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COMPUTER-GENERATED EVIDENCE IN ELECTORAL DISPUTES: A CRITICAL EXAMINATION OF THE NIGERIAN EXPERIENCE AND ITS RELEVANCE TO INTERNATIONAL BEST PRACTICES

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Abstract
The increasing use of technology in electoral processes has led to a rise in the generation of computer-based evidence in electoral disputes. However, the admissibility of such evidence in Nigerian courts remains a contentious issue. This paper examines the legal framework for admitting computer-generated evidence in electoral cases in Nigeria, with a focus on the Evidence Act 2011, and the Evidence (Amendment) Act, 2023. A critical analysis of decided cases reveals that Nigerian courts have been inconsistent in their approach to admitting computer-generated evidence, with concerns around authenticity, reliability, and hearsay being major obstacles. This paper argues that the current legal framework is inadequate for addressing complexities of computer-generated evidence and its prospects and challenges so far as it relates to the admission of evidence in electoral cases. The study adopts a comparative approach, drawing on best practices from other jurisdictions, particularly United States, Canada, Australia, and United Kingdom. The paper concludes by highlighting the need for a more nuanced approach to admitting computer-generated evidence in electoral cases, one that balances the need for authenticities and reliability with the imperative of ensuring that justice is served. Ultimately, this research aims to contribute to the development of a more effective and efficient framework for the admission of computer-generated evidence in electoral cases in Nigeria, with a view to enhancing the integrity and transparency of electoral processes.

Keywords: Evidence Act, Election, Petition, Court, Cases, Computer-generated

1. Introduction
The electoral landscape in Nigeria as in many other parts of the world has undergone significant transformations in recent years.[1] The increasing use of technology in electoral processes has improved the efficiency, transparency, and accuracy of elections. However, this development has also introduced new challenges, particularly with regard to the generation and admissibility of computer-generated evidence in electoral disputes.[2]Computer-generated evidence, which includes electronic documents, digital images, audio and recordings, and other forms of digital data, has become a crucial aspect of electoral litigation. This type of evidence can provide valuable insights into the electoral process, helping to establish the authenticity of electoral materials, verify the

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[1] ST Hons, *Law of Evidence in Nigeria* (Pearl Publishers, 2nd Edn 2012) 468
[2]MB Tijani, 'Appraisal of the Admissibility of Electronic Evidence in Nigeria and the Possibility of its Application Under Sharia' <https://www.academia.edu/3720983/Appraisal of admissibility of electronic evidence and possibility of its application under sharia> accessed 30 April 2025

identity of voters, and detect instances of electoral malpractice.[3] Despite its potential, the admissibility of computer-generated evidence in Nigerian courts remains a contentious issue.[4] The Evidence Act 2011[5] and its amendment Act of 2023, particularly, the Evidence Act, 2011 which governs the admissibility of evidence in Nigerian courts, were enacted at a time when technology was pervasive in electoral processes as it is today. As a result, the Act's provisions on computer-generated evidence less the amendment of 2023 are inadequate, leading to inconsistencies and uncertainties in the treatment of such evidence by the Nigerian courts.[6]

The challenges posed by computer-generated evidence in electoral cases are multifaceted. One major concern is the authenticity of digital evidence, which can be easily tampered with or manipulated. Another challenge is the reliability of computer systems and software used in electoral processes, which can be prone to errors or biases. Furthermore, the hearsay rule, which excludes statements made by persons not present in court, can be difficult to apply in cases involving computer-generated evidence. The implications of these challenges are far-reaching inconsistent or unreliable decisions on the admissibility of computer-generated evidence can undermine the integrity of electoral processes, erode public trust in the electoral system, and potentially destabilize the polity. It is therefore imperative to develop a more nuanced and effective framework in addition to the Evidence Amendment Act of 2023, for the admission of computer-generated evidence in electoral cases in Nigeria.[7]

This paper aims to contribute to this endeavor by examining the current legal regime for admitting computer-generated evidence in electoral cases in Nigeria, highlighting the challenges and limitations of these laws, and outlining their prospects in a manner that will ensures fairness, transparency, and justice.

2. The Legal Framework for Admitting Computer-Generated Evidence in Electoral Cases in Nigeria

The issue of computer-generated evidence in Nigeria gained prominence in the case of *Dr. Imoro Kubor v Dickson,*[8] This landmark case, decided by the Supreme Court, addressed the admissibility of computer-generated evidence in Nigeria. Another notable case is the case of *FRN v Fani Kayode,* where the trial court refused to admit computer-generated printout as evidence, and the appellate court upheld this decision. The Evidence Act 2011[9] is the primary legislation governing the admissibility of evidence in Nigerian courts. The Act provides for the admissibility of computer-generated evidence in Section 84, which states:

> *84 (1) In any proceedings, 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) are satisfied.*

In *Dickson v Sylva*[10], the Supreme Court held that while the computer which produced a document requires certification, electronic gadgets and devices which were used to play or print the already produced electronic documents or evidence does not require certification before they can be admitted in evidence during trial. It is trite that Section 84 of the Act applies to all manners of

[3] Guz Gultan, 'Electronic Evidence Piracy Concerns Relating to the Collation of Electronic Evidence: Under Turkish Legal System and Cybercrime Convention' (Master Thesis University of Oslo).
[4] Ibid.
[5] Cap E14 Laws of the Federation of Nigeria LFN, 2004.
[6] YF Oluwajobi, and EA Fatimehin 'Admissibility of Electronically Generated Evidence in Nigeria: History Challenges and Prospects' *Redeemer University Law Journal* [2024] 7 (1) 3-17
[7] Ibid.
[8] [2013] 4 NWLR (1345), 534
[9] ibid.
[10]2016) LPELR – 41257 (Sc).

computer-generated evidence whether internet source or not, and for such, there must be compliance with the certification requirements of section 84 of the Act before such a document will be admissible in evidence. It is a settled law that for a computer-generated evidence to be admissible, section 84 of the Act stipulates certain conditions that must be complied with which are as follows:

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 an activities regularly carried on over that period, whether for profit or not by any body, whether corporate or not, or by any individual;
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; 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.

From the first condition, the provision can be said to relate only to admissibility of statements in documents produced by a computer. Just as we have seen earlier, Section 258 of the Act specifically defines computer to mean "*any 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, comparison or any other process*". Apart from being a computer, the condition also requires that such computer must be reliable in the sense that it was used regularly to store or process information for the purpose of activities regularly carried on over a period of time. However, the view that has been expressed over time now is whether with the advance of technology as it is, devices such as recording devices, tapes, television, radio broadcasts, soundtracks, films negative which are ordinarily not contemplated in the above definition of computer in the Act can be construe as computer devices. Just as it can be deduced from the wide definition of document in Section 258 of the Act, which also extends to include all forms of electronic device(s). The use of the word "include" and "any" clearly shows the generic and exclusive nature of the definition which thus extends the scope of the definition.

The Court in the case of *Omisore & Another v Aregbesola & Ors*,[11] held that it is not only internet computer generated documents that are caught by the admissibility requirements of Section 84 of the Act but all kinds of computer and electronically generated evidence. Furthermore, this has demonstrated the importance of computer in the administration of justice system in the Nigerian legal evidentiary jurisprudence. The use of computer even though commendable however, it presents a negative effect to the justice system as it could also introduce some erroneous, misleading and unreliable evidence.[12] This is because computer can be manipulated by individual operating it, the computer can only process the data supplied to it, if the data is inaccurate and undetected, the output will also be in error.

Additionally, if there is a deficiency in the manner in which the computer is told to process the data, the output will be in error.[13] Thus, the condition under Section 2 (b) is to further ensure that the computer does exactly what it was instructed to do and the document produced in court during trial consists of the data supplied to it. If there is any discrepancy between what is contained in the

[11](2015) 15 NWLR (Pt 1482) 205.
[12] R Jerome, 'Practitioner's Primer on Computer-Generated Evidence' <https://chicagoonbound.unchicago.edu/cgi/viewconten.cgi article> accessed 15 October 2020.
[13]ibid.

computer and what is produced, such document will be considered unreliable and the entire information could be found to be unreliable and may be inadmissible.

As to the third condition which seek to ensure that the computer is functioning properly, and that there is no any malfunction which might have affected the output or the document which is sought to be admitted in evidence, the condition under subsection 2 (b) is to ensure that the computer does exactly what it was instructed to do and the document was exactly what was produced by 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 document and the information which is sought to be tendered in evidence could be inadmissible in evidence. This will be done properly by the counsel raising an objection to the admissibility of the document in evidence by the court before it is admitted.

Furthermore, it is pertinent to note that a defect as to the functioning of the computer which produced the document sought to be tendered in evidence prior to the trial will not affect the admissibility of the computer-generated evidence in court, unless it is established before the court that the defect is material in such that it is reasonable to have affected the production of the document. This was the position of the court in the English case of *DPP v Mckeown*,[14] The defendant in this case challenged the admissibility of a computer-generated document on the basis that there is a discrepancy in the document as a result of the malfunctioning of the computer which was used in generating the evidence. The court after examining the document held that section 69 of the Police and Criminal Evidence Act 1984,[15] for the purposes of section 69 of the Act, the basis of malfunction is irrelevant to the admissibility of the document unless it is proved that the way in which the computer processes, store or retrieves that information/data or generate the statement is in such a way that it could have affected the substance or the content of the document.

The fourth condition which must be followed in the admissibility of a computer-generated evidence seeks to ensure the reliability of the data processed by the computer which sought to be admitted in evidence. The condition is considered as important in other to establish the genuineness or otherwise of the computer-generated evidence which sought to be tendered in evidence. The condition in other words seeks to ensure that the document is not tempered in any way and that it worth been admitted in evidence by the court. However, this condition does not make the admissibility of the document automatic as it is discretionary to the court for consideration which must be exercise judicially and judiciously. In determining the accuracy of a document, these conditions will guide the court in determining the weight to be attached to the document in question.[16]

In *Kubor v Dickson*,[17] the Supreme Court of Nigeria held that the fulfilment of the above conditions (under Section 84 (2) of the Evidence Act 2011) are key to the admissibility of electronically generated evidence. The court further held that before computer-generated evidence will be admitted in evidence all the conditions referred to in paragraphs (a) to (d) of Section 84 (2) of the Act must be complied with. That a witness must testify to lay the necessary foundations referred to under the subsection and that such an computer-generated evidence cannot be tendered from the bar. It is also worthy of note that the fact that a document in a computer-generated evidence and having satisfied all the above requirement for admissibility does not preclude the document if it's a public document from the certification requirement as provided under the Act.[18]

[14](1997) 1 ALL ER 737.
[15]This law was repealed by s 60 of the Youth Justice and Criminal Evidence Act 1999.
[16]Yemi O Osibanjo, *Electronically Generated Evidence: Law and Practice of Evidence* (Sibon Books Ltd 2011) 243
[17]*(2013) 4 NWLR (Pt 1345) 534.*
[18]S 90 (a) Evidence Act LFN 2011

3. Challenges Posed by Admissibility of Computer-Generated Evidence in Electoral Cases and Prospects in Nigeria

Despite the provisions of Section 84 of the Evidence Act 2011, the admission of computer-generated evidence in electoral cases in Nigeria remains challenging.[19] One major challenge is the authenticity of digital evidence, which can be easily tampered with or manipulated.[20] In the case of *INEC v Action Congress of Nigeria*, the Court of Appeal held that the electoral commission's computer-generated evidence was inadmissible because it was not properly authenticated. The court stated that "the authenticity of a document is a condition precedent to its admissibility in evidence." In the case of INEC v CPC, the Court of Appeal held that the electoral commission's computer-generated evidence was admissible because it was authenticated by a forensic expert. The court further stated that "the evidence of a forensic expert is essential in proving the authenticity of computer-generated evidence." The second challenge is the reliability of computer systems and the software used in electoral processes, which can be prone to errors or biases. In the case of *PDP v INEC*,[21] the Supreme Court held that the electoral commission's computer-generated evidence was unreliable because the software used to generate the evidence was not certified. Thirdly, another major shortcoming of the admissibility of electronically generated under the Nigerian Evidentiary jurisprudence is the inadequacy of the provisions of Section 84 of the Act which is inadequate as to the addressing of issues of admissibility of electronically generated evidence in court with respect to electoral cases. What the Act need is a model of the provisions of the United Nations Commission on International Trade Law Model on Electronic Commerce.[22] This law was drafted in such a way that it comprehensively provides and facilitated the easy way of admitting electronic transaction in evidence during trials.

In Nigeria, there is absence of other provisions or laws to cover for the inadequacies of the Evidence Act 2011 and it amendment of 2023, beyond what is currently obtainable under the Acts. Unlike in other climes like Ghana where in addition to the general provision of it Evidence law the country has a more elaborate legal framework such as the Electronic Transaction Act 2008 which provides for the admissibility of a computer-generated evidence where there is a lacuna in the main Evidence Act. South Africa also have such legislation which is an adoption of the UNCITRAL Model Law.[23] Nigeria needs to take a lift from these African countries.

The prospects for the admissibility of computer-generated evidence in electoral cases in Nigeria are promising, the provisions of Section 84 of the Evidence Act, 2011[24] permits the use of computer-generated evidence in Nigerian courts, which is a significant step forward. However, there are still some challenges to overcome for instance; there is a lack of standard rules governing the admissibility of computer-generated evidence, which can lead to confusion about how to classify such evidence. Additionally, issues surrounding the relevance, authenticity, integrity, and confidentiality of computer-generated evidence need to be addressed. Secondly, the amended Evidence Act 2023 has significant implications for the admissibility of computer-generated evidence in electoral cases in Nigeria. The amended Act provides clearer guidelines on the admissibility of computer-generated evidence, reducing uncertainty and inconsistency in court decisions regarding electoral matters. The amended Evidence Act 2023 which does not repealed the Evidence Act 2011 introduces some key innovations to bring the principal Act (Evidence Act 2011) in line with global realities and technological advancements in evidence taking. The Act amends several provisions of the Evidence Act 2011, by introducing the electronic oath taking and electronic

[19] AO Akanle, 'A Legal Analysis of Electronic Evidence: Challenges and Prospects of its Admissibility in Nigerian Courts' [2019] *ULJ* (15) 24 6-7
[20] ibid.
[21] (2012) LPELR-9817 (SC) at 48-50 Paragraphs F-E
[22] Art 5 UNCITRAL Model Law on Electronic Signature 2001
[23] ibid.
[24] ibid.

gazettes and expands the scope of computer-generated evidence and authentication of electronic records. Under the new regime, introduced by the Act, electronic records that are stored, recorded or copied in optical or magnetic media or cloud computing database produced by a computer are now generally considered to be documents and will be admissible in any judicial proceeding before Nigerian courts or court martial, without further proof of production of the original, in so far as the conditions that are stated in the Act are satisfied.[25]

4. The Genesis of Computer-Generated Evidence in Electoral Cases in Nigeria Before the Advent of the Evidence Act 2011

Prior to the enactment of the Evidence Act 2011, there was plethora of conflicting judicial authorities in electoral cases with different views on admissibility of computer-generated evidence in Nigeria. This is because the drafters of the repealed Evidence Act of 1945 did not contemplate issues of admissibility of electronic devices and gadgets in Nigeria during the process of enactment of the Act. The advent of computers, mobile phones and different kinds of gadgets and devices lately transformed the world to a global village which necessitated the enactment of a law specific to regulate the conduct of court proceedings relating to the uses of these gadgets which were use on daily basis in the course of transactions. In the case of *Atiku Abubakar v INEC, & Ors*,[26] the Supreme Court dismissed Atiku Abubakar's appeal, affirming President Muhammadu Buhari's victory in the 2019 presidential election. The court held that Atiku Abubakar failed to prove sufficient evidence including computer-generated evidence to support his claims of electoral irregularity. In the case of *James* Faleke v *Yahaya Bello*,[27] the Supreme Court upheld the election of Yahaya Bello as the Governor of Kogi State. The court held that Faleke failed to prove by computer-generated evidence that the election was marred by irregularities.

In the case of *Anyaebosi v Briscoe Ltd*, a computer-generated statement of account which Appellant's indebtedness to the Respondent, was tendered and admitted as confirmed the secondary evidence without objection during trial. The admissibility of the evidence was later challenged on appeal. The Supreme Court in that case held that a computer-generated statement of account was not a document that was inadmissible under the provisions of the repealed Evidence Act of 1945, and that it is admissible upon the fulfilment of some conditions. The Court further held that the Appellant waived his right to object to the admissibility of the document when it was sought to be tendered in evidence.

In the case of *Uba v Sani Abacha Foundation for Peace and Unity*[28] the court held that computer-generated evidence is not admissible. This reasoning of the court was on the ground that there was a gap in the repealed Evidence Act of 1945. In the case of *FRN v Fani Kayode,*[29] the Appeal court reversed the above decision when it held that computer-generated evidence is admissible. If not for the decision, the defendant who was standing trial for the offence of money laundering related offences would have been discharged and acquitted.

5. Issues of Relevancy and Authentication of Computer-Generated Evidence

Relevancy is the platform for the admissibility of evidence. It is therefore off point to mention admissibility of evidence without proving the relevancy of such evidence to the facts in issue. The issue of relevance therefore determines admissibility of evidence. This is the crux of section 1 of

[25] S 3(1) of Evidence (Amendment) Act 2023, (Insertion of s 84B to the Principal Act); see O C Aduma and H O Obi, 'An Examination of the Evidence (Amendment) Act of 2023', (2024) 3(2) Awka *Capital Bar Journal*, 31.
[26](2018) LPELR-SC/B/204/2016
[27](2019) 5 NWLR (Pt 1388) 375
[28](2004) 3 NWLR (Pt861) 516.
[29](2010) 14 NWLR (Pt 1214) 481

the Evidence Act[30] which embrace relevancy as the only platform for the admissibility of evidence during trial.

Going by the above provision, evidence is only admissible if it is relevant. However, a relevant piece of evidence which sought to be tendered may still be admissible where it is affected by the exclusionary rules. The court also have an overriding discretion as to which evidence is relevant and should be admitted or not in evidence, and whose prejudicial tendency out weights its probative value. This is to say that while admissible evidence must be relevant, it is not every relevant piece of evidence that is admissible before the court during trial. Section 84 of the Evidence Act 2011 specifically provides for the admissibility of electronically computer-generated evidence, even though there are other provisions in the Act on admissibility of electronically generated evidence. Section 84 of the Act[31] provides the main background for the admission of computer-generated evidence, it also authorises the admissibility of documents produced by other electronic devices in evidence.

Section 84 (2) and (4) of the Act[32] provides for the requirements and Authenticity of devices utilized in the production of the computer-generated evidence. The provisions provide that a proper foundation must be laid on the trustworthiness of the device or the computer which produces the document which sought to be tendered in evidence. However, there is a challenge as to whether or not an oral evidence and a certificate of trustworthiness of the computer which produces the computer generated evidence must both be presented as conditions for the admissibility of such an evidence or whether either of the two will suffice for the purpose of satisfying the requirement of Section 84 of the Act.[33] In the case of *Dickson v Sylva,*[34] the Apex Court held that either oral evidence or a certificate of trustworthiness of the computer which produce the document which is sought to be tendered in evidence will suffice as foundation evidence. The court however acknowledges the overriding discretion of the court to insist on oral evidence in addition to certificate of trustworthiness of the electronic device or computer which produced the document that sought to be tendered in evidence. It is advisable that before a computer-generated evidence is admitted in evidence, a proper foundation for its admissibility, authenticating the trustworthiness of the device that produced the evidence must be laid. Where the document is tendered without any objection from the opposing party, it is admissible.

6. Key Provisions Introduced by the Evidence (Amendment) Act 2023 with Respect to Computer-Generated Evidence in Electoral Cases in Nigeria

In line with global technological advancements, the Act has made provisions for electronic records and it's admissibility in courtroom proceedings with respect to cases, including electoral matters. Under the Act, electronic record is defined to include 'data record or data generated, image or sound stored, received, or sent in an electronic form or microfilm.[35]" The term "electronic record" has been specifically inserted after the word "document" throughout the section on computer-generated evidence in the principal Act (Evidence Act 2011). Accordingly, by the introduction of the electronic record in the Act, documents or electronic record (as defined by the Act) are now directly admissible as evidence where such document or electronic record satisfies the conditions in the Act. Some of the innovations introduced by the new evidence Act include:

Admissibility of Records in a Computer

Electronic records that are printed on paper, stored or copied in optical or magnetic media or cloud computing database produced by a computer, are now generally considered to be documents and will

[30] Evidence Act 2011
[31] ibid.
[32] ibid.
[33] ibid.
[34] (2017) 8 NWLR (Pt 1567) 167.
[35] S 10 of the Evidence (Amendment) Act 2023, amendment of Section 238 of the Evidence Act 2011

be admissible in any judicial proceeding before Nigerian courts, without further proof or production of the original, if the conditions that are stated in the Act are satisfied.[36]

Introduction of "Digital Signature"

The Act also recognizes the use of digital signatures in court documents or legal processes. Digital signature is defined under the Act as a signature that is generated electronically and attached to a document that is electronically transmitted in order to verify the contents or authenticity of the document and the identity of the sender.[37]

Reliability and Proof of the Electronic Record/Digital Signature

In addition to the above provision, authentication of an electronic record can now be done electronically by affixing the digital signature of the maker on the record.[38] However, such digital signature will only be considered reliable where the signature creation data can be linked to the signatory and no other person; any alteration to the information made after affixing is detectable; and, any alteration to the information made after its authentication by the digital signature is detectable.[39] However, if the digital signature of any person is alleged to have been affixed to an electronic record, the fact that such digital signature is the digital signature of the signatory must be proved.[40] And to prove the authenticity of the digital signature, it is sufficient to show that at the time of affixing the signature, the signature creation data was under the exclusive control of only the signatory.[41]

Introduction of Electronic Oath Taking

The Evidence Act 2023 with respect to Affidavits and other documents that require oath taking such as written disposition of witnesses I n judicial proceedings. The Act has made provision for electronic oath taking. Affidavit can now be deposed to electronically and this will be helpful in saving judicial time and generally expedite courtroom proceedings.[42]

Introduction of Electronic Gazette

The Act further provides for an "Electronic Gazette" which is simply an electronic official gazette of rules, regulations or notifications that have been officially published by the Federal Government.[43] It is stated in the Act that where it is required for any rule, regulation, or notification to be published in a Federal Government Gazette, it will be sufficient if the Federal Government of Nigeria publishes such rules or regulations in an electronic gazette.

Definitions and Interpretations

The Evidence Act 2023, amends the Evidence Act 2011 by inserting definitions for audio visual communications, cloud computing, computer, digital signature, electronic gazette, electronic record, electronic signature, magnetic media and optical media. The innovations that have been introduced by the Amendment Act, brings the judiciary and the Nigerian legal system a step closer to the fast-paced advancement of technology as compared to other legal jurisdictions globally. Accordingly, it is expected not only to ease the plights of the layman in the typical court setting in Nigeria, but also to influence businesses on both the local and international scale on going forward basis. This is because most individuals will no longer have to travel within or into Nigeria to either simply deposed to affidavits or sign court documents.

[36] S 3 (1) of the Evidence (Amendment) Act 2023 (Insertion of section 84A-84D in the Evidence Act 2011.
[37] S 10 of the Evidence (Amendment) Act 2023 and amendment of section 258 of the Evidence Act 2011.
[38] S 3 (1) of the Evidence Act 2023.
[39] S 3 (1) of the Act
[40] S 3 (1) of the Act (Insertion of section 84D (1) in the Evidence Act 2011
[41] S 3 (1) of the Act.
[42] S 5 of the Act (Substitution of section 108 of the Evidence Act 2011.
[43] S 6 and 7 of the Act

7. Comparative Analysis of Admitting Computer-Generated Evidence in Nigeria and Other Jurisdictions

A comparative analysis of the admission of computer-generated evidence in Nigeria and other jurisdictions reveals that Nigeria can learn from their experiences. In the United States, for example, the Federal Rules of Evidence, 2024 Official Edition, provide for the admission of computer-generated evidence in Rule 901, which states that "the requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. Rule 702 of the law also provides for the admissibility of expert testimony on computer-generated evidence. In the United Kingdom, the Civil Evidence Act 1995 provides for the admission of computer-generated evidence in Section 8, which states that "a statement 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." Section 2 of the law requires a certificate of authenticity to accompany the computer-generated evidence, while Section 3 outlines the conditions for admissibility, including that the computer was used regularly to store or process information. In Canada, the Evidence Act[44] in Section 31, 1-31.3 provides for the admissibility of computer-generated evidence, Section 31, 1-31.8 provides for the admissibility of computer-generated evidence, Section 31.2 requires a certificate of authentication to accompany the computer-generated evidence, while Section 31.3 outlines the conditions for admissibility, including that the computer was used regularly to store or process information. In Australia, the Evidence Act 1995 in Section 48-51 provides for the admissibility of computer-generated evidence, Section 48-51 provides for the admissibility of computer-generated evidence, Section 49 requires a certificate of authentication to accompany the computer-generated evidence. While Section 50 outlines the conditions for admissibility, including that the computer was used regularly to store or process information.

In view of the above analysis, it is our submission that, admitting computer-generated evidence in Nigeria and other countries is a complex issue that requires careful consideration of various laws and regulations. While Nigeria has made progress in this area, it still lags behind other countries in terms of the development of its digital forensics system and the clarity of its laws and regulations.

8. Conclusion

The admission of computer-generated evidence in electoral cases in Nigeria is a complex issue that requires a nuanced approach. The Evidence Act 2011, and its Amendment of 2023 provides a framework for the admission of such evidence, but its provisions are inadequate and have been inconsistently applied by the courts. Forensic expertise plays a crucial role in authenticating computer-generated evidence, and the courts should rely more heavily on such expertise in admitting or rejecting such evidence. A comparative analysis of the admission of computer-generated evidence in electoral cases in other jurisdictions reveals that Nigeria can learn from their experiences. The Federal Rules of Evidence, 2024 and the Civil Evidence Act 1995 in the United Kingdom provide more comprehensive frameworks for the admission of computer-generated evidence. Ultimately, the admission of computer-generated evidence in electoral cases in Nigeria requires a more nuanced and effective framework that balances the need for authenticity and reliability with the imperative of ensuring that justice is served. The enactment of Evidence (Amendment) Act 2023, introduce a new evidential regime into the Nigeria's legal jurisprudence. With this change, it is expected that the boundaries of electoral litigation before Nigerian courts and other quasi-judicial proceedings that involved evidence taking will be significantly improved.

[44] Canada Evidence Act 2022.