

Live Telecast of Judicial Proceedings as Means to Access to Justice in Nigeria: A Comparative Study

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Any country's development, particularly that of its legal system, depends on having access to an open system of justice. The Nigerian justice system has been called weak, corrupt, and unreliable, which has made the public's mistrust of the court system worse. Thus, this paper interrogated the adoption of modern technology through live telecast of judicial proceedings as a means to access justice and restore the integrity of the Nigerian judiciary. It drew lessons from the UK, USA, South Africa, and India. The study used a doctrinal approach to legal research and a qualitative research methodology. The study found that the live telecast of court proceedings is constitutional when sections 36(3) and (4) are interpreted using a purposeful approach. Accordingly, the study came to the conclusion that live telecasts of court cases in Nigeria are possible. However, a few potential obstacles to its functioning in Nigeria include inadequate internet and power supplies, non-implementation of financial autonomy for the judiciary, absence of a specialized legal framework, and insufficient technological know-how of judicial personnel. The study made several recommendations, including giving the judiciary financial autonomy, passing particular legislation, enhancing internet and energy access, and providing judicial staff with ICT training.

1. Introduction

The growth of technology and the creation of computers have affected every aspect of human life¹ and the administration of justice is no different.² The utilization and application of technology have brought about a significant transformation in every aspect of human existence, as it has guaranteed enhanced productivity, effectiveness, and output calibre.³ Since

¹ Oluwaseye Oluwayomi Ikubanni and Paul Atagamen Aidonoje, 'The Legality of Virtual Marriage in Nigeria Given the Covid-19 Pandemic Social Distancing: An X-ray of the Matrimonial Causes Act' *Madonna University Law Journal* 6, no. 1 (2021): 123-129; Paul Atagamen Aidonoje, Oluwaseye Oluwayomi Ikubanni, and Nosakhare Nkuonghae, 'The Prospects, Challenges, and Legal Issues of Digital Banking in Nigeria' *Cogito Multidisciplinary Journal* 14, no. 3 (2022): 186-209, 187

² Mohit Rameshrao Pise, 'Significance of Technology in Family Courts: An Analysis' *Journal of Family and Adoption Law* 4, no. 2 (2021) 1-5; Oluwaseye Oluwayomi Ikubanni, Oluwabusayo Deborah Fajemila, Toluwani David Akinkoye, Sharon Sewa Oluwalana, Ifeoluwa Esther Kolawole, Elizabeth Pohlolis Yakubu, "Protecting the One Earth: An Examination of the Legal and Institutional Frameworks of Environmental Protection in Nigeria" *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 14, no. 1 (2023), 137-147

³ Antonio Sanchez-Bayon, "Business and Labour Culture Changes in Digital Paradigm: Rise and Fall of Human Resources and The Emergence of Talent Development" (2020) 12, no.3 *Cogito Multidisciplinary Research Journal* 225; Peter E. Egielewa and Paul Atagamen Aidonoje, "Media and Law: An Assessment

people can now interact, obtain healthcare, and communicate ideas without needing to be physically present in the same location or time zone, technology advancements have positively improved and influenced human life.⁴ One could argue that the worldwide social distancing and complete lockdown that accompanied the start of the COVID-19 epidemic accelerated the widespread use of technology in the growth of diverse human undertakings.⁵ This is due to the fact that, in order to facilitate productivity during the epidemic, persons, bodies, institutions, and agencies were forced to find alternate ways of fulfilling their commitments.⁶

One of the sectors that gains the most from technological innovation is the legal system.⁷ Today, technology has caused a revolution to the concept of justice and access to justice in many parts of the world.⁸ The COVID-19 outbreak has brought attention once again to the critical need for tele-justice, which is, to put it simply, the "application of information technology to judicial administration."⁹ It is now essential to concentrate on tele-justice in order to improve access to justice due to the rise in judicial conflicts and the challenges that occur in the administration of justice in relation to access to justice in Nigeria. The idea of "access to justice" has typically been associated with the conventional methods of delivering justice through the courts, which involve parties to a dispute exchanging and filing a large amount of paperwork.¹⁰ Courts of law still find it difficult to accept technology-assisted access to justice and have only utilized it to supplement and improve the conventional ways of delivering and dispensing justice, despite efforts to move away from the traditional forms of access to justice

of the Effectiveness of the Freedom of KIU Journal of Humanities 19 Information Act by Journalists in Nigeria Using Auchi, Edo State as a Case Study" *International Journal of Current Research in Humanities* 25, (2021) 415-434

⁴ Paul Atagamen Aidonoje and Oyenmwosa Anne Odojor, "Impact and Relevance of Modern Technological Legal Education Facilities amidst the Covid-19 Pandemic: A Case Study of Law Students of Edo University Iyamho" *KIU Journal of Humanities* 5, no. 4, (2020) 7-19

⁵ Paul Atagamen Aidonoje, Oyenmwosa Anne Odojor, Oluwaseye Oluwayomi Ikubanni, Alade Adeniyi Oyebade, Adefisayo Ifeoluwa Oyedele, and Nosakhare Okuonghae, "The Challenges and Impact of Technological Advancement to the Legal Profession in Nigeria Given the Covid-19 Pandemic" *KIU Journal of Humanities* 6, no. 4 (2022) 5-19

⁶ Chineze Spohia Ibekwe and Chiugo Onwuatuegwu, "ICT in the Administration of Justice: Challenges for Labour and Productivity" *Nnamdi Azikiwe University Journal of Commercial and Property Law* 8, no. 1 (2021) 1-9

⁷ Chukwunonso Augustus Aniekwe, "Legal Framework for The Use of Information and Communications Technology (ICT) In the Nigerian Justice System: A Call for Review" *International Journal of Comparative Law and Legal Philosophy* 1, no. 3 (2021) 145; Paul Atagamen Aidonoje, Saminu Abacha Wakili, and David Ayuba, "Effectiveness of Administration of Justice in Nigeria Under the Development of Digital Technologies" *Journal of Digital Technologies* 1, no. 4 (2023) 1105-1131

⁸ Jyoti Rattan and Vijay Rattan, "Role of Information and Communications Technologies in the Metamorphosis of Justice Administration in India: A Legal Study" *Indian Journal of Public Administration* 69, no. 1 (2022) 115

⁹ Mohit Rameshrao Pise (n 1) 2; Paul Atagamen Aidonoje, Oluwaseye Oluwayomi Ikubanni, Nosakhare, & Adefisayo I. Oyedele, "The Challenges and Relevance of Technology in Administration of Justice and Human Security: Amidst the Covid-19 Pandemic" *Cogito Multidisciplinary Journal* 13, no. 3 (2021) 150-151

¹⁰ Louise Anderson, "The Law and the Desert: Alternative Methods of Delivering Justice" *Journal of Law and Society* 30, no. 1 (2003) 120-136, 136; Oluwaseye Oluwayomi Ikubanni and Mojeed Olujinmi A Alabi, "The Yoruba People's Quest for Self-Determination within the Nigerian Constitution" *Fountain University Law Journal* 1, no. 1 (2024) 37-53

by using technology.¹¹ Therefore, even with the greatest of intentions to guarantee a better with the use of technology, what is thought of as the old and formal judicial system still exists.¹²

The live broadcasting of court proceedings is a key component of tele-justice, and it has grown in popularity over time. It has been said to guarantee a shorter trial period and lower trial expenses.¹³ Usually, only the parties, the Court's employees, and their respective attorneys have access to these trials. For example, only judges, attorneys, interpreters, witnesses, reporters, and jurors are allowed to appear in person in the US McGlothin Courtroom, which was established at the Center for Legal and Court Technology and is regarded as the most technologically advanced trial and appellate courtroom in the world.¹⁴ Thus, a lot of attention has been paid to the electronic handling of cases and the use of technology (including its advantages), with little consideration given to whether or not it makes sense to broadcast or televise these proceedings live for the general public.

Section 36 of the Federal Republic of Nigeria, 1999 Constitution mandates that court procedures must take place in public. However, there are many varied interpretations of what the word "public" means. Traditionally, the term "public" has been understood to mean only the actual courtroom with the doors open. However, with the development of technology, there are worries that the public may now also refer to any means of improving public access to legal proceedings.¹⁵ Therefore, it is relevant and reasonable to wonder if a trial that is restricted to the judges, the parties, and their attorneys qualifies as a public trial.

However, it is still unclear how a live broadcast of court hearings will actually increase access to justice given the confidentiality of legal proceedings and the complexity of cases. Thus, in light of contemporary technological advancements, the purpose of this article is to assess the viability of Nigerian court hearings being televised live in order to improve access to justice. The study takes into account Nigeria's legal environment, future opportunities, and difficulties with live-streaming court sessions. This study aims to analyze and extract insights from several countries, including India, South Africa, Canada, the United Kingdom, and the United States of America, regarding the improvement of justice access via the implementation of live telecasting of court hearings

2. Methods

The research adopted a qualitative research methodology using a doctrinal method of research. Heavy reliance was placed on both primary and secondary sources of law. The research conducted an in-depth analysis of the Nigerian constitution and Police Act as the primary source while pieces of literature such as textbooks, newspapers, journals, and so on were equally utilized in this research as secondary sources.

¹¹ Anne Wallace, "E-Justice: An Australian Perspective" (IGI Global, New York, 2008) 204-228, 204

¹² Jamil Ahmed Shaikh and Anwar Mohyuddin, Exploring Access to Justice Through Traditional Justice System" *The Government: Research Journal of Political Science* 8, (2019) 49-62

¹³ Akshay Baburao Yedav and Shivanjali Mane, "Online Streaming and Recording of Court Proceedings: A Constitutional Right" 13(2) *Indian Journal of Law and Justice* 13, no. 2 (2022) 171-189

¹⁴ Ibid

¹⁵ Paul Atagamen Aidonojie, Saminu Abacha Wakili, and David Ayuba, (n 7) 1105-1131

3. Results and Discussion

3.1. The Concept of Access to Justice and Live Telecast of Judicial Proceedings in Nigeria

Generally speaking, access to justice refers to everyone's ability to file a cause of action with an impartial, independent court of law or tribunal.¹⁶ It refers to the judicial and administrative channels and processes that people can use to voice their complaints, and it implies a legal system based on equity and impartiality that is intended to protect human rights and ensure the efficient administration of justice.¹⁷ Because it upholds the idea that everyone has the right to seek redress for legal grievances, regardless of their gender, race, state of origin, socioeconomic status, political affiliation, or level of disability, access to justice is therefore essential to the existence of a just and equitable society. This was confirmed by Oputa, who noted that having access to justice entails having access to the political system and the advantages that come with the state's social and economic advancements.¹⁸ The Supreme Court per Karibi-Whyte, JSC in *Amadi v. Nigerian National Petroleum Corporation*¹⁹ held inter alia that the constitution of Nigeria must not be interpreted as conferring special right or privileges to any class of person regarding access to court.

More than a century later, the words of Lord Hewart C.J in *R v Sussex Justices, Ex parte McCarthy*²⁰ resonates across the common law world and even beyond it that justice is not just of some importance but of fundamental importance with emphasis that justice should not only be done but should be manifestly and undoubtedly seen to be done.²¹ The conventional notion of access to justice, which focused on the impartial settlement of disputes and the proper operation of the legal system, has been superseded in recent years²² to be inclusive of the socio-economic settings of the judicial system empowering the users to make use of the already-established system.²³ It includes the standard of judgment, the physical condition of the building and grounds where justice is administered, the caliber of the human and material resources on the premises, the cost-effectiveness of the legal process in terms of money and

¹⁶ Lelsey Greenbaum, "Access to Justice for All: A Reality or Unfulfilled Expectations?" *De Jure* (2020) 248-266

¹⁷ Nlerum Sunday Okogbule, "Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects" (2005) 3(2) *Sur - International Journal of Human Rights* 3, no. 2 94-113, 96-97

¹⁸ Chukwudify Akunne Oputa, "Human Rights in the Political and Legal Culture of Nigeria" Paper delivered at the University of Benin, Nigeria. Nigerian Law Publications on 28th November 1986 19 (2000) 10 NWLR (PT674) 76

²⁰ (1924) 1 KB 256, (1923) All ER Rep 233

²¹ Anne Richardson Oakes and Haydn Davies, "Justice Must Be Seen to Be Done: A Contextual Reappraisal" *Adelaide Law Review* 37, no. 2 (2016) 461-499, 461

²² Mathias Ashu Tako Nyenti "Access to Justice in the South African Social Security System: Towards a Conceptual Approach" *De Jure* (2013)901-916

²³ Kgomotso Mokoena and Louis Keon, "Promoting Access to Justice Through the Broadcasting of Legal Proceedings" *Potchefstroom Electronic Law Journal* 25, no. 1 (2022) 146-166

time, adherence to fundamental rules of law, and more. It thus goes without saying that it extends beyond the formal process of settling disputes in a court of law.²⁴

A court of law is a place open to the public.²⁵ Unfortunately, not all members of the public who would like to witness court proceedings can enter a physical courtroom because, on average, a physical courtroom can only hold 120 people at a time. This is an implied denial of the right to access justice for other members of the public who desire to attend judicial proceedings. Over the decades, the confinement of the judicial system of Nigeria to physical courtrooms which has been the conventional approach to the country's justice system has birthed a surge in challenges to the effectiveness of judicial services in Nigeria²⁶ and public access to justice²⁷. Aidonoje et al affirmed that while the traditional physical court system of Nigeria has its many advantages, in the wake of technological advancement, its challenges are enormous²⁸. Some of these challenges include but not limited to:

1. The difficulty for members of the public to physically visit courtrooms in Nigeria due to the country's large geographic expanse, particularly in rural and isolated places. This disproportionately impacts marginalised communities and restricts access to justice.
2. The Nigeria courts are usually overwhelmed with several cases and there is a tremendous backlog in courts which delays the delivery of justice.
3. The economic or financial implications of attending physical courthouses in Nigeria are sometimes enormous due to transportation, accommodation, and so on.
4. Nigeria suffers the challenge of insecurity generally across the country. The physical attendance of judicial proceedings in physical courthouses comes with the risk of insecurity.

The advancement in technology and the challenges of the conventional judicial system birthed the motivation for the adoption of technology in the administration of justice called tele-justice²⁹ for improved access to justice³⁰. Very recently, efforts have been geared towards ensuring the use of technology in the justice sector and this has been increased by the COVID-19 pandemic. Without a doubt, there are hardly any modern civil procedure rules in Nigeria without provisions for tele-justice³¹.

²⁴ M. I. Gwangudi, "Problems Militating against Women's Access to Justice in Nigeria" *University of Maiduguri Law Journal* 5, (2002) 13-14

²⁵ Muhammed Mustapha Akanbi and Ajepe Taiwo Shehu, 'Rule of Law in Nigeria' *Journal of Law, Policy, and Globalisation* 3, (2012) 1-7

²⁶ Ani Munirah Mohamad and Ibrahim Sule, "ICT-Enabled Applications for Decision-Making by the Courts: Experiences from Malaysia and Nigeria" *International Journal of Law, Government and Communication* 6, no. 22 (2021) 189-196; Susan Bandes and Neal Feigenson, "Virtual Trials: Necessity, Invention, and the Evolution of the Courtroom" *Buffalo Law Review* 68, no. 5 (2020), 1275-1352

²⁷ Mevagh Sanson, William Crozier, and Deryn Strange, "Court Case Context and Fluency-Promoting Photos Inflate the Credibility of Forensic Science" *Zeitschrift für Psychologie* 228, no. 3 (2020), 221-225

²⁸ Paul Atagamen Aidonoje, Saminu Abacha Wakili, and David Ayuba, (n 7) 1109

²⁹ Oluwaseye Ikubanni, Aderemi Oyebanji, Adeniyi Oyebade, "Legal Aspects of Granting Subjectivity to Artificial Intelligence: Prospects of Using Robots in Legal Practice in Nigeria" *Journal of Digital Technologies and Law* 2, no.4 (2024) 835

³⁰ Esther Nir, and Jennifer Musial, "Zooming in: Courtrooms and Defendants' Rights During the COVID-19 Pandemic" *Social & Legal Studies* 31, no. 5 (2022) 725-745

³¹ Paul Atagamen Aidonoje, Oluwaseye Oluwayomi Ikubanni, Adesoji Kolawole Adebayo, Olusola Joshua Olujobi, Mundu M Mustafa, "The Role of Digital and Scientific Technology in Complementing

When conducting processes that frequently involve litigants, their attorneys, and the judge alone, tele-justice refers to the use of digital technology tools like Zoom, Skype, Google Meet, and other video conferencing systems.³² Without doubt, the importance of tele-justice and its integral use for the resolution of disputes cannot be over-emphasized.³³ The landmark case conducted in Nigeria using tele-justice is the case of the *State v Olalekan*³⁴ where the Defendant was sentenced to death by hanging. It is important to note that the proceedings leading to the verdict of the court were done by technological means.³⁵ In fact, there is only a minimal requirement for legal modifications to allow for tele-justice because the impact of cutting-edge technologies demands that the administration of justice be modernized.³⁶

The way tele-justice works in Nigeria is that the password or link to participate in virtual proceedings is only provided to the parties involved in the case. The denial of public access to justice that results from limiting virtual proceedings to the parties involved, their attorneys, and the court, to the exclusion of the general public, is what spurs support for live telecasts or streaming of court hearings. In its most basic definition, "live telecast," which can also refer to "televising," "live streaming," or "live broadcasting of judicial proceedings," refers to the broadcasting of judicial proceedings in real-time, or at the same moment the proceeding is taking place in a court of law, as opposed to having them recorded beforehand. It is a component of virtual justice.

Even though it is relatively new, the concept of live streaming court proceedings in Nigeria has raised questions, particularly in light of technology's rapid advancement.³⁷ Transmitting court proceedings live on television contributes to improving unimpeded access to justice. Its goal is to make open justice easier. While several other nations have embraced it, Nigeria has not yet embraced this innovation. For example, the Federal High Court of Australia issued a practice direction during the COVID-19 pandemic in 2020 to improve public access to justice through virtual hearings and live streaming of court proceedings. This

Global Legal Framework Towards Clean Energy Transition" *Journal of Sustainable Development Law and Policy* 15, no.3 (2024) 314

³² Ibid; Olubukola Olusaga and Abimbola Davies, "Remote Court Proceedings in Nigeria: Justice Online or Justice on the Line" *International Journal for Court Administration* 13, no. 2 (2022) 1-15; Michael Legg and Anthony Song, "The Courts, the Remote Hearing and the Pandemic: From Action to Reflection" *University of New South Wales Law Journal* 44, no. 1 (2021) 126-166; Daniel G. Derksen, Megan E. Giroux, Deborah A. Connolly, Eryn J. Newman, and Daniel M. Bernstein, "Truthiness and Law: Nonprobative Photos Bias Perceived Credibility in Forensic Contexts" *Applied Cognitive Psychology* 34, no.6 (2020) 1335-1344; Jeremy N. Bailenson, "Nonverbal Overload: A Theoretical Argument for the Causes of Zoom Fatigue" (2021) 2(1) *Technology, Mind, and Behavior* 2, no. 1 (2021) 1-6

³³ Mujib Akanni Jimoh, Advancing Online Dispute Resolution in Nigeria: Opportunities, Legal Challenges and the Ways Forward, *Journal of Sustainable Development Law and Policy*, 2020

³⁴ IDC/9006C/2019

³⁵ Mujib Akanni Jimoh (n.33)

³⁶ Lidiia Moskvych, Modernization of Justice under the Influence of Innovative Technologies, Scientific Research in Modern Conditions of Instability, 2023; Monika Bieniek-Ciarcinska, Technology in the Administration of Justice: Forensic Scene Research in International Approach

³⁷ Tonnie Iredia, "Televising Election Petition Proceedings in Nigeria". Available at <https://www.vanguardngr.com/2023/04/televising-election-petition-proceedings-in-nigeria/>

Accessed 24th April 2025

decision was upheld in the case of *Capic v. Ford Motor Company of Australia Limited*,³⁸ where the court expressed concern that, in contrast to the traditional method of physical court, the new practice appears tedious and inconvenient, but litigants and lawyers must make every effort to follow through with it. In Africa, Judge Dunstan Mlambo of the High Court permitted the live broadcast of Oscar Pistorius's murder trial in South Africa. However, he prohibited the live broadcast of the defendant's evidence, the testimony of any witnesses who objected to it, and the privileged communications between the defendant and his attorney.³⁹

In order to achieve open justice, court sessions must be televised live. One of the core principles of law is open justice, which implies that everyone in society should be able to access a court of law, either physically or figuratively. Everyone has a right to be informed about the status of judicial proceedings. As a result, hosting open court sessions guarantees that the general public can scrutinize the judicial system, which is essential for maintaining transparency and accountability.⁴⁰ According to Jeremy Bentham, the idea of open justice requires that "...the doors of all public establishments ought to be, thrown wide open to the body of the curious at large- the great open committee of the tribunal of the world." The Court of Appeal of England and Wales in *R (Binyam Mohamed) v Secretary of State for Foreign and Commonwealth Affairs*⁴¹ while addressing the issue of open justice states that "...the principle of open justice represents an element of democratic accountability, and the vigorous manifestation of the principle of freedom of expression. Ultimately it supports the rule of law itself.". Judge Dustan in his consideration of the merit of the application for the live broadcast of Oscar Pistorius's murder trial noted that 'court proceedings are public and this objective must be recognised'.

3.2. Controversies Surrounding the Live Telecast of Judicial Proceedings

Live telecasts of judicial proceedings have become knotty issues of domestic and international debates.⁴² Advocates of the school of thought that supports live telecasting of court proceedings believe that it gives the general public broad access to the courtroom and the court procedures.⁴³ Furthermore, live telecast of judicial proceedings is important for transparency and answerability⁴⁴. Bentham noted in the case of *Scott v Scott*⁴⁵ that

³⁸ (2020) FCA 486

³⁹ Oscar Pistorius Trial can be Broadcast Live on Tv, Court Rules (The Guardian Newspaper, 25th February 20140 Available at <https://www.theguardian.com/sport/2014/feb/25/oscar-pistorius-trial-broadcast-live-tv-south-africa>. Accessed 4th May 2024

⁴⁰ Ajit Singh Chahal, "Virtual Access to Courtroom and Live Streaming of Judicial Proceedings in India: Constitutional Perspective and Emerging Judicial Trends" (2021) 7(3) *International Journal of Law* 7, no. 3 (2021) 135-143

⁴¹ [2010] 3 WLR 554

⁴² Alison Amanda James "South Africa's Debut into Broadcasting Criminal Trials: The Legal Arguments in Televising the Oscar Pistorius Trial" *Potchefstroom Electronic Law Journal* (2017)1-21

⁴³ Ajit Singh Chahal, "Virtual Access to Courtroom and Live Streaming of Judicial Proceedings in India: Constitutional Perspective and Emerging Judicial Trends" (2021) 7(3) *International Journal of Law* 7, no. 3 (2021)

⁴⁴ Ibid

⁴⁵ (1913) AC 417

“...in the darkness of secrecy, sinister interest and evil in every shape have full swing. Only in proportion as publicity has place, can any of the checks applicable to judicial injustice operate. Where there is no publicity there is no justice. Publicity is the very soul of justice. It is the keenest spur to exertion and the surest of all guards against improbity. It keeps the Judge himself while trying under trial (in the sense that) the security of securities is publicity.”

According to Muneeb,⁴⁶ a trial held in public exposes evaluation and scrutiny from the broader population. It is an effective means of promoting public confidence in the impartiality, fairness, and integrity of the justice system. The judiciary and public confidence are critical to accountability and good governance. Yakubu Chinoko Maikyau, the immediate past President of the Nigerian Bar Association, at the 2023 presidential election petition tribunal Live broadcasting of the tribunal's proceedings, noted that the live telecast of the proceedings is very important for openness, transparency, and trust in the judiciary.⁴⁷ According to him, section 36 (1) and (3) of the Constitution of Nigeria stipulate public trial of cases and as a result, a live telecast of the proceedings of the tribunal would meet the aspirations of the public to participate in the process.

Arguments in support of live telecast of judicial proceedings have been justified for the following reasons:

- i. It ensures a guarantee and promotion of the trust and confidence of the public in the judiciary
- ii. It promotes the integrity of the judiciary in the eyes of the public
- iii. It ensures the enhancement of transparency in the administration of justice system
- iv. It ensures the promotion of increased legal consciousness in the society
- v. It increases the access of litigants and members of the society to justice.
- vi. It ensures a reduction in the economic costs of justice

Arguments against the live broadcasting of court hearings in Nigeria have not been particularly strong. It is not a topic that is frequently discussed, but the live broadcasting of court hearings in Nigeria was brought to light in the recently concluded Presidential election petition involving *Abubakar Atiku and Anor v. The Independent National Electoral Commission and Ors.*⁴⁸ In the petition, the Petitioners had filed a motion praying for “an order...allowing the live televising of the proceedings in this petition, given its monumental national and international import and significance.”⁴⁹ The opposition to the application came from the Independent National Electoral Commission (INEC) and other parties to the petition, who argued that the safety of judges and the integrity of the legal system should be taken into

⁴⁶ Muneeb Rashid Malik, “Live Streaming of Court Proceedings: A Substantial Step Forwards”. Available at <https://loyalnigerianlawyer.com/live-streaming-of-court-proceedings-a-substantial-step-forward/> Accessed 30th April 2024

⁴⁷ Hameed Oyegbade, “NBA President Calls for Live Telecast of Tribunal Proceedings” (DailyTrust Newspaper, 23rd March, 2023). Available at <https://dailytrust.com/nba-president-calls-for-live-telecast-of-tribunal-proceedings/> Accessed 30th April 2024

⁴⁸ CA/PEPC/05/2023

⁴⁹ The application was filed on the 7th day of May 2023

account before granting the application.. The Prince Lateef Fagbemi SAN, who later became the Attorney General of the Federation and Minister of Justice of Nigeria, while arguing against the application had noted:

The instant application seeks only to convert the serious and solemn court proceedings into a circus a form of comic relief to entertain and titillate a nostalgic public that has been overfed with surfeit of political campaign drama and electioneering sound bites ahead of the election. That in itself defeats the first principle of fair hearing which is independence of the judex. The Court should never be placed in a position where it seeks validation of approval of its proceedings bases on public involvement and sentiments. Whereas it is only the Justices that are sworn on judicial oath to do justice to all manner of men with no ill-will or affection, fear or favour.⁵⁰

One of the main points of contention in the opposition to the request for a live broadcast of the election petition procedures, which served as the foundation for the Court of Appeal's decision to deny the request, was the absence of any extant legal framework supporting the request. Many believe that open justice cannot be ensured by live broadcasting of court proceedings in the absence of in-person hearings.⁵¹

3.3. Constitutionality of the Live Telecast of Judicial Proceedings in Nigeria

Though there is no specific legislation on live telecast of judicial proceedings in Nigeria, the adoption of a purposive approach to the interpretation of the provisions of sections 36(3) and (4) of the Constitution of the Federal Republic of Nigeria, 1999 reveals that the live telecast of court proceedings in Nigeria is constitutional right. Section 36 (3) provides that court proceedings including delivery of judgment shall be held in public. The word 'public' used in the above provision is not the same as physical. The Supreme Court per Niki Tobi, JSC in *Edibo v State*⁵² defined "public" as being 'for the use of everyone without discrimination. Anything, gathering or audience which is not private is public.' According to the Black's Law Dictionary, public means "*open to all*" and "*open to common use*"⁵³

The idea of live telecast of court proceedings is more suitable and adaptable to the meaning of public within the context of both the Constitution and the law dictionary than physical. Live telecast of court proceedings will guarantee open justice because it is open to all and open to common use rather than proceedings conducted in physical courtrooms with limited capacity to accommodate the public. The contextual interpretation of "public" in the Constitution requires the adoption of a suitable interpretation technique. In the interpretation of statutes, there are three canons of interpretation to wit: literal rule, golden rule, and mischief rule. While the adoption of the literal and golden rules would lead to manifest injustice, the mischief rule remains the most appropriate in giving meaning to the intention of the framers

⁵⁰ Written address filed on 14th May 2023

⁵¹ Joe McIntyre, Anna Olijnyk and Kieran Pender, "Civil Courts and COVID-19: Challenges and Opportunities in Australia' 45 (2020) *Alternative Law Journal* 195

⁵² (2007) 13 NWLR (Pt. 1051) 306

⁵³ Henry Campbell Black, 'Black's Law Dictionary" (4th Edn., St. Paul, Minn, West Publishing Co., 1968) 1393

of the Constitution. Thus, the Court of Appeal in *PDP V. Mohammed & Ors.*⁵⁴ held that in the construction of any law, it is the duty of the court to ensure that it gives meaning to the provisions of the law based on the intention of the lawmakers by looking at the law holistically.

In the case of *Attorney-General of Bendel State v. Attorney-General of the Federation*⁵⁵ the Supreme Court per Obaseki JSC emphasised that the words of the Constitution are not to be read with stultifying narrowness. The interpretation of any provision of the Constitution must not be such that will defeat the purpose of the said provision. This was carefully amplified by Sir Udo Udoma, JSC in the Supreme Court old case of *Rabiu v. Kano State*⁵⁶ when he emphasized that the court of law must adopt a liberal approach to the interpretation of the constitution. It is an aberration for a court of law to adopt a meaning that would defeat the purpose for which the constitution is designed to achieve.

The inference to be drawn from the above is that it is not the intention of the lawmakers that the word *public* as used under Section 36(3) and (4) be restricted solely to physical premises or places such as a courthouse but in the realities of the modern technology and social changes, the public must be approached liberally to include live telecast that guarantees the access of the whole world to court proceedings without any limitation, unlike the physical courtroom. The framers of the Constitution would prefer a method of proceedings that gives the whole world access to justice than the one that limits them. This was the true intent of the lawmakers when they included in the constitution the right to access justice through public conduct of judicial proceedings.

Buttressing this liberal interpretation, during the COVID-19 pandemic, the National Judicial Council on the 22nd of April 2020 released guidelines for the conduct of virtual or remote proceedings which included live streaming of court proceedings to satisfy the requirement for public hearings⁵⁷. Rules 12a mandates all heads of courts to ensure the live telecast of remote proceedings and ensure public awareness through the provision of the web address or Uniform Resource Locator (URL) to open justice and access to justice for the members of the public⁵⁸. Furthermore, Rules 12b compels the publication of the details of the remote hearing by indicating the online address and social media platform where the proceedings would be held⁵⁹. Therefore, live telecast of judicial proceedings is constitutional and the courts of law in Nigeria must begin to adopt a liberal interpretation that fulfils the intention of the constitution rather than the one that stifles it. In *Packer v Packer*⁶⁰, Lord Denning observed that if we never do anything which has not been done before, nothing will change; the entire world will move on whilst the law remains the same and that will be bad for both the world and the law

⁵⁴ (2015) LPELR-40859 (CA)

⁵⁵ (1981) 10 SC. 1; (1981) 1 FNL 179

⁵⁶ 1980) 8 - 11 SC 130 at 149

⁵⁷ E: National Judicial Council Covid-19 Policy Report: Guidelines for Court Sittings and Related Matters In The Covid-19 Period. Available at <https://njc.gov.ng/30/news-details> Accessed 6th May 2024

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ [1953] 2 ALL E.R. 127

3.4. Prospects and challenges of Live telecast of judicial proceedings in Nigeria

There is no specific legal recognition of the live telecast of judicial proceedings in Nigeria. However, live telecast of judicial proceedings in Nigeria has prospects. Until the 2023 presidential election petition tribunal, not much was known of live telecast of judicial proceedings. In recent times, there have been academic research and discussions in conferences, symposiums, and television programs concerning the live telecast of judicial proceedings in Nigeria. On the 21st of October 2016, Frank Tietie, the executive director of Citizens Advocacy for Social and Economic Rights (Caser), a non-governmental organization in Nigeria in a letter with reference number NJC/A.14/S.2/11/613 addressed to the National Judicial Council (NJC) demanded the approval of the live broadcast of judicial proceedings in Nigeria to enhance judicial transparency⁶¹. In the response of the National Judicial Council dated 11th November 2016, the NJC acknowledges that a live broadcast of judicial proceedings in Nigeria is due for implementation.

In recent times, lawyers have also called for the implementation of a live broadcast of judicial proceedings in Nigeria as a means to enhance the integrity of the judiciary⁶². These are indications that the growth of the demand for the live broadcast of court proceedings in Nigeria is exponential and the National Judicial Council recognises the need, especially considering that the general public has lost confidence in judicial officers. As the public demand for the live telecast of court proceedings surges high and discussions are ongoing in different forums for a live telecast, it raises the concern that shortly, live telecast of judicial proceedings will be a reality.

The implementation of live telecast of judicial proceedings in Nigeria is prone to face some possible challenges that may serve as clogs in the wheel of its progress. These challenges include:

- i. Poor or lack of power supply
- ii. Poor or lack of good internet services
- iii. Non-implementation of judicial autonomy
- iv. Lack of technological know-how of judicial personnel
- v. Lack of specific legal framework on live broadcast of judicial proceedings in Nigeria

3.5. Lesson from Other Jurisdictions

There has been the introduction of live telecasts of judicial proceedings in different jurisdictions around the world which till today has been effective in the advancement of the course of justice and promoting open justice and access to justice from which Nigeria may draw lessons. Though there are few of them, this research will only examine a few which include India, South Africa, the United Kingdom, and the United States of America.

India

⁶¹ Frank Tietie, "The Demand for Live Broadcast of Court Proceedings is Long Overdue". Available at https://www.youtube.com/watch?v=ZRo81XZd3_8 Accessed 30th April 2024

⁶² Goli Innocent, "Falana, Tietie, Umukoro, Others Back Live Broadcast of Election Tribunal" (New Telegraph, 25th April, 2023). Available at <https://newtelegraphng.com/falana-tietie-umukoro-others-back-live-broadcast-of-election-tribunal/> Accessed 30th April 2024

The Constitution of India has a similar provision as the Constitution of Nigeria on the need for judicial proceedings to be conducted in the open court. Article 143 of the Constitution of India provides that the judgment of the court shall be delivered in the open court. However, if the court thinks that such judgment ought not to be delivered in the open court, the opinion must be given in the open court. For the conduct of criminal proceedings, Section 327(1) of the Code of Criminal Procedure, 1973 states that the hearing of a criminal case shall be conducted in the open court to enhance the access of the general public so far it can conveniently contain them. However, section 327(2) creates an exception in the cases of rape or sexual offenses involving minors under sections 376 A-E of the Penal Code, 1860. Furthermore, in civil proceedings, section 153 B of the Code of Civil Procedure, 1908 requires proceedings to be conducted in the open court for public access unless the court considers it improper considering the nature of the case.

In interpreting the above provisions of the laws of India, the Indian judiciary has become one of the most receptive to live streaming or telecast of judiciary proceedings in the world. The case of *Swapnil Tripathi v Supreme Court of India*⁶³ is instructive on the posture of the courts of India on live telecast of judicial proceedings. In this case, a law student at National Law University sought directions for the live streaming of court proceedings because law students are often pushed to the corridors of the courtroom by litigants and lawyers thereby depriving them of the opportunity to add practical flavour to their learnings. In the unanimous decision of the Supreme Court of India, the court emphasized that the provision of Article 21 of the Constitution of India on the right to access to justice demands the live telecast of judicial proceedings of a court of law. The Supreme Court considered that a live telecast of judicial proceedings of the court would enhance transparency, and make a judge to be conscious of conduct and approach to counsel and the litigants in the conduct of proceedings.⁶⁴

Be that as it may, the Supreme Court of India noted that live streaming of court proceedings could hurt the administration of justice, and the privacy of litigants, witnesses, and judges. The Court therefore identified the following cases as exceptions to the live telecast or live streaming of judicial proceedings:

- i. Matrimonial matters.
- ii. Matters involving the interests of juveniles or the protection and safety of the private life of the young offenders.
- iii. Matters of national security.
- iv. To ensure that victims, witnesses or defendants can depose truthfully and without any fear, special protection must be given to vulnerable or intimidated witnesses. It may provide means to ensure the face distortion of the witness if she/he consents an anonymous broadcast.

⁶³ Writ Petition (c) No. 000501 of 2018

⁶⁴ Siddharth R. Gupta and Utkarsh Sharma, "Live Streaming N' Courts: Accessible, Affordable and Accountable Judiciary [Part 2]" (SCC Times, 23rd June, 2021). Available at <https://www.scconline.com/blog/post/2021/06/23/live-streaming-n-courts-accessible-affordable-and-accountable-judiciary-part-2/>

- v. To ensure the protection of both sensitive and confidential information, and all matters which relate to sexual assault and rape.
- vi. Matters where publicity would be inimical to the administration of justice
- vii. Cases that may ensure the provocation of sentiments and arousal of passion and provocation of enmity among communities

Additionally, the Supreme Court of India deliberated on September 20, 2022, about the significance of live streaming the court's session on Constitutional Benches in order to improve public accessibility, increase public trust in the judiciary, and exhibit impartiality and fairness in the administration of justice. The Supreme Court of India's three Constitutional Benches presided concurrently on September 27, 2022, and their judicial proceedings were broadcast live on YouTube and the Supreme Court Webcast. It was a momentous day for the Indian populace.

South Africa

Though there are several discussions about the extent and risks of this practice, the idea of live telecasting court sessions is deeply ingrained in the South African legal system. What seemed to be the first live broadcast of judicial proceedings in South Africa was the case of *Director of Public Prosecution, Gauteng v Pistorius*⁶⁵ in 2016 wherein the defendant was charged with the murder of his girlfriend which most people lauded for enabling open access to justice and serving as an educational benefit to the general public in relation to the South African justice system.⁶⁶ It is on this basis that the Constitutional Court in *S v Mamabolo*⁶⁷ observed that the adjudication of a case does not concern only the litigants but also the general public. Therefore, it should be done in the open. Furthermore, the court emphasized that the necessity for this approach is to enable the public know what is going on and to give opportunity for criticism and applauding of the public which encourages impartiality, accessibility, and effectiveness which are the three major pertinent characteristics of the judiciary as stipulated by the Constitution.

S v Mamabolo brought to the fore the imperative need for open justice in South Africa. However, the Constitutional Court in the latter case of *SABC v National Director of Public Prosecutions*⁶⁸ noted that televising judicial proceedings live, will be in conflict with the interest of justice. Very recently, the case of *Multichoice (Proprietary) Limited v National Prosecuting Authority, In Re; S v Pistorius, In Re; Media 24 Limited v Director of Public Prosecutions North Gauteng*,⁶⁹ came to the fore where the denial of live telecast of court proceedings in South Africa, according to Mlambo JP, will mean that only those with access to social media sites like Twitter will be able to learn about what occurs in the legal system, which will ultimately lead to a rise in misunderstandings about the legal system among the general public, particularly among the impoverished and vulnerable.

⁶⁵ (2016) All South African Law Reports 346 (SCA)

⁶⁶ Alison Amanda James (n.42)

⁶⁷ (2001) 3 SA 409 CC Para 29

⁶⁸ (2007) 1 SA 523 (CC) para 33

⁶⁹ (2014) 2 All SA 446 (GP) paras 10 and 15-16

The Supreme Court of Appeal of South Africa in the *Van Breda v Media* 24⁷⁰ was concerned that the decision in *SABC v National Director of Public Prosecutions* did not represent the correct position of the law given that it came in a period when judicial proceedings were not of frequent occurrence on live telecast in South Africa⁷¹ while emphasizing that the reality of time demands the live broadcast of judicial proceedings in South Africa as a means to open justice. The above decisions focus on live telecast of judicial proceedings albeit in criminal cases. In 2019, the High Court in *National Director of Public Prosecutions v Fields of Green for All NPC*⁷² noted that the Van Breda case established that live telecasting of court proceedings in criminal cases is permissible in civil matters as well. Thus, in South Africa, live broadcasting of court hearings is accepted for both criminal and civil cases.

United Kingdom

The judiciary in the United Kingdom is advocating for the live broadcasting of court proceedings as a means of enhancing public accessibility and educating the public about the inner workings of the legal system.⁷³ It is a concept that is carefully considered, striking a balance between privacy, security, and the integrity of the legal system, as well as the values of fairness and transparency.⁷⁴

In 2009, the UK started streaming Supreme Court hearings live, and in 2013, it extended this to the Court of Appeal as well. The sentencing phase of a criminal trial in the United Kingdom was televised live for the first time in 2022. However, the judge's words during the sentencing phase were the only ones captured on camera. The British government said that by doing this, the people would have a better grasp of the legal system.⁷⁵

There have been major advancements in the broadcasting of court hearings in the UK in recent years.⁷⁶ At the moment, the Supreme Court broadcasts appeals by default, and the Court of Appeal's Civil and Criminal Divisions both broadcast select sessions. In order to enable cameras to broadcast sentencing words in the Crown Court, the Crown Court (Recording and Broadcasting) Order 2020 was enacted in January 2020. As a result, there was a significant change in policy, and on July 28, 2022, the Crown Court's sentence statements were broadcast live for the first time. Ben Oliver's sentencing from the Central Criminal Court in London was broadcast on television thanks to Judge Munro KC's approval.

Under the Crime and Courts Act of 2013, regulations allowing broadcasting in the Crown Court and the Court of Appeal have been created. The Competition Appeals Tribunal (CAT) has recently taken advantage of this authority to permit the broadcasting of its hearings

⁷⁰ (2017) 2 SACR 491 (SCA) para 63

⁷¹ Ibid

⁷² (2019) 2 SACR 564 (GP) para 38

⁷³ <https://publications.parliament.uk/pa/ld200607/ldselect/ldconst/151/15106.htm>

⁷⁴ 4 Chandler v. Florida, 449 U.S. 560 (1981) (which many refer to as the key decision in promoting the change in state courts)

⁷⁵ Arthur Chang, "Courts prepare for live broadcasting" Dec 4, 2023. Accessed from <<https://www.boasecohencollins.com/blog/courts-prepare-for-live-broadcasting/>

⁷⁶ Aderemi Olubunmi Oyebanji, Oluwaseye Oluwayomi Ikubanni, Alade Adeniyi Oyebade, and Tobi Olulu, "A Comparative Study of the Legal Framework of Trafficking in Person for Organ Removal in Nigeria and the United Kingdom" *Unizik Law Journal* 19 no. 2 (2023), 1-9

through a link on its website. The Competition Appeal Tribunal (Recording and Broadcasting) Order 2022 has given this authority permanent status. The Media Lawyers Association has proposed that broadcasting be extended to other procedures, including portions of a coroner's inquest, sentence in Magistrates' courts, and videography in the High Court. There are differing views on this issue, though. While some members emphasize the possible advantages for public knowledge and respect for the legal system, others voice concerns about how privacy and protection are undermined in criminal court procedures.

It is advised that further research be done to ascertain which criminal and civil cases would be appropriate for broadcast and video preservation. There is reluctance to broadcast aspects of criminal proceedings beyond the judge's sentencing words, despite support for broadcasting and recording in civil trials that do not include oral testimony. The judge overseeing the case has the final say on whether or not court proceedings should be televised. Even though there is room for growth in this field, it is crucial to carefully weigh the implications for fairness, privacy, and public perception of the legal system.

United States of America

Policymakers and commentators in the United States have long debated whether court procedures, especially those involving high-profile cases, should be televised or otherwise disseminated to the public.⁷⁷ While most state courts permit video coverage of court sessions under certain circumstances, federal court proceedings – especially those involving criminal cases – are more strictly restricted when it comes to recording and broadcasting.⁷⁸ Jurisdictions are always trying to find a way to reconcile several important constitutional concepts. These include journalistic freedom, information accessibility for the general public, protection of the right to a fair trial, protection of victims' and parties' privacy rights, and preservation of the justice system's integrity and reputation.

Federal Rules of Criminal Procedure (Criminal Rules) govern federal criminal prosecutions, like the one in which former President Trump was involved on August 1, 2023.⁷⁹ Except in certain circumstances, Rule 53 of the Criminal Rules often forbids taking pictures or broadcasting court proceedings from the courtroom. The main difference between these exclusions and public broadcasting of court hearings is the use of video technology to assist the proceedings. For example, with the defendant's cooperation, courts may conduct certain criminal processes via video teleconferencing under Criminal Rules 5(g), 10(c), 40(d), and 43(b)(2). Furthermore, in response to the COVID-19 pandemic, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) temporarily permitted federal courts to handle specific criminal prosecutions by video or audio conference; however, this authorization expired on May 10, 2023.

⁷⁷Duane Siverstein, 'TV comes to the Court' NCJRS. Available at <<https://www.ojp.gov/pdffiles1/Digitization/47399NCJRS.pdf>>

⁷⁸ Sarah J. Eckman & Joanna R. Lampe, 'Broadcasting Federal Criminal Proceedings', August 14, 2023. Congressional Research Services. Available at<<https://crsreports.congress.gov/product/pdf/IN/IN12220>>, accessed April 8th, 2024.

⁷⁹ Peter G. Berris, 'Overview of the Indictment of Former President Trump Related to the 2020 Election' August 3, 2023. Available at <<https://crsreports.congress.gov/product/pdf/LSB/LSB11016>>

However, the Federal Rules of Civil Procedure govern federal civil matters, and they don't have any clauses similar to those found in Criminal Rule 53. Although the majority of federal courts typically forbid recording or broadcasting of civil cases, there have been a few isolated situations where certain courts have approved video coverage for certain events or as part of pilot initiatives. The main argument made by those opposed to video coverage in courtrooms is that it may have an unfair impact on witnesses, attorneys, parties, judges, and other participants. This viewpoint holds that these outside factors have the potential to erode the independence of the judicial system, violate the parties' right to a fair trial, and jeopardize the integrity of the legal process.⁸⁰ The Judicial Conference of the United States approved an amendment to its broadcast policy on September 12, 2023, which increases public access to bankruptcy and civil cases.⁸¹ This policy took effect on September 22, 2023, and permits courts overseeing bankruptcy and civil cases to stream live audio to non-trial sessions without testimony. Nevertheless, criminal processes are not covered by this modification.

Congress passes legislation or the Supreme Court engages in a rulemaking process, usually started by the Judicial Conference, to modify the rules governing courtroom broadcasting in federal criminal cases. The Supreme Court is given primary jurisdiction under the Rules Enabling Act to establish general procedural guidelines for federal district courts and courts of appeals. All proposed rule changes, however, must be sent to Congress for consideration; unless Congress takes action to reject, amend, or postpone the change, the amendments take effect immediately. The Judicial Conference has historically opposed attempts to increase the amount of video coverage of federal court proceedings, and the Supreme Court has not suggested any major rule changes in this area.

Alternatively, the federal procedural rules, including those pertaining to courtroom broadcasting, may be changed or waived by Congress. Congress has offered legislation, such as the Sunshine in the judicial Act, to give judges the authority to decide whether to authorize recording or broadcasting of judicial sessions. Nonetheless, discussions surrounding such legislation frequently center on striking a balance between the public's right to know about court cases and worries about upholding the integrity of the legal system and safeguarding the rights of those involved, especially in criminal trials where privacy and due process are crucial issues.

4. Conclusions

As a basic human right, access to justice extends beyond the settlement of disputes and provides the public with the ability to watch court proceedings from the comfort of their homes. The implementation of technology in the administration of justice is the only way to make this feasible. Indeed, advances and technological advancements have an ever-lasting

⁸⁰ Itay Ravid, 'TWEETING #JUSTICE: AUDIO-VISUAL COVERAGE OF COURT PROCEEDINGS IN A WORLD OF SHIFTING TECHNOLOGY' 24/1/2017. CARDOZO ARTS & ENTERTAINMENT [Vol. 35:41] Available at < https://law.stanford.edu/wp-content/uploads/2017/02/Tweeting_Justice-Ravid.pdf >

⁸¹ "Judicial Conferences Revise to Expand Remote Audio Access Over Its Pre-Covid Policy". Available at <https://www.uscourts.gov/news/2023/09/12/judicial-conference-revises-policy-expand-remote-audio-access-over-its-pre-covid>

impact on all aspects of human existence, including the legal system. Adopting tele-justice undoubtedly heralds significant changes to the way the current judicial system is delivered. Nigeria is unique in that it has a weak economy and high levels of insecurity, which makes technology adoption for the transmission of legal procedures necessary. The live broadcast of court proceedings guarantees effective justice delivery, improves access to justice, and saves time and money.

One notable tool for social change is the law. Nigerian law must function as a mechanism for resolving social conflicts and administering justice, both of which are essential to the peace and development of any society. It must also adapt to the dynamic nature of human connections in order to meet the expectations of Nigerian law. Because of this, the Nigerian justice system cannot help but welcome the exponential rise in modern digital technologies that is currently occurring everywhere, including in Nigeria. This is especially true given that many nations are coming to terms with the fact that technological advancements like live telecasting of court proceedings are essential to access to and administration of justice.

The people of Nigeria have recently denounced the court system as corrupt and untrustworthy. The judiciary has suffered as a result, and the public's trust in it has been undermined. Significantly, the concept of a live broadcast is essential to repairing the judiciary's reputation and integrity in light of the public's diminished faith in the Nigerian legal system. The petition tribunal for the 2023 presidential election lost the chance to present the live broadcast of legal proceedings in Nigeria. Nonetheless, there has never been a better moment to start live-streaming courtroom proceedings in Nigeria, especially in light of the need to rebuild public trust in the country's justice system as the last resort for the average person and to restore the integrity of the legal system through transparency. It is imperative to emphasize that live telecasting should not be used for all hearings, particularly those involving minors, rape, and other sexual offenses, in the interest of justice, privacy, and public decency. As a result, Nigerian live broadcasting must be subject to governmental oversight.

Recommendations

Based on the findings of this research, the following are suggested recommendations:

1. Implementation of Financial Autonomy of the Judiciary

There are financial costs associated with live streaming of court hearings. These costs include buying technology and subscribing to data in order to access the communication networks needed for the broadcast. The judiciary under the current system cannot afford the large sum of money that would be required for the daily live broadcast of court proceedings in at least all Nigerian courts of record. Even though the former president of Nigeria, President Muhammadu Buhari had assented to the bill granting financial autonomy to the state judiciary, state governments have failed till date to implement this provision of the Constitution of the fifth alteration. The judiciary must be financially independent to enable it to apply full force the use of technology in the administration of justice. There is a yawning need for non-governmental agencies and human rights activists to put pressure on state governments through the institution of suits in a court of law and campaigns to facilitate the implementation of this law.

2. Improvement of power supply and access to good internet services

The government must intensify efforts on the improvement of power supply and access to quality internet services. There are courts of law in rural parts of the country. Unfortunately, most of the rural parts of the country are lacking power supply and internet services. The government at both federal and state levels must dedicate enough budget to the improvement of electricity in the country. Further to the above, the cost of accessing internet facilities in Nigeria is on the very high side. Nigeria is one country with arguably the most expensive internet bandwidth globally. The cost of accessing the internet for an average Nigerian is too high. Besides internet access, there is a need for the federal government to regulate the cost of access to the Internet. Unless this is done, too much money would be budgeted for the internet facilities which will affect the budget for other important areas of the judiciary.

3. Periodic ICT Training for judicial officers and staff

This paper had earlier identified insufficient ICT knowledge of judicial officers and staff as one of the major challenges to the live telecast of court proceedings in Nigeria. This issue is fundamental because even if all other challenges are fixed, the poor or lack of ICT knowledge of the personnel involved in the administration of justice will impact negatively the growth and usage of technology in the administration of justice. It is therefore imperative that the National Judicial Council organizes periodic training for judges and their staff to move at the same pace as their counterparts in the rest of the world in terms of the use of technological innovations in the discharge of their duties.

4. Specific legislation

The absence of a legal framework in Nigeria is a problem for live telecasting of court hearings. The legality of live telecasting judicial sessions in Nigeria has been the subject of multiple discussions today. This legislative ambiguity is a significant loss. For the acknowledgment of live broadcasts of court proceedings to take place, there needs to be particular legislation that outlines the parameters of the live broadcasting process, including how it works, what kinds of evidence and witnesses can be broadcast live, and how it applies to both criminal and civil processes.

5. Revitalization of the Electricity Sector of Nigeria

To enable the general public to view the live telecast of judicial proceedings, given that a lack of power supply is one of the main obstacles to live-streaming court hearings in Nigeria, policymakers should concentrate on reviving the country's electrical industry, which will boost the economy of the country. The Nigerian legal system is still beset by inadequate power supplies. The Electricity Act of 2023, which promotes private sector investment in the production, transmission, distribution, and supply of electricity from renewable sources, must be fully implemented.

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