.

13.0. Sample of how Section 84(2) can be proved in civil cases.

13.1. The Supreme Court authoritatively approved facts contained in a sworn state of a witness in *Dickson v. Silva & Ors (2016) LPELR – 41257*(SC). His Lordship, Nweze, JSC, described the witness that appeared to have "more than passing acquaintance with section 84 of the Evidence Act" Indeed, the relevant part of the statement on oath of the witness presents a classical example of how section 84(2) can be proved by oral evidence. Hear what the witness said:

6. ***… I used my official Dell Desktop System with serial number 25TF85J to produce a DVD containing the said visual, which I have in my possession to tender in evidence.***
7. **….**
8. ***That all the events mentioned herein were duly recorded by the Company's Camera man, Pedro Innocent, using our official cameras, stored in DVD and kept in the custody of the Company's Library Unit. I have the DVD here with me and with the permission of the Honourable Tribunal I can play the contents of the DVD with the aid of a laptop computer and a projector.***
9. ***That this my statement, the video and other computer-generated information in the DVD referred to in this statement herein were produced by the computers regularly used in our office for storing and processing information during the material period under consideration.***
10. ***That I confirm that over the period of December, 2015 till date there was a regular supply of information of the kind contained in the said computers in the ordinary course of activities in our office. I also confirm that during this period, the said computers were operating properly, it did not affect the production of the said video or the accuracy of their contents. And I also confirm that the information contained in the DVD***

were produced or derived from information supplied to the computers in the ordinary course of our activities in the office.

11. ***That in further compliance with the requirements of the law, I hereby certify to the DVD were duly and legitimately recorded by the Company's Camera Man using a video camera with the brand name JVC 600 using memory card. At the end of the recording, the contents of the normal activities in the company. A separate certificate of identification signed by me is attached to the said DVD.***
12. ***That I confirm that I am computer literate and participated in all stages of recording, production and packaging of the DVD sought to be tendered in the proceeding.***

14.0. Criminal Case – Sample

14.1. I reproduce the evidence of a witness that appeared before me in a case of fraud instituted by the EFCC in my court, which evidence I considered sufficient to prove the conditions stipulated under section 84(2) and (4):

"I am in court today to tender evidence involving a customer of the Bank whose name is Abdurrahman Jamiu in a case between Jamiu v. The Federal Republic of Nigeria. The documents are two statements of account and account opening forms. They are statements in saving and current accounts. The documents were produced using HP computers. We use the computer for our day-to-day business. As at the time we produce it the computer were working in perfect conditions. After printing the documents, I took time to examine what was printed in paper and compare it with what was available on the system. I confirmed that they were the same. I, thereafter, issued a certificate of compliance. It is also available in the court. I can identify the two statements of accounts, the Account opening form and the certificate. The documents bear the stamp of the bank and the signature of officers of the bank. Here are the documents *(FRN vs Jamiu HCL 95C/2014) unreported.*

15.0. Liberal Approach Recommended

15.1. In treating the conditions set out in section 84 (2), it is suggested here that courts should adopt a liberal approach. Courts should not insist in the use of technical language in order to hold that a witness satisfies the stipulated conditions. What should matter to courts is whether or not the evidence of a witness, broadly speaking, substantially covers all the requirements set out in section 84 (2). If it does, the document should become admissible

16.0. Judicial Interpretation of Section 84 (Continuation).

16.1. Electronically generated evidence admitted in evidence should be demonstrated or played in the open Court or taken as read just the way a physical document is read or taken as read *(Dickson v. Sylva (supra).*

> ***"…when electronically-generated document which has been admitted in evidence upon fulfilling all preconditions and is not take as read by consent, then it ought to be demonstrated or played to the facts alleged. Otherwise, it remains a closed or "sleeping" document, which is unassailable and which need not have been brought before the trial court or Tribunal in the first place as it would merely amount to clutter…"*** *Court of Appeal in Dickson v. Sylva (supra) p.27. Quoted with approval by the Supreme Court.*

16.2. His Lordship, Nweze, JSC admirably adumbrated the rationale behind this principle in the following words:

> ***"…although a document produced from a computer may cross the admissibility threshold in section 84(1) (2) and (4), it may still not be accorded the requisite weight if the accuracy conditions in section 34(1) (b) (i) and (ii) are not complied with. This, then, underscores the cogency demonstrating such documents (like Exhibit P42 B) in open court as to afford the proponent of such a document the opportunity of linking them with their averments in their pleadings and evidence or records, APGA v. Al-Makura (supra) 343. Okereke v. Umahi & Ors (supra) 50 but more importantly with a view to discharging the requirement which would facilitate the court's attachment of weight to them. On the other hand, their demonstration in open court would equally, afford the opponent the opportunity testing and contesting their accuracy in the usual adversary method of cross-examination Onibudo v. Akubu (supra)" PP 33-34.***

16.3. Note that section 34 (1) (b) of the Evidence Act, 2011 makes specific guidelines as to how Courts are to attribute weight to statements electronically generated evidence admitted in evidence. It prescribes that regards shall be had to all circumstances, pointing to the accuracy or otherwise of the statement, including contemporaneity, and the existence of the motive to conceive or misrepresent facts.

16.4. There is no requirement under section 84 for the certification of computer gadget employed to demonstrate or play at electronically generated document already admitted in evidence. *Dickson v. Sylva (supra*)

> ***"My understanding of the careful reading of section 84(1), 2(a) – (d) 3(a) – 4(a) – (c), I cannot find the requirement for certification of the computer or projector to be used in playing the DVD in open court…*** Galadima, JSC (a) P. 42.

It is clear that what is required to be certified is "a statement contained in a document produced by a computer." Section 84(1) refers.

16.5. Proof of conditions stipulated under section 84(2) and certification under section 84(4) are required to render electronically generated evidence admissible – *Dickson v. Sylva Ors (supra)*

> ***"The correct interpretation to be given to section 84 of the Evidence Act where electronically generated document is sought to be demonstrated is that such electronically generated evidence must be certified and must comply with the preconditions laid down in section 84(2).*** Aka'ahs, JSC P. 65.

16.6. The certificate required under section 84(4) need not be a fancifully designed piece of document issued by a separate authority or authorised by some academic or public institution.

> ***"By section 84(4) of the Evidence Act, 2011 (as amended), the type of evidence that will be admissible in court to prove the content of a document produced from a computer is a certificate signed by a person occupying a responsible position in relation to the operation of the relevant device or the management of the relevant activities as the case may be. Apart from this, the certificate is expected to identify the document containing the statement and describe the manner in which it was produced or give particulars of any device involved in the production of the document as may be appropriate for the purpose of showing that the document was produced by a computer or deal with any of the matters to which the conditions mentioned in section 84(2) relates. All that really matters is for the matters stated in the certificate to be stated to the best of the knowledge of person stating it and belief of the matter in consideration between the parties to the dispute. It does not require the designing of a fanciful piece of***

documentation that has to be issued by some separate authority presumably authenticated or authorised by some academic or public institution in order to qualify as a certificate under section 84(4) of the Evidence Act. In the instant case, the appellant is the owner of the cyber café exhibits "J" and "JI" were produced from and at the material time, the computers from which they were produced were under his management and control. The endorsements made on the exhibits stated the types of computers from which the documents were produced and where the computers were being used, that is, the cyber café where customers made used of them daily, and the appellant signed and dated them. Thus, the trial court was right in accepting that the endorsements made by the appellant on the exhibits were in conformity with the provisions of section 84(4) of the Evidence Act, 2011 (as amended). (Pp. 135, paras E-H; 136, paras C-E).

16.7. Where the opponent desires to tender electronically generated evidence, how does he satisfy the conditions in section 84(2) or certify the document under section 84(4)?

I envisaged this type of situation in my book *A Guide to Admissibility of Electronic Evidence* (2016) and put the question in this way:

> ***One knotty issue that may arise in respect of the application of section 84(4) is a situation where a police detective recovers an incriminating document that is electronically generated from a suspect. How is such a document to be authenticated? Who issues the certificate of authentication under section 84(4)?*** P.113

There is a lacuna in our law yet, it is one area that requires attention. Recently, the issue came up before the Court of Appeal live, in *Blaise v. FRN (2017) 6NWLR (Prt. 1560) 90 at p. 132.* The approach of the Court of Appeal was to adopt common sense principle:

> ***"The mere fact that compliance is demanded as a matter of law with the provisions of section 84 and its sub-provisions on the admissibility of computer generated documents, does not mean that we should as well consign the use of ordinary common sense required for doing most thing to the dustbin. There is no way in the circumstances of this case that the EFCC would be in any position to produce a certificate stating the status of the computer from which the complainant/petitioner generated exhibit 'A' in the United Arab Emirates (UAE). It must be borne in mind that the said exhibit 'A' having been forwarded to the EFCC and not printed from its computers, that by asking the EFCC to produce a certificate in order that there may be compliance with the section is to seek the performance of a feat by the EFCC which is clearly unattainable".*** Oho, JCA, in *Blaise v. FRN (2017) (supra)at p. 132*

The Singapore Evidence Act (as amended) takes care of that type of situation. It introduces three presumptions. The relevant presumption is:

> ***"Where the electronic record was created by a party who is adverse in interest to the proponent of the record and the record is being used against the adverse party, the record will be presumed to be authentic.*** Section 116A of the Singapore Evidence Act (as amended).

16.8. Is section 51 helpful?

Section 51 of the Evidence Act, 2011 renders admissible 'electronic records regularly kept in the course of business …whenever they refer to a matter into which court to inquire, but such statement shall not alone be sufficient evidence to charge any person for liability.

17.0. What is a document?

17.1. Another pertinent legal issue today is the meaning of document. The word 'document', under the repealed Evidence Act was narrowly defined

and restrictively interpreted. It is to be recalled that the limited scope of the definition of 'document' under the repealed Evidence Act posed a serious challenge in the past and made admissibility of electronically generated evidence needlessly controversial. '*Document'* was then defined as including:

> ***" books, maps, plans, drawings, photographs and also includes any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of these means, intended to be used or which may be for the purpose of recording that matter."***

17.2. The tendency of Courts in Nigeria then was to restrict the definition of 'document' to paper-based materials, typically expressed in words and figures. *Udoro & Ors. V. Governor Akwa Ibom State & Ors (2008) LPELR-4049* typifies the basic attitude of Courts to the meaning of 'document' under section 2 of the repealed Evidence Act. In that case, the Court of Appeal held that the definition of document under section 2(1) of the repealed Evidence Act was "concise and precise" and did not include a video cassette since a video cassette shows a motion or moving picture on a magnetic tape and not a paper. The court stated, after quoting section 2 of the repealed evidence Act:

> ***"By the above definition, it is crystal clear that it was never contemplated that document should be interpreted to include video tape let alone, interpreting photograph in like manner. It is also clear if the Legislature had intended to include video cassette in the class of photograph or document, it would have expressly done so and it would not have resulted to one now trying to smuggle in through the backdoor what was never in contemplation by our Evidence Act…a court of law is without power into the meaning of a word, clause or section of a statute something that it does not say. Indeed it is a corollary to the general rule of literal construction that nothing is to be added***

to or taken from a statute unless there are adequate grounds to justify the inference that the Legislature something which it omitted to express. Per Orji-Abadua, JCA at p. 336

17.3. Section 258 of the Evidence Act 2011 now re-defines the word 'document'. The Act now broadly re-defines 'document' thus:

S. 258 (1) "Document" includes -

(a) books, maps, plans, graphs, drawings, photographs, and also includes any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of these means, intended to be used or which may be used for the purpose of recording that matter;

(b) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it, and

(c) any film, negative, tape or other device in which one or more visual Images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it; and

(d) any device by means of which information is recorded, stored or retrievable including computer output."

17.4. The definition of 'document' under section 258 is extremely expansive. It covers almost everything. And, the use of the word 'includes' in the definition 'document' yet indicates that the category of 'document' under that section is not exhaustive. In *Ports and Cargo Handling Services Company Ltd & Ors v Migfo Nigeria Ltd & Anor (2012) LPELR – 9725 (SC)*, the Supreme Court explains that when the

word 'includes' is used in a statute or written enactment, it is capable of enlarging the scope of the subject matter it qualifies or tends to qualify. Flowing from this broad definition of the word 'document', therefore, the Court of Appeal in *Holdent International Ltd v. Petersville Nigeria Ltd (2013) LPELR9725(CA)21474 (CA)*, has held that plastic bottles bearing trademark inscriptions are documents. This must be correct. The meaning of the word 'document' should no longer be construed in a narrow way. Tape recordings tendered in *Federal Polytechnic, Ede & Ors v Oyebanji (2012)LPELR 19696 (CA)* were also accepted by the same court as documents. The same conclusion was reached in *Obatuga & Anor v Oyebokun & Ors*, *(2014) LPELR-22344 (CA)* where a video tape was held to qualify as a document.

18.0. What is a computer?

18.1. When most people of a computer they think of a desktop, laptop iPad e.t.c. but the legal definition in the Evidence Act is again wide. The Act defines computer as "a device for storing and processing information and any reference to information being derived from other information is a reference to its being derived from it by calculation, typewriters and typesetters. (section 258).

18.2. The definition of a computer is wider under Cybercrime (Prohibition, Prevention e.t.c.) Act, 2015. Under the Act, computer means 'an electronic, magnetic, optical, electrochemical or other high speed data processing device, performing logical, arithmetic, or storage functions and includes any data storage facility and all communication device that can directly interface with a computer through communication protocols but it excludes portable hand-held calculator, typewriters and typesetters or similar devices.' (Section 58 thereof).

19.0. The Maker of a statement

19.1. The general rule is that the maker of the statement must be called to give evidence, although it is now established that documentary evidence can be admitted in the absence of the maker. See *Omega Bank Nigeria PLC v. OBC Ltd (2005) 8 NWLR (Pt. 928) 547; Igbodim v. Obianke (1976) 9-10 SC 179 and John & Anor v The State (2011) LPELR – 8152*. When the maker of a statement is not called his evidence is usually considered hearsay. In respect of electronic evidence, however, the Evidence Act 2011 specifically makes the computer itself the producer of the statement (section 84). More particularly, Section 34 acknowledges electronic evidence as an exception to hearsay rule.

20.0 Presumption as to electronic evidence

20.1. There is now a presumption as to electronic messages. The court *may* presume that an electronic message forwarded by the originator through an electronic mail server to addressee to whom the message purports to be addressed corresponds with the message as fed into the computer for transmission; but the court *shall not* make any presumption as to the person to whom such message was sent. In simple terms, the court may presume the accuracy of the contents of an electronic message but shall not presume the recipient. Strangely, however, the Act omits to define who the 'originator', 'addressee' and 'recipient' of an electronic message are.

21.0. Where **there is no objection**

21.1. Where there is no objection to admissibility of a piece of electronically generated evidence, it implies that the accuracy and authenticity of its contents are not being disputed. If it is not the type of evidence that is inadmissible in any event, it ought to be admitted. In *Emeka & Ors v. Rawson (2000) 10 NWLR (Pt 722) 723,* the evidence involved a tape recording which the trial court admitted without objection. It was clear that the trial court had placed reliance on the tape recording in coming to its decision on the dispute over succession to the position of the Enogie of Obagie in Edo State. The issue was whether or not the 1st respondent was indeed a son of the late Enogie and if so whether or not he was acknowledged as such by the late Enogie. To prove those facts he tendered at the trial a tape recording in which the late man acknowledged him as the 1st son, which tape was admitted without opposition. On appeal the Appellant contended that the tape was inadmissible, but the Court of Appeal easily dismissed the argument although the court refrained from a detailed discussion of the matter because thee was no appeal on that particular point.

Conclusion

In concluding this lecture, I wish to return to an issue that touches my heart most dearly. It is on what should be the proper application and interpretation of section 84 of the Evidence Act, 2011. I am recapitulating this issue by way of emphasis because of its underlining pre-eminence and volatile nature. There is a need for Courts in Nigeria to harmonise their decisions and take a definite position on what should be the proper interpretation of the said section, lest the Courts be drawn into another agonizing era of conflicting decisions. I expressed this fear in my book: *A Guide to Admissibility of Electronic Evidence* (2016), when I described section 84 as a potentially volatile section

"that may likely raise many questions that are capable of engendering serious legal debates." (See p. 114). One of the live debates going on right now within legal circles in Nigeria is whether or not a certificate under section 84(4) is required as an alternative to oral evidence under section 84(2) that the Supreme Court had ruled, in *Kubor v. Dickson* (supra), must be given. My most humble position is that a certificate signed by a responsible officer within an organization is required under section 84(4), to enhance the process of authentication of the electronically generated document in addition to the oral evidence given under section 84(2). This position is consistent with that of the Supreme Court in *Dickson v. Sylva & Ors* (supra) particularly, the pronouncement of His Lordship, Aka'ahs, JSC, that: *"[t]he correct interpretation to be given to section 84 of the Evidence Act where electronically generated document is sought to be demonstrated is that such electronically generated evidence must be certified and must comply with the preconditions laid down in section 84(2.") (*P. 65).

The experience of the past when Courts in Nigeria were returning conflicting decisions over a simple matter of whether or not electronically generated evidence was admissible under the repealed Evidence Act would be too agonizing, intellectually and judicially, to be repeated. Nigerian Courts should also avoid falling into the pitfalls Indian Courts fell into in the early years of the introduction of section 65B (from where our own section 84 was copied) into their law. The initial application and interpretation of the said section 65B by Courts in India generated conflicting decisions until 2014 where the Supreme Court of India finally resolved the conflicts which involved the Court over-ruling its earlier decision, to make room for dynamism engendered by the current age of advancement in technology. Beginning from 2003, with the decision of Delhi High Court in *State v. Mohd Afzal (2003)107 DLT 385*, through to the Supreme Court's decision in 2005, in *State (NCT of Delhi v. Navjot Sandhu ('Afsan Guru') (2005) 11 SSCC 600*, Indian Courts relaxed the standards of admitting electronic evidence as they approved the replacement of oral evidence under section 65B(2) [our section 84(2)] with certificates. At the same time, many Courts in India also ignored both *Afzal* and *Navjot* cases, instead continuing to demand just oral evidence in place of a certificate of

authentication. (See: *Vaidialingam, A. Authenticating Electronic Evidence: S. 65B Indian Evidence Act, 1872).*

It was not until 2014 that the Supreme Court of India in *Anvar v. Basheer &Ors (2014 10 SC 473)* came out to accept its error and courageously corrected same. The Court reviewed its earlier decision in *Najov's* case and over-ruled itself. The court held, first, that all the four conditions in section 65B (2) [i.e. our section 84(2)], are mandatory. Secondly, the court also held that in addition to the four conditions in section 65B (2), a certificate must be produced under section 65B (4) [our section 84(4)]. Court explained further that:

> *Most importantly, such a certificate must accompany the electronic record like computer printout, compact Disc (CD), Video Compact Disc (VCD), pen drive, etc., pertaining to which statement is sought to be given in evidence when the same is produced in evidence. All these safeguards are taken to ensure the source and authenticity, which are the two hallmarks pertaining to electronic record sought to be used as evidence. Electronic records being more susceptible to tampering, alteration, transposition, excision, etc., without such safeguards, the whole trial based on proof of electronic records can lead to travesty of justice*. (Retrieved from: hhttps://indiankanoon.org/doc/187283766).

In effect, the position of the law in India, right now, is, in the absence of a certificate, the electronic record sought to be tendered will be inadmissible. That must be correct, given the ease with which electronic evidence can be manipulated. A responsible officer's statement, by way of certification, is desirable to authenticate the e-evidence in addition to the oral evidence required under section 84(2).

Nigerian Courts must now acknowledge that there is a revolution in the way evidence is now being produced that is capable of being easily manipulated. Courts must now come to terms with the reality of the current age. Minimally, therefore, courts have a responsibility, in this respect, to ensure that what is tendered before them is prima facie authentic. Compliance with the provisions of section 84(2) & (4) can, therefore, not be over-emphasised. For instance, merely tendering a certificate under section 84(4), without more, will not satisfy the oral evidence required to lay foundational evidence under section 84(2). Similarly, the fact that foundational evidence has been laid under

section 84(2) will not authenticate the document without a certificate signed by a responsible officer. In any event, it is part of the law in this country, arising from adversarial nature of our jurisprudence, that oral evidence be produced to link a document tendered in evidence. See Nweze, JSC, in *A.P.G.A. v. Al-Makura (2016) 5 NWLR (pt. 1550) 316, 343-344; Okereke v. Umahi & Ors (2016) 2-3 SS (pt. 1) 1, 50;* and also Nweze, JSC., *in Dickson v. Sylva & Ors (supra) at 27*.

Tendering a certificate of authentication under section 84(4) along with oral evidence under section 84(2) should not be seen as a tedious exercise but a mandatory and necessary process. Indeed, as technology advances, the dynamic nature of law may as well make law to progress to require further processes of authentication in the nearest future. The Court of Appeal admirably made this point recently in *Dickson v. Sylva* (supra) where it opined:

> **"There is no doubt with present and even future advances, the pre-conditions attached to admissibility of electronically generated evidence by section 84 may no longer be sufficient to authenticate the reliability of electronic evidence.** [Per Otisi, JCA., quoted with approval by the Supreme Court in *Dickson v. Sylva*, (supra)]

I posit, finally, that our law should be construed progressively, to move with technological advancement of the current age.

Thank you for listening.