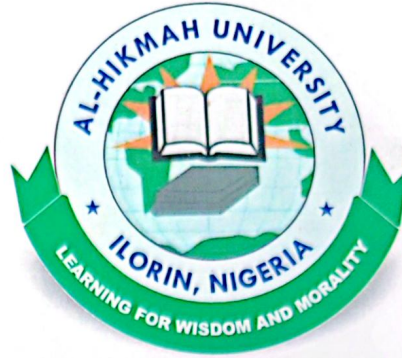




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EVALUATING THE ROLE OF PERSONNEL IN THE ADMINISTRATION OF CRIMINAL JUSTICE AT THE MAGISTRATE COURT

By

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Abstract

The Magistrate Court is a crucial arm of the judiciary, which is established across the thirty-six states of Nigeria. Its primary role is to administer justice that is fair, humane, and speedy, thereby bringing justice closer to the common man. Despite its noble intentions, there are concerns about the effectiveness of the Magistrate Court in delivering justice within a reasonable time, as stipulated in section 36 (4) of the 1999 Constitution of the Federal Republic of Nigeria. The administration of criminal justice in these courts is often fraught with challenges that impede their ability to function optimally. This paper aims to critically examine the role of personnel in the administration of criminal justice in the Magistrate Court. It seeks to identify the challenges that face the court's effectiveness in the administration of criminal justice. The paper finds that the magistrate court is a crucial arm of the judiciary with regard to the administration of criminal justice in Nigeria, albeit the challenges that face its effectiveness. Based on the findings, this paper provides recommendations on how to enhance the effectiveness of the Magistrate Court. In essence, this paper underscores the need for continuous improvement in its operations.

1.0 INTRODUCTION

The Magistrate Court, as commonly referred to in common law countries, is a judicial institution with minor jurisdiction, primarily dealing with criminal matters. Established across the thirty-six states of Nigeria, it deals mostly with petty crimes and can order the remand of criminal suspects until they are formally charged to the High Court¹. The Constitution² of the Federal Republic of Nigeria vests judicial power in these courts, with functions including the interpretation of law and ensuring that the affairs of State are conducted in accordance with the law. The courts play a

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1. C.C. Igboanugo, and O.A Ajah, 'Holding Charge and Pre-Trial Detention Vis-à-vis the Doctrine of Fairhearing in Nigeria' The Lawyers Chronicle <<http://www.thelawyerschronicle.com/holding-charge-and-pre-trial-detention-vis-a-vis-the-doctrine-of-fairhearing-in-nigeria/>> accessed on 10 August 2015.
2. Constitution of Federal Republic of Nigeria, 1999 (as amended) Cap.C23 Laws of the Federation of Nigeria 2004 (CFRN) 1999 s. 6(1)-(6).

crucial role in ensuring governance is in accordance with the rule of law and due process, devoid of arbitrariness and with a very wide latitude for discretion³.

The Nigerian judicial system comprises many courts, classified into two categories: superior courts of record and inferior courts, as may be established by the legislature⁴. One of the inferior courts in Nigeria is the Magistrate Courts as held in the case of *Nuruku v. Police*⁵. Magistrate Court has been described as the most important courts in terms of criminal justice administration because more than 90% of criminal cases commence in the court and 80% or more of those cases terminate at Magistrate Court level⁶.

The right of a Nigerian to have unrestrained access to justice is recognised in the Constitution which provides that: 'the independence, impartiality and integrity of courts of law and easy accessibility thereto shall be secured and maintained'. The rationale here is that, there should be no form of hindrance whatsoever, be it social or economic, restricting Nigerians from approaching the law courts in their quest for justice. Courts of law should indeed serve as a sanctuary for those who are oppressed, victimised, or unjustly deprived of their rights as against a situation whereby the indigent and powerless will be constantly denied justice by the more potent aggressors.

2.0 SIGNIFICANCE OF MAGISTRATE COURT IN ADMINISTRATION OF CRIMINAL JUSTICE

Magistrate Court is established in Nigeria by the Magistrates' Courts Law, enacted by the various legislatures of different States of Nigeria. While not explicitly mentioned in the 1979 and 1999 Constitutions, its legitimacy is indirectly established through

3. J.A. Arewa, 'Judicial Integrity in Nigeria: Challenges and Agenda for Action' in Judicial Reform and Transformation in Nigeria Nigerian Institute of Advanced Legal Studies 228 <<http://www.nials-nigeria.org/journal/Arewa-Judicial%20Integrity.pdf>> accessed on 17 April, 2018.
4. See CFRN, s. 6 (3) and (5)(a)- (i), (k).
5. [1955] 15 W.A.C.A 23.
6. T. Osasona 'Your worship, magistrate's courts the most important' (December 2015) vol. 3(2), Published by American Research Institute for Policy Development. Journal of Law and Criminal Justice, 2.
7. CFRN s. 17(2) (c)

subsection 4 (a), section 6 of the 1999 Constitution. This provision states: "Nothing in the foregoing provision of this section shall be construed as precluding the National Assembly or any House of Assembly from establishing courts other than those to which this section relates with subordinate jurisdiction to that of the High Court⁸." This implies that the National Assembly or any House of Assembly has the authority to establish courts with jurisdiction subordinate to the High Court.

By implication, Magistrate Court is an indirect creation of the Constitution. Magistrate Court has all attributes and power of a court of record such as the High Court. Appeal from the Magistrate Court lies to the High Court which is also the Supervisory Court⁹. For the purpose of exercising the jurisdiction conferred on it by law, the Magistrate Court is properly constituted by one Magistrate sitting alone. The Magistrate Court was established to champion the course of unrestricted access to justice. This position derives from a cursory comparison of the features of Magistrate Court, such as its summary jurisdiction, less-formal manner of conducting proceedings, and cheaper filing fees with the obtainable practices in the State High Court or Federal High Court. This comparison reveals that the rules and practices of the Magistrate Court are fashioned out in a manner that allow easy and less cumbersome access to the Magistrate Court. These special features of the Magistrate Court make it imperative for Magistrate Courts to be accessible by all and sundry¹⁰.

Judiciary serves as a counter poise to executive malfeasance. Above every other consideration, judiciary provides a veritable platform for the ventilation and espousal of constitutionally guaranteed rights. Its orders as the authoritative arbiter of what constitutes the law under the principle of the rule of law are binding on all concerned parties¹¹. No Court must avoid its responsibility to enforce the law for the benefit of

8. *ibid.* s. 6(4) a

9. M. Umukoro, 'Access To Justice In The Lower Courts:- Re-Examining The Civil And Criminal Jurisdiction Of Magistrate Court In Nigeria' (A paper delivered at the 2016 conference of All Nigerian Judges of the lower courts at the NJI Abuja on 1/8/2017).

10. T.F., Marshall, *Restorative justice: An overview*. (London: Home Office, 1999) 32.

11. Kawa, S.D., 'Interlocutory Applications, Pertinent Issues for Consideration' (A paper delivered at the Refresher course for Magistrates titled *Current trends in law and administration of Justice* at Andrews Otutu Obaseki Auditorium National Judicial Institute. Abuja on the 20th April, 2016) 5.

the rich and the poor. It is salutary to note that the court has taken the progressive view, that it is unfair to predicate a person's legal right on his financial ability or economic status, most especially in a court like the Magistrate Courts¹².

Vanderbilt believes that Magistrate Court is so significant that the court is referred to as the court of the masses¹³. More so, Kawu argues that Magistrate Courts undertake more than half of the judicial workload in Nigeria¹⁴. Little wonder the court is popularly referred to as people's court or grass root court¹⁵. The function of a Magistrate is a sacred one and judicial officers should see themselves as ministers in the temple of justice and perform an umpire role¹⁶.

Kawu further states

As Magistrates, your Courts are closer to the public more than the Superior Courts. Existing data have shown that indeed your Courts handle about 50% of cases in the entire justice system. This, I say is because of the closeness of your courts to the grass roots. Thus as far as common Nigerians are concerned, your Courts are the Courts they know¹⁷.

Socrates opines that, an ideal Judge or Magistrate should possess the following attributes: (a) he should hear courteously (b) answer wisely (c) consider soberly, and (d) decide impartially¹⁸. The Supreme Court in *Attorney-General Anambra State v. Attorney-General of the Federation & Ors*¹⁹, reiterated the binding force of the court's decision or order as the authoritative statement of what the law is in the governance of the State. The law in this regard is clear. It is settled that the plain and unqualified obligation of every person against whom, or in respect of whom an order is made by a

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12. P.O.Isibor, 'Access to Justice at the Grassroots: Examining The Criminal Jurisdiction of Customary Courts'
 13. Ibid.
 14. S.D Kawu, (n.14)
 15. ibid 4.
 16. T.F Marshal (n. 13).
 17. S.D. Kawu, (n.14)
 18. A.Yusuf, 'The Evolution of Ideal Nigerian Judiciary in The New Millennium'. Available at

court of competent jurisdiction is to obey it unless and until that order is discharged. It is so even in cases where the person affected by the order believes it to be irregular or even void. So long as the order exists, it must be obeyed to the letter²⁰. An order or judgment of court, no matter the fundamental vice that afflicts it, remains legally binding and valid until set aside by due process of law²¹. The importance of Magistrate Court in the criminal justice system of Nigeria cannot be over emphasized. It is a matter of common knowledge that except for offences that attract capital punishment, most of the offences created in our Penal Laws is attended to by the Magistrate Courts²². Offences like stealing or theft, house breaking or burglary, road traffic offences, offences relating to the administration of justice and many others come before the Magistrate Courts.

For the purpose of this paper, a Judge includes a Magistrate. Etigwe defines judge as the umpire that decides between the litigants and at the end administers justice²³. His role is crucial as his decision can change the course of political governance, the life of a man or a company. Duties of a Judge or Magistrate include hearing and deciding matters assigned to the court on the pillars of fairness and equality; to be faithful to the law and maintain professional competence in it; a judge should not be persuaded by partisan interest, public clamour or fear of criticism, financial gains or material temptation and finally, a judge should perform judicial duties without bias or prejudice. He should not in the performance of judicial duties by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based on race, sex, religion, national origin, disability, age, marital status, sexual orientation or

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20. Mobil Oil (Nig.) Ltd. v. Assam [1995] 8 NWLR (Pt.412) 129 and Military Governor of Lagos State v. Ojukwu and Anor. [1986] 1 NWLR (Pt.18) 621.
 21. J.A. Arewa, 'Judicial integrity in Nigeria: Challenges and Agenda for Action'. Available at <<http://www.nials-nigeria.org/journal/Arewa-Judicial%20Integrity.pdf>> Accessed on 17th April 2018.
 22. T.F Marshall, (n.13) 3; see J.B. Waite, 'Survey Article: Repentance Rituals and Restorative Justice, of Pol. Philosophy' (2000) 8(1) Journal of Political Philosophy 115; see A. Yusuf (n.22) 2
 23. U. Etigwe, 'The litigant and the corrupt judge; what remedies' (A paper presented at the section on Legal practice forum civil litigation committee of NBA Annual Bar Conference held in Lagos from August 17 -21, 2009).

socio-economic status and should not permit staff or court officials and others subject to the judge's direction and control to do so.

3.0 RELEVANT PERSONNEL IN CRIMINAL JUSTICE ADMINISTRATION OF THE MAGISTRATE COURT

There are several personnel involved in criminal justice administration sector. This paper shall limit its discussion on personnel to those necessary for determination of criminal cases within the court room; that is, those whose absence shall make a criminal case not to proceed. They determine the pace at which trial proceed. It should be noted that the pace at which the trial goes brings out challenges faced by the court²⁴. For the purpose of this paper, the under listed are identified as the relevant personnel in the administration of criminal justice at the Magistrate Court; Prosecutor, Investigating Police Officer (I.P.O.), Exhibit Keeper, Correctional Service Centre Officers (Warders), Court Clerk, Interpreter, Defendant (Accused Person), Director of Public Prosecutions (DPP), Witnesses, Victim and the Magistrate.

4.0 ROLE OF RELEVANT PERSONNEL IN CRIMINAL JUSTICE ADMINISTRATION OF THE MAGISTRATE COURT

They all play significant role towards efficient dispensation of criminal justice administration.

a) Prosecutor

This is the legal officer responsible for the institution and conduct of legal proceedings against suspect in respect of criminal cases at the Magistrate Court²⁵. The prosecutor has the task of prosecuting the offenders before the Magistrate Court and

24. Pestsov, R. G., and others. 'Magistrate's Courts in the Criminal Justice System.' (2018) 9(7) Journal of Advanced Research in Law and Economics. 9(7 (37)), 2403-2407.

25. Zafar, A.F, 'The role and function of prosecution in criminal justice' (Paper presented at the 107th International Training Course Participants) Papers Resource Material Series No. 53, 260. <http://www.unafei.or.jp/english/pdf/RS_No53/No53_26PA_Farooqi.pdf> accessed on 7 April, 2016.260.

26. CFRNs 160 and 191..

must show the Court how the defendant has breached the law²⁶. He may be a police officer or a law officer from the Ministry of Justice. Prosecution plays an important role in the administration of criminal justice²⁷. Without successful prosecution, the desired objective cannot be achieved. The role of prosecutors commences soon after registration of a case and lasts up to when the final verdict is delivered by the Magistrate Court²⁸. The role of the prosecutor is very pivotal because he has to finalise the trial after the prosecution witnesses are examined and cross-examined by the defence counsel and after he has cross examined the defence witnesses produced by the defendant²⁹. In order to succeed, the prosecution is under obligation to lead witnesses who are credible and tender document(s) to sustain the conviction of an accused person.

It has been observed that more than half of the prosecutors available have no legal background; they rather rely heavily on their experience as investigating officer. Due to this handicap, they mostly apply for adjournment. Again, a little objection or legal arguments from defence counsel usually frustrate the prosecutor to apply for adjournment. This invariably becomes a challenge to the effective administration of criminal justice. Research also shows that cases do not proceed as a result of the failure of the accused person's family to give out some money. The overall effect is lack of efficient criminal justice administration. The prosecutor is like a counsel in criminal cases; they ask the witnesses a lot of questions in ensuring that a case is proved beyond reasonable doubt. As the name implies, prosecutor is the one responsible for prosecuting a criminal case before the court. He presents before the court some other colleagues as witnesses based on their schedule of duties like the Investigating Police Officers (I.P.O), Exhibit Keepers, as well as other members of the public that are ready to testify in the case.

26. CFRNs 160 and 191..

27. FRN v Osahon [2006] JELR 15197(SC).

28. *ibid*.

29. Zafar (n.29)

30. C. Udegbe 'My Investigation Police Officer and I, *Vanguard Newspaper* (Nigeria) 20 November

b). Investigating Police Officer (I.P.O.)

The work starts with the Investigating Police Officer (I.P.O) who is an officer of the Police Force directly in charge of investigating crime. Once a case is reported, it is assigned to a police investigating officer who handles the case file and reports to his superiors. It is argued that what becomes of that case depends majorly on who the IPO is, his knowledge, biases and idiosyncrasies. IPO is so useful but mostly untrained, raw, and lack knowledge in the application of law and enforcement³⁰. There have been calls for training of IPOs at this crucial stage of Nigeria democratic experience particularly in policing³¹. The major duty of IPO is to thoroughly investigate the crime committed by the suspect. At the same time, he leads evidence of the investigation conducted by him. The evidence given by him is crucial to the success or otherwise of the trial. Despite these plausible duties, IPOs are usually handicapped by (i) unexpected and incessant transfer from jurisdiction to jurisdiction and (ii) lack of funds to make available necessary document. When an IPO is transferred shortly after investigation, it becomes practically difficult for the court to proceed with trial because he is not available to give evidence. Again the IPO is constrained to carry out thorough investigation due to lack of required fund. At times, he has no money to duplicate case file or transport himself to court. The aftermath effect of this is that trial lingers for months or years³².

c) Exhibit Keeper

This is an officer of the Police Force that has been designated to keep and tender the recovered exhibit in a criminal case. The presence of exhibit keeper is necessary in criminal trial in order to tender some exhibits recovered from the accused person (s).

30. C. Udegbe 'My Investigation Police Officer and I', *Vanguard Newspaper* (Nigeria 20 November 2015) <<https://www.vanguardngr.com/2015/11/my-investigation-police-officer-and-i/>> accessed on 12 March 2018.

31. *ibid.*

32. R. Omote 'Problems-in-the-administration-of-criminal-justice-in-nigeria'*Vanguard Newspaper* (Nigeria 23 October 2009) 5 <<https://www.vanguardngr.com/2009/10/problems-in-the-administration-of-criminal-justice-in-nigeria/>> Accessed on 14 March 2018.

33. *Federal Republic of Nigeria v Victor Ogala and Samuel Isaac* suit no: FCT/HC/G/13/CR/28/2009.

He is the police officer attached to the Intelligent Division (CID) as exhibit keeper³³. Recovered exhibits are registered with the exhibit keeper assigned to a case³⁴. He is expected to appear before the court to tender the available exhibit and his absence for any reason often delay cases. The Federal nature of the Nigerian Police Force (NPF) often gives room for transfer of officers from one state to the other with its resultant effect of delaying trials. At times, a replaced exhibit keeper often comes to court with wrong exhibit which negatively compel the court to adjourn or admit it. Wrong admission of exhibit ultimately leads to injustice which is a major challenge to criminal justice administration.

d) Correctional Service Centre Officers (Warders)

The major duty of these officers who are mostly referred to as warders is the proper upkeep of the inmates and those who are awaiting trial. In performing this duty, they monitor the movement of the defendant from the centre to court as long as they remain in the centre. They are further saddled with the responsibility of taking the defendant to court on every adjourned date. Research however shows that there are instances when defendants are not taken to court on adjourned date due to various reasons; among which is non-availability of fuel, vehicle, wrong recording of adjourned dates, etc. All these are responsible for delay in criminal justice administration.

e) Court Clerk

Court Clerk is an officer of the court who works closely with the litigant and Magistrate. He is the intermediary between the Court and the litigant or their

33. *Federal Republic of Nigeria v Victor Ogala and Samuel Isaac* suit no: FCT/HC/G/13/CR/28/2009. http://www.fcthighcourt.gov.ng/download/Microsoft%20Word%20%20JUDGMENT%20-%20F.R.N.%20VS%20VICTOR%20OGALA%20&%201%20OR.%20_2_.pdf accessed on 17

September 2020.

34. B. Ezeamalu 'Police officers dismissed for alleged corruption petition IGP, demand reinstatement' *Premium Times Newspaper* (Nigeria September 4, 2017) <<https://www.premiumtimesng.com/news/top-news/242317-police-officers-dismissed-alleged-corruption-petition-igp-demand-reinstatement.html>> accessed on 13 March 2018.

35. *ibid.*

representatives. The duties of court clerk ranges from arrangement of files, reading FIR to the defendant, asking accused to take his plea, recording the date of the adjournment on the file, correctly maintaining scheduling of court appearances, providing information as to whether the Magistrate would sit or not. He sits with the Magistrate and attends to his need and that of the lawyers³⁵. Due to these numerous duties, his presence and punctuality in court are very essential. However, in certain cases, the court clerk may misplace case files, provide wrong information to the parties, keep files of litigants in order to extort money from them, as well as collect money in form of a bribe³⁶. All these have negative effect of prolonging a rather short trial. The resultant effect of these is delay in the administration of criminal justice. The clerk takes care of the court papers and helps the Magistrates in the daily discharge of the judicial exercise, for example, calling the cases, allocating dates to counsels and litigants, keeping updates of proceedings and the likes, safe keep of admitted exhibit and so on.

f) Interpreter

An interpreter helps the Court to interpret what a witness says to the understanding of the Court in situations where one of the parties does not understand the language of the Court³⁷. He does not answer question for any party but interprets the exact message to the affected party. His position is provided for in the Evidence Act³⁸ and Constitution³⁹. His absence in Court may lead to adjournment of cases because accused persons or witnesses do not understand the language of the Court. It is trite that no matter how beautiful a proceeding in court is conducted, such proceeding becomes a nullity once the accused does not understand the language of the proceedings. Hence, his absence in court usually hinders effective trial of criminal cases.

35. *ibid.*

36. *ibid.*

37. *Gwonto v Zaria Native Authority* [1964] NNLR 61; also Ministry of Justice, 'Going to Magistrates court' (NSPCCU K.2011). <<https://www.cheshire.police.uk/media/1790/youth-going-to-magistrates-court-1.pdf>> accessed on 18 June 2017.

38. Evidence Act, 2011. S. 193.

39. CFRN, s. 36(6)(a) and 36(6)(c)

g) Defendant (Accused Person)

A defendant is a person who is blamed for a wrongdoing. Therefore, a person who has been arrested or formally charged by information is formally referred to as accused person but now refer to as defendant⁴⁰. A defendant is someone against whom enough information exists to lay a charge in connection with a criminal incident/offence⁴¹. A criminal is a person found guilty of an indictable offence⁴². An offender is not only the person who has acted wrongly but also the person who has failed to act⁴³.

The criminal code elaborately defines accused person thus: When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say:

- (a) Every person who actually does the act or makes the omission which constitutes the offence;
- (b) Every person who does or omits to do any act for the purpose of enabling or aiding person to commit the offence;
- (c) Every person who aids another person in committing the offence; and
- (d) Any person who counsels or procures any other person to commit the offence⁴⁴.

It is important to mention that an accused person is a generic name for the defendant in a criminal case. A person becomes accused within the meaning of a guarantee of speedy trial only at the point at which either formal indictment or information has been returned against him or her, or when he or she becomes subject to actual

40. Administration of Criminal Justice Act, 2015

41. Law Circa. 'Rights of an accused person' <https://lawcirca.com/rights-of-an-accused-person/> accessed on 8th October 2021.

42. *Webster's New World Law Dictionary* Copyright © 2010 by Wiley Publishing, Inc., Hoboken, New Jersey. Used by arrangement with John Wiley & Sons, Inc. Read more at <<http://www.yourdictionary.com/accused#PiYWhlBew7pkCcgHY.99>> accessed on 20 October 2020.

43. DADA et al, 'Criminal Justice System: The Nigeria Scenario' (2015) 3, Issue 3 International Journal of Social Science and Humanities Research <www.researchpublish.com> accessed on 17 October 2021.

44. Criminal Code Act, Cap 77 1962. Part 1, Chapter 2. s. 7

45. *West's Encyclopaedia of American Law.*

restraints on liberty imposed by arrest, whichever occurs first⁴⁵. It is significant to note that suspect or a person who is accused of a crime has some rights guaranteed by the Constitution and within the context of international human rights.

h) Director of Public Prosecutions (DPP)

In all serious cases, the DPP decides whether or not to prosecute as well as what the charge should be. A prosecution is instituted where there is a *prima facie* case against the suspect (i.e. there is admissible, substantial and reliable evidence that a criminal offence has been committed by the suspect). The evidence must be such that a presiding judicial officer, properly instructed by the relevant law, could conclude beyond a reasonable doubt that the accused is guilty of the offence charged. At the Magistrate Court, the presence of DPP is not required. Yet, legal advice is a major factor to be considered at the Magistrate Court in criminal matters, this is because his advice determines, in most cases, whether or not the matter will proceed.

I) Witness

Witnesses⁴⁶ are those who have relevant personal knowledge of the matters at hand. They assist the court by providing evidence which may be oral, written or others in cases before the court. Important justification for the system of giving oral evidence includes the right to cross examine witnesses and to see the demeanor and hearing the evidence of a witness in the witness box to ascertaining the truth. The prosecution or the defense can call anyone who has information about a crime to be a witness at a trial, including the victim. In general, all persons are competent to give evidence and may be compelled to attend to give evidence. The trial court may need to issue a witness summons, requiring a person to appear before the court to give evidence. A person who disobeys a witness summons is guilty of contempt of court⁴⁷.

A witness position is regulated in the Evidence Act⁴⁸. What is told in court is called

45. West's Encyclopaedia of American Law

46. Evidence Act, Part vii

47. White Paper on Crime, The Community and the Criminal Justice System. Discussion Document No. 4

evidence. Some questions are put across to such witnesses during trial⁴⁹. A witness may be categorised differently depending on the circumstance of the evidence to be given. For example, he may be called 'eye-witness' (where he personally witnessed something that happened which is relevant to the case). A witness may also be called an 'expert witness' in a case where what he knows is outside the ordinary knowledge of the judge or jury to give an opinion on something that is relevant to the case⁵⁰.

j) Victim

A victim is an aggrieved party in a criminal case, the unfortunate person who suffers the injury or upon whom the act is committed. In common law countries, the place of victim within the criminal justice system had until lately been rather partial. A general condemnation is that the victim is regarded simply as a witness in a crime being investigated and prosecuted by the State. Recently, however, the rights and hope of victim have taken a new dimension and are reflected in a range of legislative and administrative measures in many jurisdictions of the developed countries⁵¹. In fact, Oputa JSC while aligning with this development stated in the case of *Josiah v. State*⁵² that justice is three way traffic. Some of these rights include what is commonly called a victim impact statement whereby victims are allowed to give a statement on the impact of such crime at hearing and sentencing stages especially for vulnerable victims. Another right is called victim impact report where the Court asks a professional person such as a probation officer or a member of a rape crisis centre to prepare a written report on the crime's impact on the victim or the family. Criminal

47. White Paper on Crime, The Community and the Criminal Justice System, Discussion Document No. 4 June 2011. White Paper on Crime Unit, Department of Justice and Equality, 94 St. Stephen's Green, Dublin 2. 15.

48. Evidence Act, Part XI.

49. Ministry of Justice. 'Going to Magistrates court'. (NSPCCU.K.2011). <<https://www.cheshire.police.uk/media/1790/youth-going-to-magistrates-court-1.pdf>> accessed on 18 June 2017.

50. The Department of Justice and Equality White Paper on Crime Discussion Document No. 4 'The Community and the Criminal Justice System' Document No. 4 'The Community and the Criminal Justice System' <.> accessed on 7 June 2019

51. *ibid.*

52. [1985] NWLR (Pt.1) 125.

Injuries Compensation is another emanating right of victim. This allows a victim to seek payment for expenses and losses suffered as a direct consequence of a violent crime. Another important right of victim is Restorative Justice. Restorative justice has been defined as 'a victim-sensitive response to criminal offence, which through engagement with those affected by crime, aims to make amends for the crime which has been caused to victims and communities and which facilitates offender rehabilitation and integration into the society'⁵³ Victim waiting room⁵⁴ is another important right. It is now available in some countries in a bid to provide adequate protections to victim of crime and a system of reserved seating is operated in courtrooms for victims' families in murder and manslaughter cases.

Also in most common law countries, legal representations are avoided for victim because it is contended that to add a third legal party to this process would impact on the even-handedness of the trial process and conflict with constitutional protections for procedural justice in criminal matters.

k) The Magistrate

The Magistrate Courts are headed by Magistrates who, before being appointed, were legal practitioners, called to the Nigerian Bar⁵⁵. The Magistrate is a member of the magisterial bench. He is a judicial officer⁵⁶. His court is in all the nooks and crannies of the Federal Republic of Nigeria and indeed, throughout the common law countries⁵⁷. It is pertinent to note that each Magistrate is the head of his/her court with supporting staff like Court Registrars, Bailiffs, Court Clerks, Clerical Officers, Secretary, Messengers and Police Orderly. They adjudicate over both criminal and

53. Final Report from the National Commission on Restorative Justice (2009).

54. Victim waiting rooms are now available in over 50 refurbished courthouses and a dedicated victim suite is available within the Criminal Courts of Justice in Dublin, where a large proportion of the most serious criminal cases are heard.

55. *M. Umukoro*, 'Access to Justice in the lower courts: - re-examining the civil and criminal jurisdiction of magistrate court' (2016) 2 available at <http://nji.gov.ng/images/Workshop_Papers/2016/Refresher_Magistrates/s08a.pdf> accessed on 7th March 2018.

56. A. Alfred, *The Nigerian Magistrate in action* (Amfitop books, Lagos 2001). 15.

57. *ibid*.

civil cases. The attitude and style of Magistrate to work depends largely on job satisfaction of these personnel which may be based on adequate remuneration, provisions of adequate facilities and good working environment. Where these are available, there would be job satisfaction and as such, positive attitude to work. If it is in the contrary, there is negative attitude to work. It is worthy of note that all categories of judges ought to fulfil the vision of judgeship envisioned by Aristotle when he described the Judge as “*living justice*” or “*animate justice*”⁵⁸.

5.0 CHALLENGES OF CRIMINAL JUSTICE ADMINISTRATION

The challenges are broadly grouped into six (6). They are enforcement challenge, challenge of inadequacies in the legal framework, challenge of corruption, institutional challenge, challenge of inadequate facilities and challenges related to inadequate welfare.

a) Lack of Efficient Personnel Involved in Criminal Justice Administration

The Personnel handling criminal justice needs to be up and doing in order to achieve efficiency in the system. At times, police officers that handle prosecution are not conversant with the law. The legal practitioner for defence often exploits this opportunity. Many good cases have been lost because prosecutors lack knowledge of the law. The study reveals that the rate of conviction secured by Police prosecutor is very low. It was observed that the bulk of the ineffectiveness in the criminal justice trial of the Magistrate Court is traceable to the prosecutor, who is the Chief Law Officer in the trial before this court⁵⁹.

The duration it takes an Investigating Police Officer before investigation could be completed is a challenge to criminal justice administration in Magistrate Court. “Investigation is yet to be concluded” has become a daily prayer of the prosecution

57. *ibid.*

58. J.W Martens. *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law* Brill Academic Publishers (2003) 34. <https://philpapers.org/rec/MAROGO> accessed on 5 June 2015.

59. B. AYINLA-AHMAD. *Analysis of the Challenges of Criminal Justice Trial in the Magistrate Court of Kwara State, Nigeria* (Ph. D dissertation. University of Ilorin 2021) p. 267

60. *ibid.*

which continues until after about six months at the minimum and which may span for two years or more, in such circumstances there is nothing the presiding Magistrate could do⁶⁰.

b) Corruption

It is not in doubt that corruption permeates every stratum of Nigeria. Corruption in Judiciary however, is not expected. This is because the judiciary is regarded as the last hope of the common man. It is unfortunate that the hope of the common man has become a commodity to be bought and sold in the temple of justice. A finding reveals that corruption in the Judiciary comes in different ways. For instance, for the complainant to bring the accused to court, he needs to pay for duplication of case file to the Ministry of Justice. To get legal advice from Ministry of Justice, the complainant has to do the needful⁶¹.

It is equally no longer news that there is abuse of office by some judicial officers engaging in corrupt practices; as such litigants are ready to buy the services of Magistrates and Judges as well as other judicial officers handling their matters. Corruption as alleged in the Magistrate Court seems to have cut across all strata of court: that is from Magistrate Court to the Supreme Court. This is as seen in the recent prosecution of judicial officers of High Courts, Courts of Appeal and the Supreme Court.

A former Chief Justice of Nigeria, Maryam Aloma Mukhtar, asserted that corruption had become rampant among judicial staff - secretaries, court registrars, process clerks and bailiffs across Nigeria. She went further to state:

Now more than ever, the public has become more critical of the conduct of judicial staff, perhaps buoyed by public outcry against unwholesome

60. *ibid.*

61. *ibid* 268.

62. Maryam Aloma Mukhtar in *Abdullatect Aliyu* 'Nigeria: How Judicial Officials Extort Lawyers in

conduct of the judicial staff, like leakage of judgments before delivery, demanding bribes before the preparation of records of appeal, acting as go-between for some overzealous litigants and some corrupt judicial officers, ostentatious lifestyles beyond legitimate earnings, and host of other activities⁶²

Justice Ibrahim Tanko Mohammed, the former Chief Justice of Nigeria while appearing before the Senate for screening prior to his confirmation as the substantive CJN also confirmed that the judiciary is infested with corruption. He recalled his experiences when he was a Magistrate in Bauchi years back, noting that corruption in the judiciary began when indigenous judges took over adjudication in courts. In his words, he said:

• I was a Magistrate in Bauchi then, but by the time I finished law school, went for NYSC and came back then we had a White man as our boss, there was no corruption. Later, when we had a black man we started having problems⁶³.

c) Challenges of Inadequate Facilities

Another challenge identified is inadequate facilities. This ranges from court room, library, modern working tools, to proper training. All the participants agreed that there was urgent need for provision of adequate facilities in the Kwara State Magistrate Court to ensure efficient criminal justice trial⁶⁴.

i) Court Room

For efficient performance of officers in administration of criminal justice, there should be a comfortable court room equipped with other necessary facilities that will make it conducive. It is discovered that adequate court rooms are lacking, in Kwara

62 Maryam Aloma Mukhtar in *Abdullateef Aliyu* 'Nigeria: How Judicial Officials Extort Lawyers in Lagos Courts' *Daily Trust Newspaper* (Nigeria) 25 August 2019)

<<https://allafrica.com/stories/201908250032.html>> accessed on 7 May 2021.

63 ibid

64 B.AYINI V-AHMAD(n.63)280

State Magistrate Court for example research reveals that more than fifty (50) Magistrates operate from only twelve (12) court rooms within the Judiciary Headquarters located in Ilorin, Kwara State. The few available court rooms lack enough fan, generator, tables and chairs, This is an indication that about four Magistrates share a court room between 9am and 3pm. Thus Magistrate sits for only two or three hours in a day. Infact some Magistrate only sit twice or thrice in a week though, they make themselves available in court in case a new F.I.R is directed to them⁶⁵. This pitiable court room condition cannot be compared to what is obtainable in Lagos State and Porthacourt in Nigeria where many magisterial complexes are constructed⁶⁶

ii) Library with Modern Facilities

Administration of criminal justice is not restricted to court rooms alone as library and other modern facilities can encourage effective administration of criminal justice. In Kwara State Magistrate Court, library facilities are completely lacking, despite the fact that repeated proposals have been made concerning the state and condition of the existing judicial library⁶⁷. For several years back no issue of building of new library or upgrading the existing library to a modern one is ever mentioned or done. This has made it practically impossible for Magistrates to consult most of the authorities cited by counsel except on personal effort⁶⁸.

Modern facilities like laptops, Internet and electronic law report for efficient dispensation of criminal justice are necessary. As good as all these are, they are basically lacking in many Magistrate Court particularly Kwara State Magistrate Court. It was revealed that no single Magistrate is provided with laptop, Internet facilities or electronic law report. This has majorly contributed to poor performance of Magistrates. Some Magistrates are of the view that they usually undergo research

65. *ibid.* 280

66. *ibid.* 281

67. *ibid.*

68. *ibid.* 282

69. *ibid.*

in a law firm of their former boss. Under normal circumstance this is not good for a Magistrate because they can be compromised and it will lead to miscarriage of Justice⁶⁹.

d) Inadequate Training and Facilities on Forensic Investigation

In order to have effective and complete criminal justice administration, adequate and positive investigation is necessary. Without thorough investigation, the actual criminal may not be discovered and which may in turn lead to arrest and trial of an innocent person. It was discovered that in the Police Command of many States, modern gadgets for investigation are not available and this has really reduced the capacity IPO have to properly investigate matters⁷⁰.

Many IPOs rely on their three (3) months training at the Police College. When confronted with the question of how they would investigate forensic matter they said expert would be brought from Abuja Headquarters on special request⁷¹.

It is trite that where there is lack of training and forensic investigating materials it causes unnecessary delay at the Magistrate Court. Specifically, a significant number of offenders have cheated the justice system by escaping punishment as explained in *Inusa Saidu v. The State*⁷² that it does not give the Court joy to see offenders escape the penalty they richly deserve, but until they are proved guilty under the appropriate law, in Nigerian law courts, they are entitled to walk about in our streets and trek the Nigerian soil, breathe Nigerian air as free as innocent men and women⁷³.

6.0 RECOMMENDATIONS

As seen in the foregoing, the challenges facing the efficient administration of criminal justice in the magistrate court are significant. Therefore, recommendations

⁶⁹. Ibid

⁷⁰. Ibid.

⁷¹. Ibid.

⁷². [1982] 4 Supreme Court Cases (S.C.) 41

⁷³. O.A. Ladapo, 'Effective Investigations. A Pivot To Efficient Criminal Justice Administration: Challenges in Nigeria' (2012) 5 (1&2) African Journal of Criminology and Justice Studies, 79

are proposed. These recommendations, if implemented, can significantly improve the efficiency of the criminal justice administration system.

Firstly, there is need for regular training and workshops to keep personnel updated with the latest legal knowledge and practices. This continuous learning process ensures that they are equipped with the necessary skills and knowledge to handle their roles effectively. These training programs could be organized in-house or in collaboration with legal institutions. They should cover a wide range of topics, including legal principles, court procedures, and ethical standards. Additionally, refresher courses should be conducted periodically to ensure that the personnel are up-to-date with the latest developments in the field. With continuous training, personnel will be more competent in their roles, leading to an increase in the rate of conviction and a more efficient criminal justice system. The recruitment process should be stringent to ensure that only qualified and competent individuals are employed. This is crucial in maintaining the integrity and effectiveness of the criminal justice system. It should involve rigorous screening and testing to assess the candidates' knowledge, skills, and aptitude for the job. This could include written tests, interviews, and practical assessments. Furthermore, the candidates' educational qualifications and past work experience should be thoroughly verified. By employing only qualified and competent individuals, the criminal justice system will be better equipped to handle its responsibilities, leading to improved outcomes in terms of case resolution and justice delivery.

In order to address the problem of corruption, there is the need for strict enforcement. Strict enforcement of anti-corruption laws is crucial. This includes implementing severe penalties for offenders to deter potential corrupt practices. The

enforcement agencies should be empowered and independent to carry out their duties without fear or favor. Implementing transparency and accountability in all judicial processes can also significantly reduce corruption. This could involve making court proceedings accessible to the public and publishing judicial decisions. Regular audits of the judicial system can also ensure accountability.

As earlier identified, inadequate facilities pose as a challenge to the administration of criminal justice at the magistrate court. Adequate infrastructure is fundamental for an efficient criminal justice system. This includes comfortable courtrooms, modern working tools, and libraries equipped with up-to-date legal resources. The government should allocate sufficient funds for the construction and maintenance of these facilities. Investing in modern technology can greatly enhance the efficiency of the criminal justice administration. This includes providing personnel with laptops, internet facilities, and access to electronic law reports. Digitalizing court records can also improve accessibility and efficiency.

Furthermore, adequate training should be provided on forensic investigation techniques. This could be achieved through regular workshops and training programs. The training should cover the latest techniques and technologies used in forensic investigations. Modern gadgets for investigation should be made available to enhance the capacity of Investigating Police Officers. This includes tools for collecting and preserving evidence, as well as advanced software for analyzing this evidence.

7.0 CONCLUSION

The paper commenced with the introduction, then it examines the significance of magistrate court in administration of criminal justice, it then identified the relevant personnel in the administration of criminal justice of the Magistrate Court. The role of the relevant personnel in the administration of criminal justice of the Magistrate Court was examined. The paper went further to identify some challenges militating against the role of the relevant personnel in administering efficient criminal justice administration. It was discovered that failure in this direction had contributed greatly to the delay being encountered in the Magistrate court. To achieve efficient administration of criminal justice in Magistrate Court each of the relevant personnel should discharge his duty promptly and meticulously. Otherwise, challenges will persist, and this will definitely affect trial and delay judgment, depicting inefficient criminal justice administration.