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FACTORS RESPONSIBLE FOR SUSPECTS AND ACCUSED PERSONS' RIGHTS VIOLATION IN THE ADMINISTRATION OF CRIMINAL JUSTICE IN NORTH-WESTERN, NIGERIA

BABANGIDA DAUDA, Ph.D; & ABDULLAHI USMAN MUSA

Department of Sociology Federal University Dutse PMB 7156, Jigawa State

Corresponding Author:

babangidadaudanims@gmail.com

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Abstract

This study examines the factors responsible for suspects and accused persons' rights violation in the administration of criminal justice in north-western, Nigeria. The intention of this work is to describe the major factors; and identify the suspects and accused persons' knowledge about where to lodge complaint of rights violation. It also tries to identify whether lack of supervision of custodies by governmental and non-governmental human rights organizations lead to suspects and accused persons' rights violation. Literature is reviewed in line with the above objectives, and elite theory is adopted as the theoretical framework. The study utilized convenience and purposive sampling methods to select respondents for a survey and in-depth interviews in Kano, Katsina and Jigawa states, respectively. The survey method was utilized to collect data from 496 Suspects and 507 Accused Persons, making a total of 1003 surveys. The respondents utilized for In-depth Interview included: three (3) suspects, three (3) accused persons, three (3) Police officers, three (3)

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court officials, three (3) correctional officers, three (3) lawyers from the Legal Aid Council and three (3) academics, making a total of 21 in-depth interviews. The data generated from the survey were analyzed using descriptive statistics, while the qualitative data were analyzed using narrative method as complimentary information. The findings of the study discovered that lack of working facilities among criminal justice agencies is the major factor responsible for suspects and accused persons' rights violation followed by lack of funding among criminal justice agencies, lack of policy implementation, corruption among criminal justice agencies, lack of court speedy dispensation of justice due to cases load, prison congestion due to high number of awaiting trials and lack of training and awareness among criminal justice personnel respectively. It also revealed that suspects and accused persons are not aware of where to lodge a complaint about their rights abuse and there is lack of supervision by responsible Human Rights organizations which adversely affected suspects and accused persons' rights in the administration of criminal justice. The study recommended adequate provisions of working facilities, funding, training and re-training of criminal justice agents. However, the works of governmental and non-governmental human rights organizations need to be checkmated to ensure compliance with Acts that established them.

Introduction

Criminal justice is the branch of law dealing with crime and the branch of law that defines the nature of crimes and sets suitable punishments for them. So, the administration of justice is defined as the maintenance of rights within a political community by means of the physical force of the State (Ajomo, 1991). One of the most concise definitions of 'Criminal Justice' is that which describes it as 'the collective institutions which an accused offender passes until the accusations have been disposed of or the assessed punishment is concluded (Ogunode, 2021). Dambazau (1999) on the one hand had indicated that criminal justice could be seen either as a legal process which involves the procedure of processing the person accused of committing crime from arrest to the final disposal of the case or as an academic field which provides a thorough understanding of the criminal justice system in relation to the society. The term is

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also defined as the exercise of judicial power to maintain and uphold rights and punish wrongs. It includes within its ambit several things as component parts of it, namely the Constitution, the organization of Courts, jurisdiction, powers and the laws to be administered by the Courts (Anderson, 2006). Specifically, 'Criminal justice administration' refers to the collection of rules, principles, policies and practices that guide the prescription, management, monitoring, and the trial and punishment of crimes (Alemika & Alemika, 2005). It covers the whole criminal justice system. The 'criminal justice system' covers events that occur before, during and after the trial. It concerns issues relating to crime prevention, investigation, trial and the post-trial management of victims and offenders (Adewumi & Dawodu, 2016). Hamilton, (1923) cited in Inyang and Awakessien, (2014) had observed that criminal justice system could be the machinery through which the criminal or someone suspected to have committed a crime, is processed and subsequently disposed. It is also an instrument of the regulation and control of criminal behaviour through the mechanisms of deterrence, incapacitation and rehabilitation, In other words, it refers to the set of agencies and processes established by the state to manage crime and impose penalties on violators of criminal law. While, 'criminal justice process' is subsumed under the criminal justice administration. It involves the procedure for arrest, charging, trial and conferment of a suspect. Policies on the criminal justice system are built on five components, these are: the law enforcement component, the court system, the prosecution, the corrections system and the community (Osasona, 2015; Ogunade, 2021).

Statement of the Research Problem

Nigeria's Constitution in chapter four (IV) guarantees the right to remain silent, the right to be informed the reason of arrest and the right not to be subjected to torture, etc. Despite these commitments and obligations by the Government of Nigeria, international organizations, activists, lawyers and academics, there is a clear pattern of widespread torture and inhuman treatment of suspects, accused persons and even their relatives for the purpose of obtaining a confessional statement. As documented by Human Right Watch (2005), at the police headquarters in Kano state, the police are used to torture and shot suspects in the legs in order to extract information from them. This can be related to lack of

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personnel, welfare, motivation and working tools among the Police in Kano State and Nigeria at large (Siro & Sundramoorthy, 2017).

Nigeria's Constitution states that: "Any person who is arrested or detained shall be informed in writing within twenty-four hours (and in a language that he understands) of the facts and grounds for his arrest or detention". Also, in section 35 (2) of the Constitution, any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice. In fact, the person has the right to remain silent throughout the trial. Typically, suspects are beaten until they admit to the alleged crime after which the investigating police officer wrote or dictated a confessional statement for them to sign. Many suspects sign the statement without knowing what it says, either because they were illiterate or because the document was withheld from them, and first hearing of their charge when arraigned before a court (Amnesty Internal, 2016).

Section 35 (4) of the constitution stipulates that the police must bring a person before a court of law within "a reasonable time." If there is a competent court of jurisdiction within a forty-kilometer radius, "a reasonable time" is defined as twenty-four hours. If there is no court within forty kilometers, arraignment must take place within forty-eight hours or "such longer period as in the circumstances may be considered reasonable". An overwhelming majority of people were not brought before a court within the legally required period but detained for periods ranging from several weeks to several months. Citizens arrested for mere misdemeanors are labeled armed robbers after they spend some days in police custody (Madubuike-Ekwe, & Obayemi, 2019).

At the time of arrest, the police typically do not inform suspects of their right to a lawyer. Thus, the suspects do not seek legal advice, either because they are not aware of their rights to do so or cannot afford to pay a lawyer. Likewise, accused persons who are arraigned before a court are similarly ill-informed of their right to legal representation by court personnel. The right of suspect or accused person who has a lawyer is less likely to be violated for fear of being reported. And another worrisome aspect of the pre-trial and trial process is the issue of granting bail. While it is required to be free, in practice it is usually granted on the condition of the payment of a given sum of money.

Many factors have been attributed to poor handling of suspects and accused persons' rights in the administration of criminal justice in Nigeria. Firstly, there is the issue of lack of professionalism among Nigeria Police Force due to low quality and quantity of manpower. The police in Nigeria are parading themselves as beggars, intimidators and unfriendly (Madaki & Kurfi, 2013). Secondly, there is an oddly designed judicial system plagued by massive corruption, incompetence and crippling bureaucratic bottlenecks. Thirdly, there is an outdated and counter-productive style of correctional services that inhumanely warehouses those considered innocent by the very law of the society.

Among the most challenging obstacles in the fight against suspects' and accused persons' rights violation in North-Western, Nigeria, are poverty and illiteracy among the people and the deeply engrained societal attitude to violence.

Factors Responsible For Suspects and Accused Persons' Rights Violation in the Administration of Criminal Justice

Basically, there are numerous factors responsible for suspects and accused persons' rights violation in the administration of criminal justice:

The gravity of the offence suspected or accused to be committed **–** criminal suspects of violent crimes, specifically that of murder, rape and armed robbery, are mainly considered much endangered human species that can end the life of fellow human beings without a second thought. This uninvestigated fact led to the maltreatment of criminal suspects with or without tangible evidence, which is totally against the provisions of the laws (Babalola, 2014).

Corruption - One of the major factors responsible for suspects' and accused persons' rights violation by the police, the court and correctional centers is corruption. The Nigerian police, court and correctional officials are well known for taking bribe from both suspects/accused persons as well as complainants and whoever pays the higher amount is likely to emerge the innocent or winner of that particular case (Ogunode, 2015). A suspect/accused person who failed to offer bribe in any way suffers severely. A retired Deputy Inspector General of Police, Osayande (2008) argued in his paper that, the police receive bribes in order not to arrest or release a suspect and in order to arrest an innocent citizen, and are good in stealing from suspects and accident victims. Similarly, a study conducted by the Center for Law Enforcement Education (CLEEN) identified the Nigerian police as

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the most corrupt public institution in Nigeria. Newburn (1998) cited in Perry (2002) divides two types of corrupt personnel in the criminal justice administration, grass eaters and meat eaters. The grass eaters receive bribe that comes their way in the process of conducting their work, while meat eaters excessively abuse their power to make sure they get a fat bribe. Thus, police, court and prison officials in Nigeria are meat eaters. Undoubtedly, poor pay and funding condition escalate corruption within the force, as the lower cadres try to supplement their meager incomes by taking bribes (The Africa Report, 2014 in Aborisade & Fayemi, 2016). Surprisingly, corruption is not only within the lower cadre. An Inspector General of Police who resigned in January 2005 was subsequently accused of stealing $ 98 million from the government cupboard (Human Rights Watch, 2005). For years, the Nigerian police have relied on suspects for economic gain.

Insufficient training, motivation and funding - Nigerian police, court and correction officials, lack sufficient training and motivatio, as a significant number of them are unaware of the constitutional provisions regarding suspects' rights, criminal procedure, forensic science and other modern gadgets of effective criminal investigation and detention. Also, the Police receive poor remuneration from the government, though has made a number of promises that it would affect pertinent changes to their monthly stipends, but up to now there is nothing tangible on the ground. Most of Nigerian police live in unconducive housing, receive poor medical care, use crude weapons and wear old uniforms as a result of poor funding from government, corruption and mismanagement. This factor affects the way the Nigerian police conduct or handle their responsibilities and duties. In other words, they are frustrated by this economic instability. Thus, they find torture and inhumane treatment of the crime suspect as a way of losing their temper and aggressiveness. Undoubtedly, poor funding affects the way the police, the court and correction are conducting their duties.

Power abuse - Constitutionally, in some selected situations the police have been permitted to use lethal force while maintaining law and order at public demonstrations and during inter-communal conflict. This privilege has on several occasions led to the disproportionate use of force against unarmed demonstrators. For example, recently in Lagos a police officer killed an unarmed young man, Kolaje Johnson, around a football viewing centre and just two weeks after that incidence another police officer killed an unarmed civilian couple, Ada

Ifeanyi, 20 and her partner, Emmanuel Akomafuwa (Premiums Times, 2019). Likewise, judges abuse their discretion to suit either the complainant or the dependent, depending on the person who pays a good price. This practice of power abuse is also common with correctional officers (Human Right Watch, 2005).

Inaction from responsible institutions - There are a number of commissions, departments, units and reforms established by the federal government and the Nigerian police force in order to reduce or eradicate police corruption and related indiscipline. These include, the Police Service Commission (PSC), National Human Rights Commission (NHRC) Nigeria Police Council (NPC), the IGP monitoring Unit and X Squad. The inaction of the above institutions is devastating. In other words, their existence has never changed the status quo, as they also lack funding, modern equipment and trained manpower (Amnesty International, 2016). The recent establishment of the Complaint Response Unit (CRU) in 2015 later renamed the Public Complaint Rapid Response Unit (PCRRU) and reverted to its founding name in 2019, which is also tasked to receive complaints from public against the police misconduct through Facebook, WhatsApp, Twitter, BBN, email and text messages is not also an exception. The unit investigates and documents complains, but lacks the power to prosecute and punish police officers. It can only recommend appropriate punishment for the misconduct. In the early phase of 2016, they received 1,960 complain of police violation of human rights, from use of excessive force to professional misconduct (Human Rights Watch, 2005), but unfortunate no prosecution action was taken against corrupted police, court and correctional officers (Amnesty International, 2016), as they always received backing and support from the senior officers who in one way or the other contributed in the misconduct. The worst is the suspension or dismissal of an officer or official from the organization.

Lack of trust towards justice institutions and the public acceptance of violence - One of the factors responsible for suspects' and accused persons' rights violation by Nigerian police, court and correction officials is the lack of trust towards justice institutions in Nigeria, as they tremendously fail to provide justice to the victims of crimes, which give birth to the acceptance of police violence and brutality by the public. Furthermore, it is well documented, the major role of the police, the court and corrections during colonial times was to advance the economic and political

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agenda of colonizers. In many Parts of the country, the police were assigned to use extreme force, exploit and subjugate people who try to resist the colonial rulers. Similarly, after independence, military rulers also used the Nigerian police to coerce and harass the people (Ehindero, 1998). Thus, Nigerians have experienced years of colonization, oppression and brutality by military rulers, which made the use of force by the police accepted and normal. Even where people know the police, court and prison officials' action was wrong and illegal, they feel reluctant to register a complaint or seek redress. Though there were many attempts by individual victims, human rights organizations and lawyers to register a complaint of suspects' rights violation with the police authorities or other courts, frequently the police obstruct the investigations or prosecution (Human Rights Watch, 2005). For this, therefore, torture or inhumane treatment of suspects/accused persons becomes a normal routine and people begin to take no action for such violation.

Illiteracy and Poverty - It is common knowledge in Nigeriathat most of the people whose rights are infringed by the police are illiterate and poor people, as the political elites always receive special treatment full of respect and due process. In research conducted by Ajayi (2014), titled "Interrogation, questioning or interview? Police-suspects interactions in Nigeria", he found that, low-profile or poor suspects undergo interrogation, while high-profile suspects undergo interview. In interrogation, the suspect is already accused of committing the offence. Thus, it involves intimidation and the infliction of pain – a process whereby the suspect must confess that he commits the aforesaid crime otherwise he suffers in the hands of the police. While the interview is for high-profile suspects, it involves respect and an objective attitude. The suspect is not accused of committing any crime but rather is suspected. It is usually conducted at the DPO's office and not police custody. Unfortunately, a significant percentage of the Nigerian population survive under absolute poverty, basically at $2 per day. According to statistics people who live in extreme poverty have increased since 1980 in Nigeria from 6.2% (1980) to 12.1% (1985), 13.9% (1992), 22.0% (2004), 38.7% (2010) (NBS, 2012 in ActionAid Nigeria, 2015).

Similarly, the level of illiteracy is alarming. It has been documented that in 2015 about 50% of the Nigerian population could not read and write a short, simple statement on their everyday life. This alone highlights the reason why a significant

number of people cannot take action when their rights are violated by the police, the court and correction officials. Egonu (2015) insisted that illiteracy is one of the leading factors responsible for our backwardness and ill development projects in Nigeria. An illiterate person is one who cannot read and write a simple sentence with understanding (UNESCO 1989 in Egonu, 2015). Therefore, he cannot engage himself in anything having to do with literacy for personal or social development. It has been documented that illiterate people have very negative self-perception. (Eguno, 2015) which discourages them to seek legal redress for an injustice.

Briefly, Agaba (2011) argued that the Police have resorted to beating, kicking, blowing, caning, hanging, hitting, banging, threatening and cajoling before they obtain a piece of evidence simply because of corruption and lack of basic investigation skills, patience, job security, insurance, record keeping gadgets, and other necessary equipment. However, Sule and Madaki, (2017) discovered that rather than being perceived as the protectors of human rights the police are generally perceived by the public as violators of these rights.

Theoretical Framework

Elite Theory

Vilfredo Pareto (1848-1923), Gaetano Mosca (1858-1941) and Robert Michels (1876-1936) were the cofounders of the Italian school of elitism, which influenced the subsequent elite theory in the Western tradition, including that of C. Wright Mills (1916 – 1962), Ralf Dahrendorf (1929 – 2009) and many others. **E**lite theory seeks to describe and explain power relationships in contemporary society. The theory posits that a small minority, consisting of members of the economic elite and policy-planning networks, holds the most power and that this power is independent of democratic elections (Simon, 2001).

In Mills's view, social structures are created through conflict between people with differing interests and resources. Individuals and resources, in turn, are influenced by these structures and by the unequal distribution of power and resources in the society. He theorized that the policies of the power elite would result in increased escalation of conflict, production of weapons and exploitation of the poor masses (Petrocelli, 2003). Dahrendorf in his book, Class and Conflict in Industrial Society (1959) argues norms are established and maintained by the powerful (they do not emerge from social consensus) in order to protect their interests (Wallace

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& Wolf, 2006). This is why norms are backed by sanctions or laws. A typical example in Nigeria is how the police torture those who criticize the activities of government executives or powerful politicians, and our correctional institutions that accommodated those that have a diverging interest with powerful elites. Therefore, for the elite theorists, suspects' and accused persons' rights violation have its root in the 'protection of elite interest'. For Petrocelli, (2003) the administration of criminal justice is established by the elite in order to minimize threats to their interests, posed by those whom they label as dangerous especially uneducated, minorities and the poor. For example, he cited the following studies: on police behaviour - Liska, et al., (1981) found that the size of police in the city is driven by perceived threat of the ruling elite. On suspects arrests – Liska and Chamlin (1984) found that in a place with higher underprivileged class, arrest is rampant and more crime control measures are put in place. On use of lethal force by the police - Tagaki (1974) discovered that the use of lethal force by the police is always influenced by the class standing of the perpetrator or victim. However, on civil rights complaints – Holmes (2000) found that economically disadvantaged people tend to have not reported violation of their rights to the justice department.

Amnesty International (2016), Ajayi (2014) and Human Rights Watch (2022) have documented such happenings in Nigeria. For example, Ajayi (2014) finds out that ordinary criminal suspects who are accused of petty theft are those most vulnerable to torture and death in police and prison custodies, while the power elites who usually engage in the white-collar crimes are given special treatment and their constitutional rights mostly protected.

Methodology

The study utilized convenience sampling to select Kano, Katsina and Jigawa states among the seven (7) States in the North-Western, Nigeria. Secondly, the Police CID offices and Medium Security custodial centers in sampled states (Kano, Katsina and Jigawa States) were selected using purposive sampling method. The justification for using this sampling procedure was to have access to large number of suspects and accused persons suspected or charged for committing different types of offences which cannot be found in Divisional Police Stations or Satellite Prisons. Therefore, Medium Security Custodial Center, Kurmawa, Kano, Medium

Security Custodial Center Katsina (Old), Medium Security Custodial Center Dutse were considered for this purpose. Thirdly, also convenience or availability sampling procedure was utilized for the distribution of questionnaires based on immediate availability, as well as the willingness to cooperate and assist in completing the questionnaire and participating in the interview session. The survey method was utilized to collect data from 496 Suspects and 507 Accused Persons, making a total of 1003 surveys. The respondents utilized for In-depth Interview included: three (3) suspects, three (3) accused persons, three (3) Police officers, three (3) court officials, three (3) correctional officers, three (3) lawyers from the Legal Aid Council and three (3) academics, making a total of 21 in-depth interviews. The data generated from the survey were analyzed using descriptive statistics, while the qualitative data were analyzed using narrative method as complimentary information.

Data Presentation and Analysis

The below tables and narrations represent the findings of the study:

Major Factors Responsible for the Violation of Suspects and Accused persons' rights

The Factors	Yes	No	Total
Lack of training and awareness among criminal justice personnel	657 (65.5%)	346 (34.5%)	**1003 (100%)**
Lack of funding among criminal justice agencies	894 (89.1%)	109 (10.9%)	**1003 (100%)**
Lack of court speedy dispensation of justice due to cases load	765 (76.2%)	238 (23.8%)	**1003 (100%)**
Prison congestion due to high number of awaiting trials	732 (73%)	271 (27%)	**1003 (100%)**
Lack of working facilities among criminal justice agencies	954 (95.1%)	49 (4.9%)	**1003 (100%)**
Corruption among criminal justice agencies	847 (84.4%)	156 (15.6)	**1003 (100%)**
Lack of policy implementation	854 (85.1%)	149 (14.9)	**1003 (100%)**

Table 4..1.1 above indicates that these factors are responsible for suspects and accused persons' rights violation. It shows that lack of working facilities among criminal justice agencies is the major factor (95.1%), followed by lack of funding among criminal justice agencies (89.1%), lack of policy implementation (85.1%),

corruption among criminal justice agencies (84.4%), lack of court speedy dispensation of justice due to cases load (76.2%), prison congestion due to high number of awaiting trials (73%), lack of training and awareness among criminal justice personnel (65.5%) respectively.

In an interview with an academic staff in Katsina state, he posited that:

> Lack of training and funding have always been major obstacles in the administration of justice in Nigeria. The poor condition of services is what lead most of government functionaries into corruption and bribery. The abuse of suspects' rights is highly correlated with lack of training and funding and unfortunately the ruling class are those that benefitted from this situation, as they made the criminal agencies personnel enforcers of their class rule **(IDI with an academic staff, 2022).**

Another academic staff from Kano state commenting in this line stated that:

> The first abuse of suspects' rights come from leaving him to stay for long time in police custodies or correctional centers. The unhygienic nature of such places, lack of mosquito nets, ventilation, mattress and toilet, are not supposed to accommodate people who the law itself defined as innocents **(IDI with an academic staff, 2022).**

When the respondents were asked, in their experience with criminal justice administration what are the major causes of suspects and accused persons' rights violations in the North-West, they mostly revealed that: lack of funding, training, supervision, speedy dispensation of justice, suspects' lack of education, financial instability of the suspect and lack of trust toward the criminal justice agencies.

A suspect in Katsina CID commenting in this line, posited that:

> Is just poverty, if I have money would they treat me like this? For me, lack of money to settle the police is the only factor. How many politicians do you know who committed major crimes in this country but nobody is abusing them? They are even respecting them **(IDI with a suspect, 2022).**

Table 4.1.2: The respondents' lack of knowledge about where to lodge a complaint on rights violations

Responses	Frequency	Percentage
Yes	690	68.8
No	313	31.2
Total	**1003**	**100**

Table 4.1.2 above indicates about the respondents' lack of knowledge about the places to lodge a complaint about rights abuse lead to rights violations. It shows a significant number (68.8%) agreed that, they lack knowledge about the places to lodge a complaint about their rights abuse can lead to rights violations. Only 31.2% of the respondents disagreed.

When respondents were asked if they have ever reported rights' abuse case in such places or via social media platform all the respondents said 'no'. Commenting in this line, a suspect in Jigawa CID posited that:

> I am actually not aware of these places or provisions; besides, I don't have a smart phone now, though I was once using social media platform especially WhatsApp and Facebook. But I can only report a person to God, I have no doubt that whoever abuse me here, will pay me back in the hereafter.

In an interview with a Police officer in Jigawa CID, he posited that:

> Apart from courts, NHRC etc or social media platforms, we also have a new software application called 'NPF Rescue Me' is also meant to report Police misconduct and people are utilizing them. Here, actually people are not aware of other agencies to make complain about rights abuse, but they made complain to family members or relatives, senior criminal justice personnel and judges **(IDI with a Police officer, 2022)**.

Table 4.1.3: The Respondents' awareness of Supervision by the under listed Organizations to Enquire about Rights violations

Organizations	Yes	No	Total
National Human Rights Commission (NHRC)	68 (6.8)	935 (93.2)	**1003 (100)**
Administration of Criminal Justice Monitoring Committee	0 (0.0)	1003 (100)	**1003 (100)**

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Organizations	Yes	No	Total
National Committee against Torture (NCAT)	0 (0.0)	1003 (100)	**1003 (100)**
Legal Aid Council	97 (97)	906 (90.3)	**1003 (100)**
Non-governmental Human Rights Organizations	269 (26.8)	734 (73.2)	**1003 (100)**
Judges/Magistrates/Lawyers/ Senior Prison or Police Officers	75 (7.5)	928 (92.5)	**1003 (100)**

Table 4.1.3 above indicates the respondent's awareness about the supervision of any of the above organizations in order to enquire about their rights violations. It shows that the majority of those that visited to enquire about suspects/accused persons' rights infringement are Non-Governmental Human Rights Organizations (26.8%), followed by Legal Aid Council(9.7%), Judges/Magistrates/Lawyers/ Senior Prison or Police Officers (7.5%), National Human Rights Commission (NHRC) (6.8%), and respondents are not aware of supervision of the Administration of Criminal Justice Monitoring Committee and National Committee against Torture (NCAT)(0.0%) respectively.

In an interview with a suspect in Katsina CID, he posited that:

> Throughout my stay here only my family and close associates visited me, I informed them about my situation and they assure me that they are doing their best to influence my release **(IDI with a suspect, 2022).**

Commenting in this line a police officer in Kano CID, he revealed that:

> People from National Human Rights Commission (NHRC), Legal Aid Council used to visit us and looked into the conditions of our suspects and cells **(IDI with Police officer, 2022).**

Also, with regard to this a Correctional Officer in Medium Security Custodial Center, Kurmawa, Kano posited that:

> Many people from government and non-governmental agencies are visiting us, to enquire about the situation of our custodies and inmates, one of our major challenges is congestion and this administration is tirelessly working to end it with establishment of new custodial centers **(IDI with correctional officer, 2022).**

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Table 4.1.4: Lack of Supervision of Custodies by Government and Non-Governmental Organizations lead to Suspects and Accused Persons' Rights Violation

Responses	Frequency	Percentage
Yes	719	**71.7**
No	83	**8.3**
I don't know	201	**20**
Total	**1003**	**100**

Table 4.1.4 above indicates that lack of supervision of custody by government and non-governmental organizations leads to suspects and accused persons' rights violation. It shows a significant number of the respondents (71.7%) agreed that lack of supervision of custodies by government and non-governmental organizations leads to suspects and accused persons' rights violation. Only 8.3% of the respondents disagreed and 20% of the respondents claimed they do not know about it.

In an interview with an academic staff in Jigawa State, he posited that:

> Sincerely speaking without supervision of appropriate agencies and committees the abuse of suspects' rights will reach it peak level. The recent establishment of Administration of Criminal Justice Monitoring Committee at State level is to ensure that Administration of Criminal Justice goes smoothly and speedily in accordance with provisions of laws. Also, agencies like Legal Aid Council are established for proper supervision of police cells and custodial centers, especially in relation to safeguarding suspects' and accused persons' rights. In addition, there is need to establish legal aid and Human Rights Departments in each of our LGAs for proper supervision **(IDI with an academic staff, 2022).**

Discussions of Major Findings

The findings of the study discovered that lack of working facilities among criminal justice agencies is the major factor responsible for suspects and accused persons' rights violation followed by lack of funding among criminal justice agencies, lack of policy implementation, corruption among criminal justice agencies, lack of

court speedy dispensation of justice due to cases load, prison congestion due to high number of awaiting trials and lack of training and awareness among criminal justice personnel respectively. Ukwayi and Okpa, (2017) in their study titled 'Critical Assessment of Nigeria Criminal Justice System and the Perennial Problem of Awaiting Trial in Port Harcourt Maximum Prison, Rivers State' find out that the inability of Police to complete investigation at good time to due lack of modern equipments contributes to the suspects and accused persons' detention (93.4%). Also, charging suspects to court without full investigation is partly responsible for their detention (98.9%). Also, in line with this, Osayande (2008), Asonibare and Akaje (2017) and Alemika (2012) have found lack of working facilities as a major challenge among criminal justice agencies. Akhihieroll (2018) argued that lack of vehicles with which to convey accused persons to court during trials also accounts for such lateness or non-arrival of such accused persons in court.

However, Amnesty International (2016) find out that, in practice, when a complaint is made, the amount of seriousness to be attached to the investigation of the matter depends on a number of factors chief among which is the complainant's ability and willingness to 'grease' the palms of the police. Also, in line with this, a retired Deputy Inspector General of police, Osayande (2008), argued in his paper that the police receive bribes in order not to arrest or release a suspect and in order to arrest an innocent citizen and are good in stealing from suspects and accident victims. However, Similarly, in a study conducted in Lagos, Nigeria by the Center for Law Enforcement Education (CLEEN) identified the police as the most corrupt public institution in Nigeria. Cole and Kelly (2011) as cited in Okeke-Uzokide and Subban (2015) find out that poor recruitment and training among Police leads not only to corruption but poor performance, low morale, disciplinary problems, ineffective management and supervision.

It also revealed that suspects and accused persons are not aware of where to lodge a complaint about their rights abuse. Only a few of them claimed to be aware of where to lodge complain when their rights are violated. In line with this, Human Rights Watch (2005) found that even where suspects know the police, court and prison officials' action was wrong and illegal, they feel reluctant to register a complaint or seek redress, because frequently the police obstructed the investigation process. Nzarga, (2014) in his analysis of human rights violation by the Nigerian security services revealed that most Nigerians are largely uneducated

and consequently unaware of their fundamental rights as enshrined in the Constitution. They therefore do not know when such rights are infringed upon or violated not to talk of seeking redress: On the part of the criminal justice agents, there are issues ranging from lack of proper orientation to lack of adequate training. It is imperative to say, the tough training usually given to the police and correction officers can never place them in a good position to manage civil crisis.

It is also revealed that majority of those that visited to enquire about suspects'/accused persons' rights infringement are family/relatives of the respondents followed by Non-Governmental Human Rights Organizations, Political or Traditional leaders, Judges/Magistrates/Lawyers/ Senior Prison or Police Officers, National Human Rights Commission (NHRC), Researchers/Students.Only few claimed they did not know about it and no member of Administration of Criminal Justice Monitoring Committee or National Committee against Torture (NCAT) is known to have visited.

In addition, lack of supervision by responsible Human Rights organizations affected the ways Suspects and Accused persons are handled in the administration of criminal justice. In line with this, Amnesty International (2016) argued that there are number of committees and agencies established by the federal government of Nigeria with sole aim of supervision the activities of criminal justice agencies especially with regards to human rights protection. These agencies include: National Human Rights Commission (NHRC), Legal Aid Council and Administration of Criminal Justice Monitoring Committee. In line with this, Nzarga, (2014) find out that the National Human Rights Commission charged-with the mandate of protection and promotion of the rights of the citizenry has not done enough primarily, because the organization is handicapped by the non-gazette of the National Human Rights Act passed into law since 2010. Thus lawyers in the commission are unable to take up cases of violations, of Human Rights especially those violations perpetrated by security agents as such cases could even be taken up at the risk of their own lives.

Therefore, for the elite theorists, suspects' and accused persons' rights violation have its root in the 'protection of elite interest'. For Petrocelli, (2003) the administration of criminal justice is established by the elite in order to minimize threats to their interests, posed by those whom they label as dangerous especially uneducated, minorities and the poor. For example, he cited the following studies:

on police behaviour - Liska, et al., (1981) found that the size of police in the city is driven by perceived threat of the ruling elite. On suspects arrests – Liska and Chamlin (1984) found that in a place with higher underprivileged class, arrest is rampant and more crime control measures are put in place. On use of lethal force by the police - Tagaki (1974) discovered that the use of lethal force by the police is always influenced by the class standing of the perpetrator or victim. However, on civil rights complaints – Holmes (2000) found that economically disadvantaged people tend to have not reported violation of their rights to the justice department.

Amnesty International (2016), Ajayi (2014) and Human Rights Watch (2022) have documented such happenings in Nigeria. For example, Ajayi (2014) finds out that ordinary criminal suspects who are accused of petty theft are those most vulnerable to torture and death in police and prison custodies, while the power elites who usually engage in the white-collar crimes are given special treatment and their constitutional rights mostly protected.

Conclusion

In conclusion, it can be argued that lack of working facilities among criminal justice agencies is one of the major factors responsible for suspects' and accused persons' rights violation. This factor and many others (including lack of funding, training and policy implementation) adversely lead criminal justice agents to use force and torture as only available means to solicit confessional statement.

Recommendations

Based on the findings of the study, the following recommendations are suggested in order to enhance respect for suspects' and accused persons' rights:

1. Government also has to provide adequate working facilities, adequate funding and training among criminal justice agencies.
2. However, government must have a kind of zero tolerance to lack of policy implementation and compliance and corruption among criminal justice agencies.
3. Adequate punishment for any Police or correctional officer, who torture suspects and accused persons. And in whatever case, "confessions" obtained from suspects through torture by the police should not be admissible and used in courts as a basis for conviction.

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4. The provision of e-courts throughout the country and establishment of Human Rights and Legal Aids offices across the 774 LGAs may enhance the speedy dispensation of justice and. Also there is need of nationwide installation of CCTV cameras and microphones within custody suites by Human Right Commission to monitor the activities of suspects and accused persons' rights violation therein.

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