

**A LEGAL EXAMINATION OF THE EFFICACY OF FORENSIC INVESTIGATION AND PROSECUTION OF CASES IN NIGERIA\***

**Abstract**

*Due to the prevalence of cyber and electronic driven crimes the world over, kinetic and orthodox means of fighting and preventing crimes and criminalities have become outdated and ineffective. Criminals no longer need to move around to commit crimes or perpetrate criminality since the internet and other technological means of engaging in crime are readily available. Most crimes, particularly economic and financial crimes which are on the increase these days, need no human contacts to be committed. This has as well, increased the burden of crime prevention and fighting. The article, therefore, seeks to examine the effectiveness of the use of forensics in investigation and prosecutions of crimes in Nigeria. The doctrinal research methodology is used in this work whereby primary and secondary means of sourcing information and data are freely used and referred to. It is the finding of this work that, some break throughs have been recorded by law enforcement agencies in the fight against crime and criminalities through forensic investigation and prosecution of crimes in Nigeria. There are also some failures record due to the low level of technological know-how, experts and lack of equipment on the side of the operatives. It is also found that, criminals themselves have been doing everything possible to neutralise and defeat these new methods of crime fighting and prevention. It is recommended among others that, frequent training and updates of the equipment and technology in crime fighting be implemented to bring into used modern knowledge, experts, equipment and technology in these engagements to avoid any lapses.*

**Keywords:** Examination, Efficacy, Forensic, Investigation and Prosecution, Crime, Nigeria

**1. Introduction**

There is no doubt that, in recent times, the level and nature of crimes and criminality in Nigeria have gone digital and sophisticated. They have gone so complex and sophisticated that, the usual methods and means of fighting them are no longer producing the needed results. Forensic investigation entails a systematic, scientific process of gathering, analyzing, and interpreting evidence to uncover the truth behind an incident, whether criminal, civil, or financial.<sup>1</sup> It involves the application of scientific methods and expertise to a broad range of evidence, including finger prints, Deoxyribonucleic Acid (DNA), digital data and financial records to establish facts for legal proceedings or internal resolutions<sup>2</sup> In developing societies including Nigerian, there are low levels of scientific and technological development and even experts in the areas of science and technology. Forensic investigations and prosecution of crimes are entirely, science and technological driven. Therefore, any society, that is backward in terms of science and technology is bound to force serious challenges while applying forensics in crime fighting and prevention. In most cases in Nigeria, criminals seem to be more informed, trained and equipped than the law enforcement agencies. This has led to a lot of failures on the part of the supposed crime fighters while attempting to prevent, investigate and prosecute crimes. This has led to various losses of lives and property especially financial losses through internet frauds and financial malpractices. Many cases where crimes are obviously committed

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\*By **O. I. USANG, LLB, BL, LLM, PhD Candidate**, Lecturer, Faculty of Law, Nnamdi Azikiwe University, Awka, Tel: 08030874935, 09039497916, Email: oi.usang@unizik.edu.ng; and

\***Q. C. UMEOBICA, LLB, BL, LLM, PhD**, Reader, Faculty of Law, Nnamdi Azikiwe University, Awka, Anambra State. Phone;08035018582, Email: co.umeobika@unizik.edu.ng.

<sup>1</sup> <https://www.armstronglegal.com> accessed 8<sup>th</sup> October,2025

<sup>2</sup> *ibid*

had also failed in courts due to lack of proper investigation of crimes and adequate preparation and presentation of cases in courts.

## **2. Definition of Key Terms**

**Forensic:** The word ‘forensic’ is said to have been derived from the Latin word, ‘forensis’ which translates as public, forum, or relating to public place of assembly. Legally it means, something pertaining to courts or in open court.<sup>3</sup> Forensic is also seen as a thing that relates to, used in, or suitable to public discussion and debate. It is relating to or dealing with the application of scientific knowledge to legal problems. It is also seen as an art of study or argumentative discourse. A scientific analysis of physical evidence from a crime scene.<sup>4</sup> Forensic is also scientific methods used in investigating crimes like, DNA analysis, fingerprint analysis, or ballistics<sup>5</sup>. This form of forensics can as well, be termed, forensic science.<sup>6</sup> An argument can also be said to be forensic when it concerns past incidences and it is targeted at determining facts, blame, or truth usually applied using logical reasoning and evidence similar to legal argument. Such arguments are usually about something that has already taken place targeted at establishing the facts surrounding the incidences. Its purpose is to ascertain blame or guilt, relying heavily on evidence, testimony and logical reasoning to support their claims.<sup>7</sup>

**Investigation:** An investigation is the act of examining something, a situation or complaint made against somebody by another person with the main aim of finding out the truth. It is a careful act of examination of a crime, problem, statement etc, especially to discover the truth.<sup>8</sup> An investigation is a systematic, minute, in-dept efforts to understand the facts concerning a complex and unclear or hidden thing, situation or fact. It is an act or process of investigating, exploring, scrutinising a thing, situation, report, a crime or complaint. Investigation is also a search, inquiry and interrogating a report, an event or a person for the purpose of ascertaining the facts or details.<sup>9</sup> An investigation is also organised attempt to obtain information about a thing or situation. In most cases, investigation is usual formal and official, normally carried out by law enforcement agencies like the police.<sup>10</sup> This in most cases entails the questioning of witnesses, visiting the scenes of crime and obtaining evidence for the prosecution of criminal offences. In more complex situations, investigation include the use of forensics in dictating crime. Investigation in some cases may require the arrest of humans and materials mentioned in or connected to a crime, and obtaining statements or information from them that will enable the investigators get to the truth of the matter. It may in most cases also include, the search of persons or property involved or mentioned in a crime.

**Prosecution:** The prosecution of a crime is the formal legal process and procedure whereby the authorities or government or its representative, commences and sustains legal actions in court against an offender or an accused person charged with the commission of crime or criminal offence. The main aim of this legal process or procedure is to secure conviction or hold the accused accountable for his

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<sup>3</sup>See Merriam-Webster.com dictionary, Merriam-Webster,<<https://www.merriam-webster.com/dictionary/forensic>> accessed 9 October, 2025

<sup>4</sup> *ibid*

<sup>5</sup> Ballistics is the scientific study of the effects of being fired on a bullet, cartridge, or gun. See, Definitions from Oxford Language Dictionary at <https://www.oed.com/Entry> accessed 9th October, 2025

<sup>6</sup> *ibid*

<sup>7</sup> *ibid*

<sup>8</sup> [https://www/dictionary.cambridge.org](https://www.dictionary.cambridge.org) accessed, 9th October 2025

<sup>9</sup> See Collins Dictionary at <<https://www.collinsdictionary.com>> accessed 9<sup>th</sup> October, 2025

<sup>10</sup> *ibid*

actions or inactions and ultimately, deter potential criminals from going into crime or criminality<sup>11</sup> Prosecution entails the commencement of a legal process by an officer of government against a suspected offender in a law court, where evidence is tendered to prove the alleged offence beyond reasonable doubt. Witnesses are called and led in evidence and examine and various evidence; real, physical, documentary and oral are led to prove the charges against the accused person or the defendant. It is the art of charging someone with a criminal offence and putting him on trial before a law court.<sup>12</sup> It also means the act of formally pursuing a case, a duty, or performing a job or task diligently to an end. It also refers to a team of people or lawyers who are pursuing a process of trying to prove the guilt of a person accused of a criminal offence in a court of law.

### 3. Legal Framework on Forensic Evidence in Nigeria

There is paucity of laws on forensics in Nigeria. For now, there is also, no specific and comprehensive law on forensics in Nigeria as forensics are generally provided for in the Evidence Act<sup>13</sup> and the Administration of Criminal Act (ACJA).<sup>14</sup> The Cybercrime Act<sup>15</sup> took care of cybercrimes. It also failed to make specific and clear provisions for forensic investigation and prosecution of cases and the obtaining and use of digital evidence in the prosecution of cases.<sup>16</sup> Some of these general provisions in these laws, are made under the mandatory provision of the Constitution of Nigeria on the presumption of innocence of an accused person until proved otherwise.<sup>17</sup> Therefore, admissibility of forensic evidence in Nigeria is basically govern by the provisions of the Evidence Act, the Administration of Criminal Justice Act and the Cybercrime Act and such complying with legal standards for authenticity, integrity, and relevance and the discretion of the court.<sup>18</sup>

#### Constitution of the Federal Republic of Nigeria 1999 (CFRN) (as amended)

As the ground norm, the Constitution; though has no specific provisions on forensics, some of its provisions, form the basis upon which other laws are made. Needless to emphasize that any law made contrary to or inconsistency with any provisions of the Constitution, is null and void to the extent of its inconsistency. As earlier mentioned, what enabled the carefully made out laws; such as the Evidence Act, Administration of Criminal Justice Act, etc is the provision of the Constitution on the presumption of innocence of an accused person until proved otherwise in court. The rights to life, human dignity, fair hearing, freedom of movement, right to private ownership of property and the assignment of adjudicating powers to the law courts, particularly on criminal trials are also enablers to the promulgation of the laws on criminal justice.<sup>19</sup>

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<sup>11</sup> See Collins Dictionary, *op cit*

<sup>12</sup> *ibid.* In Nigeria, prosecution of crimes is carried out by the government at both federal and states levels, since criminal offences are said to be committed against the government.

<sup>13</sup> Cap E14, Laws of the Federation of Nigeria (LFN),2004

<sup>14</sup> Cap C14, LFN, 2004. Various States in Nigeria have their respective Administration of Criminal Justice Law (ACJL)

<sup>15</sup> 2015

<sup>16</sup> Apart from the Cybercrime Act, the Evidence Act and the Administration of Criminal Justice Act are not substantive Law but Procedural laws meant to guide the processes process and procedure in handling criminal offences, obtaining and tendering evidence and witnesses in court, investigation of cases and the arrest and arraignment of accused persons in court for prosecution.

<sup>17</sup> See the Constitution of the Federal Republic Nigeria 1999 (as amended) s

<sup>18</sup> See Evidence Act, 2011, s83 and the case of *Osuagwu v State*, (2009) NWLR (pt1123) 623

<sup>19</sup> See CFRN, 1999 (as amended) ss 6, 36(5), & 33-46.

### **Evidence Act**

The Evidence Act has some provisions that seem to be relevant and have some enablement to forensics in Nigeria. Sections 68-76 of the Evidence Act made provisions for opinion of experts and opinions of non-expert evidence which are part of forensic evidence. The above mentioned, sections of the law become relevant, when the court has to form opinion about foreign law, opinion as to customary law and custom, and as to facts bearing upon opinion of experts. On opinion of non-experts, this becomes relevant when the court has to form opinion as to handwriting and when admissible, opinion as to existence of 'general custom of right' and when admissible, opinion as to usages, tenets, and admissible, opinion on relationship and when admissible and grounds of opinion and when admissible. Section 84 of the Evidence Act also has some provisions on computer generated evidence which can be liken to forensic evidence. It outlined specific conditions for the admissibility of such evidence. The provisions initially seem to have been intended to be bottlenecks to the admissibility of computer-generated evidence. At onset, both lawyers and the courts were giving diverse and seemingly, contradictory or inconsistent meanings, interpretations and pronouncements on the sections of the law.<sup>20</sup>

### **Administration of Criminal Justice Act (ACJA)**

The ACJA, has provisions authorizing the collection and transmission of information of arrests made and court records to the Central Criminal Records Registry (CCRR) which are meant to provide information or data and support and the use of forensic evidence due to the limitations of the Evidence Act.<sup>21</sup> Sections 315-317 of ACJA provide for searches and seizures and retention of evidence, while section 336 of the same law also made general provisions for the powers of law enforcement agencies to order the restoration of property seized and general provisions for arrest and investigation of cases.<sup>22</sup>

### **Cybercrime (Prohibition, Prevention, Etc) Act**

This law has a few provisions for cybercrimes and digital forensic evidence in Nigeria. It has provisions empowering law enforcement agencies to intercept any electronic messages, unauthorized modification of computer systems and also spelled out some rights and duties of internet service providers in reporting any threats to lives and property or to the internet system. The law also mandates internet service providers to freely provide assistance to law enforcement agencies to enable them perform their duties seamlessly when investigating cases of cybercrimes.<sup>23</sup> This law, though with little or no specific or direct provisions on forensics, it has the effects of enabling forensic investigation. The few provisions of the law highlighted above, give a reasonable impetus to digital and forensic investigation in Nigeria. It empowers law enforcement authorities and institutions to get digital information from existing sources. The law mandates internet service providers maintain data preservation for a period of time for criminal investigation where the need arises and reporting any threats to the Nigerian National Computer Emergency Readiness and Respond Team (NNCERT)

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<sup>20</sup> See the cases of *Kubor v Dickson*, (2012) CLR, 10 (c), *Omisore v Aregbesola*, (2015) LPELR-24803, *Sylva v Dickson* (2016) LPELR-41257(SC)

<sup>21</sup> See Law Pavalion at, <<https://www.lawpavalion.com>> accessed 12<sup>th</sup> October, 2025

<sup>22</sup> Likewise, the Anambra State ACJL has similar provisions as in the ACJA on handling of evidence and general provisions on the investigation of crime. See for instance, sections, 207-232 and 407-417 of the ACJL, 2022 Anambra State.

<sup>23</sup> See Cybercrime Act, ss 9, 16, & 30-36

supposedly for proper advertence and investigation.<sup>24</sup> These include, interception of electronic communication; emails, electronic money transactions etc.<sup>25</sup>

### **Coroners Law**

This law is promulgated at the States level in Nigeria. It contains provisions on the investigation of suspicious deaths where no clear evidence of the cause of death or the suspects who caused the death exist. This is usually carried out as an inquest into the cause of death where no clear or direct evidence is available. The inquest is normally carried out by experts or professionals in the medical and legal professions by ways of investigation. Because of the experts and professionals involve, their findings are usually linked to forensics.<sup>26</sup> While carrying out this inquest on sudden and suspicious deaths, forensic autopsy can equally be carried out.

### **4. The Role of Forensics in Crime Investigation and Prosecution**

There are some crimes that are so complex, hidden, and carefully executed that, identifying the culprits and getting evidence to prosecute them become highly difficult, daunting and costly to carry out. This in most cases is as a result of the persons involved in the commission of the crime, the nature of the crime, and sophistication of the equipment used in committing the crime. Through forensic investigation, gray, complex and puzzling areas in a crime can therefore, be unraveled and the needed evidence obtained for the prosecution of the crime. To achieve this, high technology, knowledge and man power are required. This can be achieved through the following methods;

#### **Evidence Tracing and Analysing**

This involves the discovery of evidence through substances or traces left behind in the scene of crime after the commission of a crime. Usually, when a crime is committed, two or more objects are left behind which are very likely to had come in contact with one another or humans who committed the crime. Such objects and traces might include; metal objects such as guns, knives, machete, phones, motor vehicles etc. These contacts can leave traces such as; fingerprints, footprints<sup>27</sup>, tyre marks, blood stains, saliva, tears, and body particles such as human hair, nails and skin or fresh.<sup>28</sup> Through these prints, marks and substances, forensic scientists can, after thorough observation and laboratory analysis of the traces and objects, reveal evidence of who committed the crime through DNA analysis, how the crime was committed and the weapon or equipment used in committing the crime.

#### **Biological Substances Analysis**

All living things contain one substance or fluid or the other. The substances or fluids include; blood, urine, saliva, sweat, hair, nails, skin and fresh that possibly be fund at scenes of crime and in most cases violently executed crimes. Some of these substances or fluids can easily and naturally disappearing or dry up at scenes of crimes or not visible to human eyes. In some cases, the criminals intentionally remove or erase these substances or fluids from scenes of crime to avoid their being

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<sup>24</sup> *ibid*, ss, 9, 30, 31, 33

<sup>25</sup> *ibid*

<sup>26</sup> See, Coroners and Forensic Science, at<<https://www.ebsco.com>> accessed 15<sup>th</sup> October,2025.

<sup>27</sup> In olden days and in our African local communities, footprints identification was one of the most reliable means of tracing who stole from someone's farm or farm products. This was made possible, particular as most, if not all locals walked bear footed as at that time.

<sup>28</sup> See generally, C M Ofomata, *et al*, 'The Role of Forensic Evidence in Criminal Justice System in Nigeria' at <https://www.dx.doi.org/19.47772/IJRISS.2025> accessed 11th October, 2025

traced through them. In such cases, it usually takes the employment of forensic science for the criminals to be detected through DNA<sup>29</sup> and criminalistics.<sup>30</sup>

### **Forensic Psychological Analysis and Profiling**

This involves the use of in-depth, and detail study of the history and background of a person suspected to have committed an offence, commonly called psychological profiling. The childhood, family history, education, trade or occupation, substances abuse etc are taken into account. It also involves, the assessment of the person's belief, moral values, attitude and personality variance which are assessed psychologically.<sup>31</sup>

### **Polygraph Test**

It is a kind of psychological test as the name implies, which involves the use of intense interrogation of a suspect by investigators which put an induced stress on him, to ascertain truth in his psychological responses to questions put to him<sup>32</sup>. This process is often employed in investigation and particularly in interrogations, because, it is believed that, most criminal would open up to say the truth when under psychological stress.

### **Brain Electrical Oscillation Signature (BEOS)**

This is a profiling conducted as a non-invasive neuro-psychological technique base on experimental knowledge in the memory of a person, acquired by those that took part, witnessed or have complete information of a crime. This is achieved by probes related to the event experience that retain remarkable electrical alterations in the brain of the person.<sup>33</sup> It employs the use of electroencephalogram (EEG) to record brainwave responses to crime-related stimuli to find out a peculiar sign or form in the electrical event that reveals memory.

### **Cyber Forensics**

This is one the most applied methods of forensic science in crime fighting. It involves the use of computer science in crimes dictation. This goes beyond the mere technology of data collection and preservation or those computers and techniques accessible by normal computer users. Rather, the process usually involves the scrutiny and appraisal of computer systems such as the data collection that exist in the media within the computer.<sup>34</sup>

### **Narcotic Induced Analysis**

This is a forensic process which involves the application of drugs such a Sodium Pentothal<sup>35</sup> by way of injection into the suspect of a witness from whom vital evidence can be obtained for the prosecution of crimes. The administration of the drug, induces a partial consciousness and a state of disinhibition in the person during interrogation over a crime and vital information about the crime are

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<sup>29</sup> This involves the use of genetic markers in knowing the persons at scenes of crime. DNA trackers are obtained from the scene of crimes and are matched with those suspected to have committed the crime or to had been in the scene of crime.

<sup>30</sup> This involves the use of chemicals such as luminol which reveals latent traces of blood. See, C M Ofomata *et al*, *op cit*.

<sup>31</sup> M C Ofomata, *et al*

<sup>32</sup> *ibid*

<sup>33</sup> *ibid*

<sup>34</sup> *ibid*

<sup>35</sup> Sodium Pentothal is also known as Thiopental which is a rapid-onset, short-acting barbiturate that possesses a general anesthetic which is an integral part of lethal injections and a veritable serum in psychiatry. it depresses the central nervous system.

obtained. This exercise renders the person to be at a more relaxed state and he is interviewed about the crime. This might involve some threats to the life of the person under interrogation; hence such analysis is usually conducted at locations that are well equipped with facilities for life support such as an operating theatre.<sup>36</sup> This is also likely to inhibit the probability of the person under interrogation to either lie or attempting to conceal some vital information within his knowledge.

### **Ballistics**

This is a forensic science that is concern with the understanding of the origin of a bullet and its part of acceleration to its target. Some forensic scientists specialised is this aspect of forensics. They with their scientific knowledge and equipment, conduct scientific investigation and analysis to uncover complex and sophisticated crimes and criminals that the usual or orthodox crime detection mechanisms cannot unravel. In that specialised process, the bullet itself is usually thoroughly examined to uncover its origin and the likely producer and user of the bullet. Ballistics ae train to discover huge amount of information about the typ of weapon that was used in the commission of a crime. The impact of specific guns and their bullets are usually peculiar. With this, the fire arm and ammunition used in the commission of crime can seamlessly be identified.<sup>37</sup>

### **5. Extent of the Application of Forensics in the Investigation of Crimes in Nigeria**

The importance of forensic evidence the smooth conduct of legal proceedings in court can never be over emphasised. This helps to solve the fundamental issue and gap of want of evidence that has led the failure of a lot of cases that would have succeeded but failed due to lack of credible evidence. This has led to the discharge and acquittal of obviously guilty criminals during trials in court. Nigeria as a developing country is backward in a lot of basic and essential infrastructure and amenities. A strong scientific and technological base is essential for forensic approach in crime fighting. Due to this inefficiency, criminals operate unchallenged and undetected the situation is more alarmin when it comes to cybercrimes, especially financial crimes. Criminals seem to be more trained, equip and motivated to perpetrate their criminal activities than the law enforcement agencies<sup>38</sup>. However, forensic investigation relatively seems to have been increasingly applied in Nigerian investigative sphere. It all the same, faces serious challenges rendering its application and outcomes ineffective and unreliable.

Like in other facets of Nigeria science and technological development, forensic science seems to be new and novel to Nigerian security architecture.<sup>39</sup> As usual, lip services are paid to this all-important aspect of crime and insecurity prevention and fighting. It is only the National Drug Law Enforcement Agency (NDLEA) located in Enugu, Abuja and Lagos and National Agency for Food and Drug Administration (NAFDAC) that earlier, have what can called forensic Laboratory in Nigeria, located in five geographical zones. Most of these Laboratory as it is the practice in Nigeria, are not maintained on in good working conditions. They are struggling in meeting their expected needs. Ordinarily, the NAFDAC laboratories were established to test foods and drugs qualities while those of

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<sup>36</sup> *ibid*

<sup>37</sup> *ibid*

<sup>38</sup> See D N Kalu, 'Nigeria @52: Nigeria Baldly Needs a Revolution...in Science and Technology' in *Vanguard News* September, 30, 2012 at <https://www.vanguardngr.com>. accessed, 12<sup>th</sup> October, 2025

<sup>39</sup> It is argued that, forensic science was applied in cases in Nigeria a couple decades or so ago, high technology forensics were introduced in 2017 with the establishment of the Lagos State DNA and forensics Center. <<http://www.sribe.com>>accessed 16<sup>th</sup> October, 2025

NDLEA were meant for the performance of drug analysis. The Lagos State government has the Lagos State DNA and Forensic Center that seems to be functional<sup>40</sup>

Other recently established forensic laboratories in Nigeria include, the Economic and Financial Crimes Commission (EFCC) laboratory<sup>41</sup> and the Nigerian Police Forensic laboratory<sup>42</sup> both in Abuja. While the EFCC forensic laboratory is described as the best in African, we have not heard of any forensic break throughs in the investigations of crimes so far conducted in it. That of the Nigeria Police is said to be facing a lot of challenges including, lack of adequate infrastructure, inadequate training and trained personnel and legislative challenges.<sup>43</sup> While its application seems to be growing particularly due to increase in complex and sophisticated crimes and criminalities, and the seeming support by government, its expected growth and advancement are far from being realized, due to lack of adequate and well-trained manpower, infrastructure and inadequate laws.

### **6. Extent of the Application of Forensics in Court Proceedings in Nigeria**

Like in the application of forensics in the investigation of crimes in Nigeria, judicial or court proceedings does not feel better either. Not many deserving cases have enjoyed the application of forensic evidence during hearing in court. However, there seems to be an increase in its use and application of recent especially in criminal cases like murder, financial and corruption cases. There are some applications of forensic evidence in cases in courts, where expert witnesses are required, such as, digital forensics, psychological evaluations and paternity cases. However, despite the undoubted need for this science in court proceedings due to the evolving crime atmosphere in Nigeria coupled with the prevailing and troubling insecurity in Nigeria that would have been better fought with digital and forensic technology, many cases have failed in courts due to lack of evidence particularly some high-profile cases.<sup>44</sup> For a clearer assessment of the extent and effectiveness of the application of forensic science in court proceeding in Nigeria, we shall consider some cases where attempts were made to apply forensics during trial

- i. In the case of *Ugwuanyi v Federal Republic of Nigeria*,<sup>45</sup> the defendant was found in possession of some substances suspected to be hard drugs. Forensic laboratory analysis of the substance reveal that it was cannabis sativa. the trial demonstrated how forensic evidence is used to prove unlawful possession of hard drugs. The court relied on forensic evidence to come to the conclusion that the substance in possession of the defendant was actually cannabis sativa and therefor found the defendant guilty and was convicted accordingly. On appeal, the appellate court held that, the forensic evidence presented by the prosecution was conclusive and proof of the offence of illegal possession of illicit drugs and the decision of the trial court was therefore upheld.
- ii. Similarly in the case of *Nielsen v The State of Lagos*<sup>46</sup> Peter Nielsen was charged with the murder of his wife, Zainan Nielson and his daughter, Petra Nielson. It was the case the prosecution that Nielsen committed the offence during a domestic misunderstanding. The

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<sup>40</sup> The Lagos State DNA & Forensic Center has handled hundreds of cases of forensic examinations. In 2020, it was reported that the center handled 419 cases including, 107 criminal case and 312 paternity cases while in 2021, it was reported that the center handled over 158 forensic investigations and 437 paternity cases. See <https://lagosstatemoj.org> accessed 11<sup>th</sup> October, 2025

<sup>41</sup> Established in April, 2003

<sup>42</sup> Established on 16<sup>th</sup> June, 2016

<sup>43</sup> <https://www.efcc.gov.ng> accessed 12<sup>th</sup> October, 2025

<sup>44</sup> See the case of *Omorie v the State*, (2017) Legalpedia 70111 (SC) where the supreme court quashed the conviction of the accused person for lack of evidence.

<sup>45</sup> (2012) JELR 34797

<sup>46</sup> (2024) Legalpedia 30925 (CA)

Court found Nielson of murder based on forensic evidence, witness testimonies and circumstantial evidence that clearly linked him to the crime. On appeal, the court held that, the prosecution proved its case beyond reasonable doubt base on forensic evidence and circumstantial evidence and the decision of the trial court was upheld.

- iii. In the case of *Kasa v State*,<sup>47</sup> however, the court refused to rely on the bloodstained shirt evidence tendered by the prosecution with a forensic analysis of the evidence to show that, it was the blood of the victim that stained on the shirt, but held that, it could be used to corroborate the confessional evidence of the accused person
- iv. Intense forensics were used in the case Dana Flight 992 Crash of 2012. This was necessary due to the level of burnt of the bodies of the passengers beyond recognition. Forensics were therefore employed in the investigation to identity each passenger involved in the crash through DNA analysis that identified the 159 bodies of the victims.
- v. Forensic witness and evidence were also used in the case of *Atiku Abubakar & Ors v INEC & Ors*,<sup>48</sup>The Peoples' Democratic Party and its candidate, Atiku Abubakar called a digital forensic expert to testify in support of their joint petition against President Bola Tinubu. An expert witness; Hitler Nwala was called by the Petitioners to give evidence of his findings which he tendered as forensic report and was so admitted by the court in evidence. However, the petition was dismissed for lack of evidence to prove the claim of the petitioners, despite the forensic evidence tendered by the petitioners.
- vi. In the case of *R v Onitiri*,<sup>49</sup> the Appellant Onitiri was charged with forgery involving two typescript receipts that were originally signed by the complainant. The prosecution claimed that, the Appellant made changes to the typescript so it can look differently. The trial court convicted the accused person based on the forensic evidence presented before the trial court. On appeal, the appellate court affirmed the decision of the trial court also based on the forensic evidence presented by expert witnesses.
- vii. In *Queen v Akpan*,<sup>50</sup> the accused was charged with burglary and stealing. Forensic evidence from a forensic expert who carried out a comparison of the accused's fingerprints with a fingerprint obtained from a louvre blade that was found at the scene of crime during investigation and has sixteen similarities with that of the accused person was tendered as an exhibit and was so admitted. The trial court convicted the accused person base on the evidence and his conviction was upheld on appeal.
- viii. The ongoing trial of the immediate past Central Bank of Nigeria (CBN) governor; Godwin Emefiele \$4.5 billion fraud case, has a lot to do about forensic evidence. This is because, most of the complaints or charges against him are digital or electronic transactions which forensics must be efficiently employed for any meaningful results to be achieved. The prosecution in that case has informed the court that it has some forensic evidence it wants to tender to prove of its case. The prosecution and defence have made some attempts to conduct joint expert examination on the phone and WhatsApp chats of the defendants but failed to go on due to subjective disagreement over the mode of executing the examination.<sup>51</sup>

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<sup>47</sup> (1994) 5 NWLR, (pt344) 269 SC

<sup>48</sup> (2023) 19 NWLR,

<sup>49</sup> (1946) 12 WACA, 58. See also, A Wakili *et al*, ' Legal Framework and Challenges Concerning Forensic Evidence in Nigeria' (2025) (7) (2) in *Nigeria Trunojoyi Law Review (TLR)* 33-64

<sup>50</sup> (1961) All NLR, 34

<sup>51</sup> See 'Forensic Examination in Emefiele's \$4.5bn Fraud Trial Faces Major Setback'. In Business Day, October 8, 2025 at <https://www.businessday.ng> accessed 14<sup>th</sup> October, 2025

## **7. Conclusion and Recommendations**

From the above analysis, it is without saying that, in the world over, digital and forensic handling of cases from the point of investigation to their prosecutions is the order of the day for modern day criminal justice systems. Nigeria is clearly lagging far behind even amongst some African countries in terms of science and technology and by extension; forensic science. Nigeria does not currently have a national forensic DNA database despite the prevalence of crimes and criminalities involving biological evidence at the scenes of crimes in the country<sup>52</sup> This situation seems to be one of the factors encouraging criminals to continue in their nefarious activities because, there are no means of apprehending them except through the old and orthodox methods the criminals have studied and understood which they know how to beat. Obvious cases of crimes have been lost in court for lack of sufficient evidence and expertise to secure convictions. It is therefore recommended that;

- a. More forensic laboratories be built and adequately equipped to provide the needed services and expertise in crime fighting and prevention in Nigeria.
- b. Regular training and retraining of security personnel on forensics be carried out so that the needed workforce in this area of security will be provided.
- c. Adequate funding of existing infrastructure and procurement of experts in forensics are highly recommended.

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<sup>52</sup> Nigeria lags behind some African countries such as South Africa, Egypt, Morocco and several others.