FCIL/SIS: Africa Section
Experiences with digitization of customary court cases in South Western Nigeria

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Presenter

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Overview of Project

- **Scope** — Focus is on the Ethnic/Non-Moslem customary law in South Western Nigeria
- **Coverage** — February 2013 onwards
- **Jurisdiction** — South Western Nigeria with emphasis on Oyo State (Ibadan) & Ogun State (Abeokuta)
- **Objective** — to make court decisions freely available electronically
Introduction to Nigerian Legal System

Nature of the legal system
• Federal system
• Plural legal system

Sources of Law
• Legislation
• English law
• Customary law
• Islamic law
• Judicial precedent
Nigerian Court System

- Supreme Court
- Court of Appeal
  - High Court
    - Magistrates/District Courts
  - National Industrial Court
  - Sharia Court of Appeal
  - Customary Court of Appeal
    - Customary Courts/Area Courts/Sharia Courts
Role of Customary Law

- Customary law is a description and not a single term.
- Customary law covers various legal systems depicting each tribe’s customs and values.
- Ethnic or non-Moslem customary law and Moslem customary law.
- Ethnic or non-Moslem customary law derives from the customs and values of a particular ethnic group which makes it indigenous.
- Moslem customary law is part of a religion which was introduced to the country.
- Used as a point of fact in family, land and commercial transaction cases especially in colonial and post-colonial times.
- Post independence customary courts were officially set up in different regions and states.
Customary Court System

- Lowest court in the legal system
- Adjudicates only civil actions
- Most accessible to the common man in terms of costs and logistics
- Parties do not require legal representation, they can represent themselves
- Empowers and facilitates quick and fast access to justice
- Adjudicated by laypersons
- The head of the court is called President and seats with 3 other lay persons
- Appeals from this court goes to the High Court and then to the Customary Court of Appeal
Customary Courts - Operation

- Managed by the Judiciary in each state
- Adjudicated by lay persons who are appointed by the Attorney General & Chief Judge of each state
- Lay persons educated and highly knowledgeable in local customs and traditions, very well respected in their community
Reasons for Project, Projected Outcome & Benefits to Legal Research

- Digitizing oral and unwritten work
- Permanent record for customary court decisions especially for reference purposes
- Open access
- Understanding of culture and values of that part of the world
Challenges

- Lack of funds
- Intense travel that need funding
- Political climate
- Reorganization and restructuring exercises in most states
Schedule

February 2013 to March 2014

• Divided into 3 phases
  ➢ Phase 1
  Site visits, recording, transcribing, editing, website/blog creation, posting of cases
  ➢ Phase 2
  More site visits, Sourcing for funding to support project
  ➢ Phase 3
  More reporting
Questions and Answers

Panelists' Contact Information
Questions and Answers

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Further Readings


