

## THE INCORPORATED TRUSTEES OF PARADIGM INITIATIVE FOR INFORMATION TECHNOLOGY DEVELOPMENT & ZORS V. THE ATTORNEY GENERAL OF THE FEDERATION & ZORS

- This case may be nicknamed "The Cybercrimes Matter".
- In 2016, Paradigm Initiative together with the EiE Project and Media Rights Agenda, made an application to the Federal High Court of Nigeria against the Attorney General of the Federation, the National Assembly of the Federal Republic of Nigeria and the Inspector General of Police, to enforce the fundamental human rights to freedom of expression and the press and the right to privacy of citizens, telegraphic conversations and telegraphic communications.
- Our major argument was regarding Sections 38 and 24 of the [Cybercrimes Act](#) were illegal and unconstitutional as they violated and were likely to further violate fundamental rights to privacy and the freedom of expression respectively.
- We asked the Court to make declarations in support of our assertion and to make an order striking out these sections in the Law as well as a perpetual injunction restraining all the Respondents from further giving effect to and enforcing the provisions of the sections.
- 6<sup>th</sup> May 2016 – The matter was assigned to a Court in the Federal High Court, Lagos Division.
- 13<sup>th</sup> October 2016 – The matter came up for hearing but neither the National Assembly nor the Police filed papers or had representation. The Attorney General of the Federation, however, filed papers highlighting its neutrality on the matter. The court heard our application and the matter was adjourned to the 2<sup>nd</sup> December 2016 for judgment.
- 2<sup>nd</sup> December 2016 - The judge did not sit and so matter was further adjourned.
- 20<sup>th</sup> January 2017 – Judgment was delivered against us (the Applicants). A summary of which was that the offending sections of the Cybercrime Act are not unconstitutional.
- 12<sup>th</sup> August 2017 – Choosing to appeal the decision of the Federal High Court, we (the applicants) finalized the filing of our appeal.
- 22<sup>nd</sup> January 2018 – The appeal came up but the Respondents were not represented. The case was set down for definite hearing on the 11<sup>th</sup> of December 2018.
- 1<sup>st</sup> February 2018 – Given that the date was too long, Paradigm Initiative delivered a letter addressed to the Presiding Justice of the Court of Appeal, Lagos Division requesting for an earlier date.
- 12<sup>th</sup> February 2018 – The Presiding Justice granted the request and brought the date forward to 15<sup>th</sup> February 2018
- 15<sup>th</sup> February 2018 - Appeal papers were regularized and the definite hearing was set for 15<sup>th</sup> March 2018. None of the respondents made representation.
- 15<sup>th</sup> March 2018: The matter could not come up because the Justices went for a conference. The matter, however, came up on the 22<sup>nd</sup> of March 2018
- 22<sup>nd</sup> March 2018: Appeal was heard and date of judgment was reserved. However, none of the respondents showed up.
- **Judgment:** We, the appellants lost the appeal. The learned Justices did not agree with our submissions on the unconstitutionality of the sections. The court, however, failed to carefully consider the reasoning in the foreign decisions relied on although they commended our industry in that regard. In a concurring judgment, one of the justices, however, agreed that the law should be reviewed to whittle-down its arbitrariness.
- 31<sup>st</sup> July 2018: We, the appellants filed our Notice of Appeal at the Court of Appeal thereby commencing our appeal of the judgment to the Supreme Court.
- 29<sup>th</sup> January 2019: The appeal was finally received by the Supreme Court
- 26<sup>th</sup> September 2019: Having not received a hearing date since the appeal was received, the Applicants wrote letters to the Chief Justice of Nigeria requesting for a hearing date for the case.

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