

Paralegal Toolkit on
Improving Women's Access to Justice in Northern Nigeria



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About Global Rights

Founded in 1978, Global Rights is an International Human Rights Capacity-Building Organization that works side by side with local activist in Africa, Asia, and Latin America to promote and protect the rights of marginalized populations. Through broad-based technical assistance and training, we strengthen partners to document and expose human rights abuses, conduct community outreach and mobilization, advocate for legal and policy reform, and provide legal and paralegal services. Over our 30 year history, we have worked in scores of countries to help local leaders and organizations to address human rights abuses and to lift their struggles out of isolation and onto regional and international stages, where institutions such as the United Nations and Organization of American states develop and enforces human rights standards.

At the core of our programming is a deep commitment to increases access to justice for poor and marginalized groups, promote women's rights and gender equality, and advance racial and ethnic equality. In addition to this, we have two special initiatives-lesbian, Gay, Bisexual, Transgender, and Intersex rights and Natural Resources and Human Rights that allow us to explore new program areas while targeting populations that fit our core programming.

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Preface

Access to justice is an essential component of protecting and enforcing human rights. Vulnerable groups in particular are more susceptible to human rights abuses where they do not have adequate access to justice mechanisms. As such,, Global Rights commenced a paralegal program in Northern Nigeria to bridge the gap and afford indigent women access to legal aid. The unique aspect of this initiative is that it caters to both the formal and informal justice systems as well as the Sharia legal system, where women have been largely underserved. Global Rights believes that this intervention will not only promote the rule of law, but it will also reduce poverty and build long-term peace and stability.

Our strategy is to provide home grown paralegal services by empowering local NGOs and community groups to train paralegals and provide 'legal first aid services' so indigent women can easily access legal advice within their communities. These groups also act as support hubs for paralegals.

Legal counseling is only one part of the service these paralegals will provide within this program, It will also address the plight of women who are intimidated by court procedures and need moral support at the police stations. They are often bewildered by the language of these institutions and are not provided with an enabling atmosphere for independently pursuing legal options. Paralegals are therefore also expected to assist these women with the full array of issues they may face: police station visits, prisons visits and court accompaniments as vital points of support in accessing justice.

This toolkit is part of the materials developed for paralegals, and it is designed to provide trained paralegals with roadmaps for aiding women at police stations and within the court systems. It takes them through the personnel, functions and procedures at these institutions.

It is our hope that more women in northern Nigeria are afforded the opportunity of accessing justice and actively protecting and actualizing their rights through our initiative.

Rommy Mom
Nigeria Country Director
Global Rights
June 2010

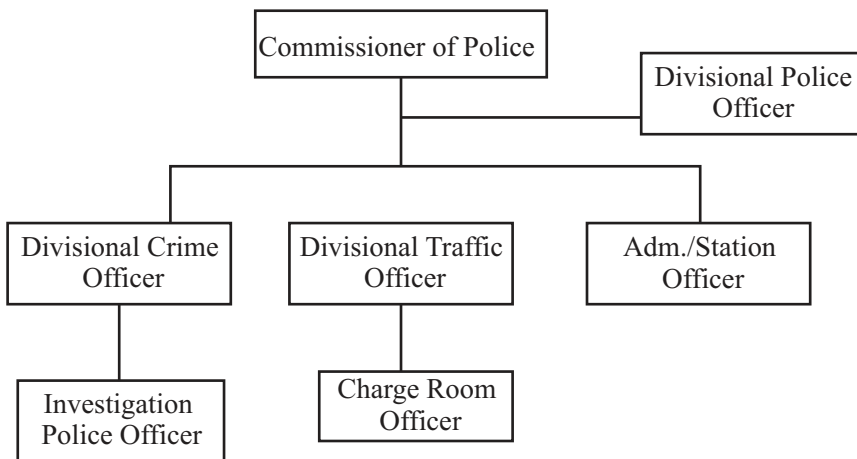
CHAPTER ONE

Assisting Women at Police Stations

A. Hierarchy and Command at Police Stations.

The structure of the police force in every State is divided into zones, divisions or units with the State command as its headquarters.

The hierarchy of Police officers is usually determined by the particular police command, division, unit or place of primary assignment. Below is a diagram of the hierarchy and Command at Police Stations.



At the State command or headquarters, the Commissioner of Police occupies the topmost position. He acts as the Chief Executive and the Security Officer. He directs the policy thinking and decisions of the Police within his State Command, in accordance with the National framework of the entire force. Next to him are the assistant commissioners

At the various Police units or divisions within the State capital and the local Government Areas, The Divisional Police Officer (DPO) is the officer in charge of the station. Next to the DPO is the Divisional Crime Officer (DCO) in charge of investigating crime.

The Divisional Traffic Officer (DTO) takes care of all accident or traffic related cases.

There is also the Administration/Station Officer who is in charge of administrative matters as he oversees the affairs of officers within the Police Station. The Charge Room Officers (CRO) are led by an Inspector or a Sergeant. The CRO's are the desk officers who receive and record reports from complainants, and refer such reported cases for investigation. The Investigation Police Officers (IPOs) also occupy vital positions in the hierarchy and command at police stations. The IPOs investigate reported cases of alleged crimes and record statements from both the complainants and the suspects.

B. Front Desk Relations

On entry into a police station, the first place to visit or meet is the Front Desk section. Behind the desk are police officers known as Counter Relation Officers (CRO). A police officer with rank of an Inspector or Sergeant is usually in charge of this section, supported by other junior ranking officers.

These officers are responsible for receiving and recording reports, taking statistics of people who have been arrested or detained Under Nigerian law, inquiries about these people are made through these officers, who serve as the link between the visitor and the arrested or detained person. Information concerning the investigating IPO can also be provided by these officers.

C. Approaching Police Officers

Police officers are the first people you are likely to encounter in law enforcement, and they play a critical role in determining the limit within which the subsequent stages of the judicial and penal processes operates. It is therefore important to approach police officers politely, which will help you in winning their cooperation.

On the other hand, you should also always be conscious of your rights while approaching police officers. Therefore you should not be intimidated when approaching police officers. They are the custodians of the law. Their principal responsibilities to the citizens include the enforcement of all laws or regulations, the preservation of liberty, and the guarantee of fundamental human rights. Therefore, a police officer should be seen and perceived as a friend, not an enemy.

D. Interviews with Detainees

One of the privileges that the law grants detainees is the right to be visited and interviewed by family members, friends, legal representatives etc. The police in the performance of their duties are therefore required to respect this right of persons arrested or in their lawful custody.

Any person wishing to interview an arrested or detained person in police custody would normally be allowed to do so upon request. In practice the interview is conducted in the presence of a police officer. However, when one is denied access to an arrested or detained person at the police station, an application can be made to the court to produce that person or release him. See section 77 of the Criminal Procedure Code.

E. Bail Procedures

The 1999 Constitution of the Federal Republic of Nigeria makes provision under section 35 regarding the rights and personal liberty of an individual. The section says that a person shall not be deprived of his personal liberty, except in accordance with a procedure permitted by law. In addition, the Constitution says that a person is presumed innocent until proven guilty.

The whole essence of bail is based on these constitutional safeguards. Consequently, anyone who is arrested or detained has the right to trial within a reasonable time, or he must be released.

Bail, therefore, refers to the procedure by which an arrested person is released and guarantees that he will appear before the court on a specified day and place. In an attempt to secure the release or bail of any person arrested or detained by the police, it is important to understand the nature of the offence. In other words: are the alleged crimes ones that allow the

alleged perpetrator to be eligible for bail.? Almost all offenses carry provisions for bail, with the exception of an offense that is punishable with death.

When the alleged crime is a capital offense, punishable with death, the person arrested or detained cannot be released on bail under section 341(1) Criminal Procedure Code (CPC). This is the only type of serious offense for which it is permissible under the law to detain an arrested person beyond the constitutional time limit before arraignment in court. Bail in such cases under the CPC may only be granted by the courts upon the proof of some special circumstances. Where the alleged offense is eligible for bail, the alleged perpetrator must be taken to court by the police within **twenty four hours**, providing there is a court of competent jurisdiction within 40 kilometers of the place where the alleged offense was committed. This requirement can be stretched to 48 hours, or slightly more under special circumstances, if the alleged offense occurred in a remote location.

The application is usually in writing and should be addressed to the Divisional Police Officer or any other officer in charge of the station.

Where no court can be reached within that time limit, Sections 129(1) and 340 CPC provide that a person arrested for a bail-able offence must be granted bail. It should be noted however, that when the police fail to produce an accused person in court within the time limit stipulated by law, and/or bail is refused, the law under section 77 CPC grants the detainee the right to apply to a competent court for his production or release. In that case, it is only important to consult a legal practitioner to file such application before a competent court.

Application for Bail

The law requires the police to offer bail to any person arrested on an allegation of having committed a non-capital or bail-able offense if they fail to arraign him in court within the time limit provided by the law. However, when the suspect is not offered bail by the police officer in charge of the station, the accused person, his counsel or relations may apply for his

bail. The application is usually in writing and should be addressed to the Divisional Police Officer or any other officer in charge of the station.

The suspect is granted bail upon his entering into a bond with or without sureties to appear at the police station at such times as are named in the bond, failure of which could lead to the revocation of the bail.

The law permits both males and females to stand as surety for the release of the offender. ***Please note that the sureties are not expected to deposit or to pay either then or subsequently, the amount stated in the bail bond. The bail bond is forfeited only if the suspect fails to appear when requested without a reasonable explanation.*** Additionally, the surety cannot be arrested in place of the suspect when he fails to appear for the hearing.

If a suspect remains in police custody after bail has been granted because he is unable to fulfill the conditions of bail, then his continued detention in police custody is not in contravention of the constitutional provisions, since it is the duty of the suspect to comply with the conditions of bail.

F. Detention Procedures/Standards

The 1999 Constitution of the Federal Republic of Nigeria made provisions under sections 34, 35 and 36 with respect to the fundamental human rights of every citizen of Nigeria, and it forbids any discrimination on grounds of ethnic group, place of origin, sex, religion or political opinion.

Consequently, the Court, and in particular the Police, as the custodians of these rights, are expected to uphold and observe those rights.

Below are some of the detainee rights that must be respected by the police.

Right to Remain Silent: Section 35(2) of the 1999 Constitution

Any person arrested or detained has the right to remain silent or avoid answering any question until after consultation with a legal practitioner or advisor of his choice, unless that right is expressly waived by the detainee. The right to remain silent from making any statement that might implicate

an otherwise innocent person. The police should not force the person arrested or detained to break his silence.

Right to be informed of the reason for an arrest in a language understood by the arrestee: section 35 (3) of the Constitution

Any person who is arrested or detained must be informed in writing within 24 hours and in a language that he/she understands of the facts and grounds for the arrest or detention. Once that information is given to the detainee, he can relinquish his right to remain silent and give a statement refuting the allegations.

Statements are usually taken under caution. When the detainee is illiterate, an interpreter must be provided. The statement is taken in English and interpreted into a language understood by the detainee before he can affix a thumb print or mark on the statement.

Right not to be detained beyond the maximum period of punishment: Proviso to section 35 (1) (f) of the Constitution.

A person who is charged with an offense and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offense. It is advisable to seek advice from legal practitioners on issues of this nature in order to determine whether or not the detainee has exceeded the maximum period stipulated for such an offense.

Right to dignity of human person: Section 34 of the Constitution.

The Constitution provides that no individual shall be subjected to torture or to inhuman or degrading treatment. Consequently, it will be contrary to the Law for the police to physically assault or threaten a detainee.

Right to personal liberty: Section 35 of the Constitution.

Every person has the freedom of thought, speech, and movement without restraint from any other person or authority.

Right to bail: section 35 (4) of the Constitution.

Each detainee is entitled to be released or bailed unconditionally or

conditionally upon such terms that would ensure his presence in Court or at the Police Station whenever he is required to do so.

Right to compensation and apology for unlawful arrest or detention

The law provides detainees the right to demand compensation and an apology from the authority responsible for such unlawful arrest or detention.

Right to be brought before a competent court within a reasonable time: Section 35 (4) & (5) of the Constitution.

Anyone who is arrested has the right to trial within a reasonable time, or he must be released.

Other principles/standards which must be observed by the police at police stations are as follows:

- ? It will be against the law for a male police officer to enter the part of the cell set aside for women, unless accompanied by a woman officer.
- ? It is against the law for the police to take the personal belongings, such as cellular telephones, money or documents, without issuing a receipt. It is against the law for the police to demand any type of bribe from a suspect. If this occurs, report the incident and the offending officer's name to police, an attorney or a human rights organization.
- ? Suspects in police cells shall have access to their relatives, food and medical care.

G. Petition/Complaints

Many factors may necessitate the writing of a petition or the filing of a complaint at the police station. The appropriate place to file such a complaint is determined by the location of the alleged offense, and who committed the offense. While petition may be in writing, complaints can be made orally or in writing, depending on the nature of the matter sought to be addressed.

Any petition or complaint which seeks to address an issue or matter

occasioned by an act of a police officer attached to a police station may be addressed or forwarded to the DPO in charge of that station. While that which seeks to address an issue involving an entire police station or unit can be channeled to the State Commissioner of Police in that State.

There are other instances where you or your client may feel aggrieved or dissatisfied with the conduct of the police in a particular State, and may want to file a petition or complaint. In such instances, you may address your petition to the (AIG) in charge of the zone covering that State, or directly to the Inspector General of Police (IGP). However, regard should at all times be given to the nature of the matter or issue which is to be addressed in a petition or complaint. For instance, if the person arrested or detained is injured by police, a report of the incident should be filed at another police station. A medical report from a doctor, accompanied by photographs of the injuries sustained during custody, must also be filed along with the complaint.

Note also that petitions and complaints can be forwarded to such human rights organizations as the Human Rights Commission.

CHAPTER TWO

Assisting Women In Court

A. Hierarchy of Courts

The Constitution of the Federal Republic of Nigeria 1999 provided for the establishment of Courts in Nigeria in Chapter VII as follows:

- (1) Supreme Court of Nigeria
- (2) The Court of Appeal
- (3) The Federal High Court
- (4) The High Court of the Federal Capital Territory Abuja
- (5) The Sharia Court of Appeal of the Federal Capital Territory
- (6) The Customary Court of Appeal of the Federal Capital Territory
- (7) The State High Court
- (8) The Sharia Court of Appeal
- (9) The Customary Court of Appeal
- (10) The Election Tribunal

The jurisdiction or powers to hear and determine the cases coming before them were also stated in the Constitution. Indeed the above listed Courts are referred to as Superior Courts.

The order of the list above represents the hierarchy of these courts. However, the Federal High Court, the High Court of the Federal Capital Territory Abuja, and the State High Court are of coordinate jurisdiction. That means they are almost equal in ranking since none can hear appeals coming from cases arising from another. In the same way, the Sharia Court of Appeal and the Customary Court of Appeal as well as the Sharia Court of Appeal of the Capital Territory Abuja and the Customary Court of Appeal of the Federal Capital Territory Abuja are all of coordinate jurisdiction. In other words, they are of the same rank.

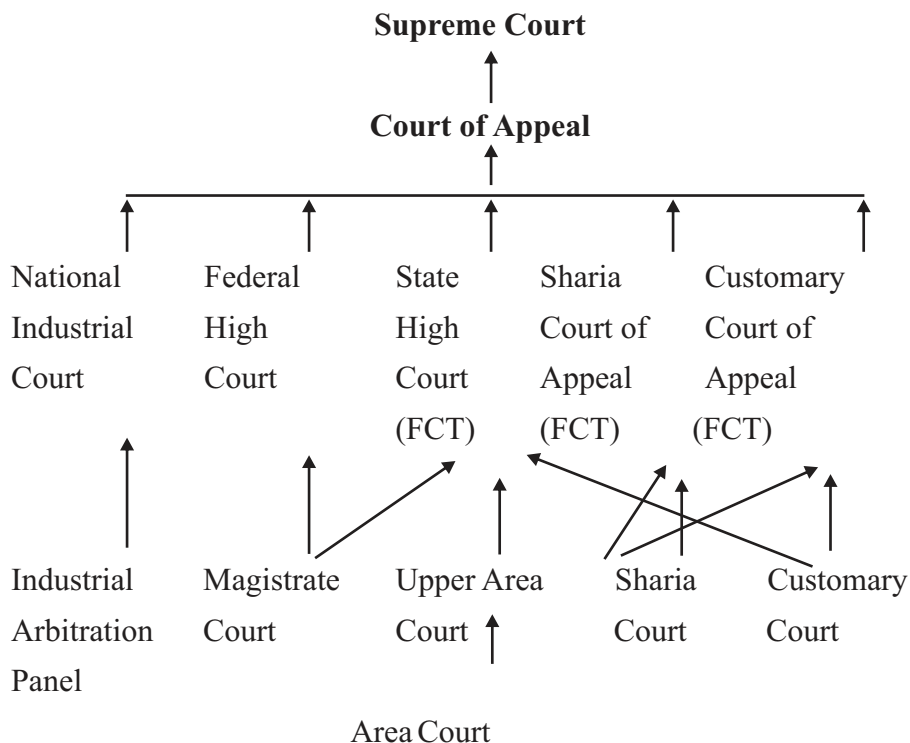
Please note that in some exceptional instances under the Constitution, the Court of Appeal serves as the last place where appeals terminate, especially

in election petition matters, (see section 246 (3) of the 1999 Constitution of Nigeria). The only notable exception to the above is electoral matters concerning the office of the President or Vice President of the Federal Republic of Nigeria. In this case, the Court of Appeal has original jurisdiction and appeals go from there to the Supreme Court. See section 239 of the Constitution.

Apart from the Courts mentioned earlier, the Constitution empowers States to create other Courts. These Courts were established under different laws:

- (1) The Magistrate Courts were established under the various laws, e.g. Magistrate Court laws of the respective States.
- (2) Customary Courts established under the various Customary Court laws of the respective States.
- (3) Area Courts established under the various Area Court laws of the respective states.
- (4) Juvenile Courts established under the Children and young persons laws.
- (5) National Industrial Court established under the Trade Dispute Act.
- (6) Tribunals established under the different laws creating them.
- (7) The Sharia Courts.
- (8) The Upper Area Courts.

Below is the diagrammatic representation of Hierarchy of Courts in Nigeria.



Juvenile Court

Juvenile Courts are established under the Children and Young Persons Law in force in each State of the Federation.

The Courts are specially constituted for the hearing and determination of cases involving children and young persons. It is constituted by a Magistrate sitting with such other persons if any, as may be appointed by the appropriate authority to hear and determine charges proffered against children and young persons. Each Magistrate Court is potentially a Juvenile Court, and a Magistrate can proceed as a Juvenile Court to hear and determine a case if no other member of the Court has been appointed or is present. But when dealing with cases involving young persons, the Court

should sit in a room or building different from those in which regular Court proceedings are held.

The court is said to be sitting *in camera* if members of the public are excluded from witnessing the proceeding.

Power of the Court

It deals not only with offenders, but also Juveniles who are in need of care or protection, such as orphans or the homeless, who have been abused by a legal guardian or whose parents are in prison. A child or young person is technically **NEVER** to be convicted or sentenced. He may be found guilty of an offense. Subject to an order made upon the findings, the Court may discharge him and place him under supervision of a probation officer.

The Court may also issue a corrective order committing him to the care of a relative or other fit person, to the custody of an approved institution, or remanded home. The child may be ordered to be whipped or fined.

A Juvenile Court has jurisdiction to deal with children that are certified by their parents not to be responsive or amenable to their controls.

Area Court

These exist only in the Northern States of Nigeria and are located throughout the State. The Chief Judge is empowered to issue warrants (Legal permission to do something) establishing Area Courts.

There are four grades of Area courts, namely:

1. Upper Area Court
2. Area Court Grade I
3. Area Court Grade II
4. Area Court Grade III

An Area Court consists of either an Area Court Judge sitting alone or an Area Court Judge sitting with one or more members experienced in local customs. The single member Court is usually presided over by an Alkali learned in Muslim law, presiding exclusively over these cases. Multi-member Courts concern themselves with matters involving Muslim and Customary Law. Such multi-member Courts, which are usually presided over by an Alkali, require a quorum of three to hear and determine a case. Where the Court is made up of more members than one, it decides cases by votes. In the event of a tie, the individual presiding is allowed to cast a second vote.

Jurisdiction

It acts on civil cases and matters in Native Law and Customs prevailing in that area.

Written laws which it is given power to enforce:

- a. Rules, orders and by-laws of local government bodies.
- b. Matrimonial causes and matters between persons married under native laws and customs.
- c. Issues relating to custody of children under native laws and customs.
- d. Civil action for debts, demand or damages.
- e. Cases of succession to property and administration of estate under native law and custom.
- f. Cases concerning ownership, possession or occupation of land, under native law.

The Upper Area Courts have unlimited jurisdiction in the above matters, while other grades of Area Courts have limited jurisdiction. The limit of jurisdiction is as follows:

Area Court Grade I N 2,000

Area Court Grade II N 500

Area Court Grade III N 200

In criminal matters an Upper Area Court has unlimited jurisdiction, with the exception of homicides.

Area Court Grade	Imprisonment	Fine
Area Court Grade I	5 years	N1, 000
Area Court Grade II	3 years	N 600
Area Court Grade III	9 months	N 100

Appeals lie from grades 1, 2, 3, to the Upper Area Court, and from Upper Area Court to Sharia Court of Appeal or Customary Court of Appeal or High Court, depending on the nature of the subject matter.

Customary Courts

They are established mostly in the Southern States of Nigeria by warrants signed and issued by a Chief Judge or an Attorney General of the State, depending on the prevailing Law in the particular State.

Grades of Customary Courts

- Customary Court Grade A
- Customary Court Grade B
- Customary Court Grade C

Where a Customary Court is presided over by a legally qualified Judge, appeal lies directly to the High Court, while those of laymen lie to the next grade of Court.

Jurisdiction

Customary Courts have jurisdiction over all citizens of Nigeria, and are allowed to try individuals alleged to have contravened rules and by-laws of local government.

In general, Customary Courts have jurisdiction in civil proceedings involving questions of customary law. This includes:

- a. Dissolution of marriage under customary law.
- b. Distribution of property of a person who died without a will under customary law.

- c. Custody of Children under customary law.
- d. Any matter relating to the customs and traditions of the people of the area.

It has jurisdiction to handle criminal matters where the laws give power to the Court to do so.

Sharia Courts

The Sharia Courts administer Islamic law as defined by the Maliki School in both civil and criminal proceedings, as well as the provisions of any written law which the court may be authorized to enforce. The Judges must be Muslim and possess any of the following qualifications: a degree in law with specialization in Islamic law and two years' experience; a diploma in Sharia and civil law with five years' experience; or a degree in Arabic or Islamic Studies with five years' experience. The Judges are assisted by members, called Muftis, who are all appointed by the Judicial Service Commission of the State. The languages of the court are English and vernacular (Hausa). The courts are subject to the general supervision of the Grand Khadi and Inspectors of Sharia Courts, who must be Muslim.

Appeals go to the Sharia Court of Appeal of the State.

Magistrate Court

There are Magistrate Courts in all States of the Federation. But the grades of the Magistrates and their jurisdiction to try offenses and impose punishment differ from State to State.

Generally there are 7 grades of Magistrates, though not in all States, and they fall within the 7 grades:

1. Chief Magistrate Grade I
2. Chief Magistrate Grade II
3. Senior Magistrate I
4. Senior Magistrate Grade II
5. Magistrate Grade I

6. Magistrate Grade II
7. Magistrate Grade II

Each State is divided into a number of magisterial districts. Although a Magistrate may have jurisdiction throughout a state, he normally exercises his jurisdiction only within a magisterial district. In the Southern States of Nigeria, Magistrates have both civil and criminal jurisdiction. While in the Northern States of Nigeria, Magistrates have only criminal jurisdiction. When they sit in a civil matter, they are known as District Courts.

Notwithstanding the jurisdiction of the Magistrate, they cannot try such capital offenses as murder or criminal matters punishable by more than 7 years imprisonment, impose fines greater than N25, 000 , or preside over civil cases involving land worth more than N2, 000.

Criminal Jurisdiction of Magistrate Courts

All Magistrates, other than Magistrate Grade III, have jurisdiction to try any indictable offense other than a capital offense.

Court	Imprisonment	Fine
Chief Magistrate	5 years	N1, 000
Magistrate Grade I	3 years	N600
Magistrate II	1½years	N400
Magistrate III	9 months	N200

Note that the jurisdiction of Magistrates in some States has been increased more than the above stated amount.

Tribunals

They are set up on *ad hoc* basis, and are never permanent. The law setting up each tribunal normally specifies the purpose of the tribunal, and its jurisdiction.

The decisions of the tribunal are subject to ratification of the National

Assembly, the State House of Assembly or any other authority.

An example can be found in recently formed election tribunals such as the Presidential Election Tribunal, National Assembly Election Tribunal, and the Governor and Legislative Houses Election Tribunal, which were set up to determine election petitions.

Other tribunals include:

1. Military Court to enforce discipline in the armed forces.
2. Robbery and Firearms Tribunal to try armed robbery suspects.
3. Special Military Tribunal to try those who are accused of attempting to take over the government in an unlawful manner.
4. Miscellaneous Offenses Tribunal to try those who have committed economic and other crimes under the jurisdiction of the tribunal.
5. Rent Control and Recovery of Residential Premises Tribunal to settle disputes between landlord and tenant.
6. Failed Bank Tribunal to try those who are accused of hampering the operation of banks due to their refusal to repay loans taken from failed banks.

Please note that since the advent of democratic rule in Nigeria, most of the tribunals have been abolished and their functions transferred to the regular Courts.

Customary Court of Appeal

A President heads the Customary Court of Appeal and all Judges as may be prescribed by the House of Assembly of the State. In addition to any other qualifications required by the National Assembly, a Judge of the Court must have considerable knowledge and experience in the practice of customary law. The Court is duly constituted with three Judges. The Court exercises appellate and supervisory jurisdiction in civil proceedings involving questions of customary law.

Sharia Court of Appeal

Although Sharia Courts are currently more established in the Northern States of Nigeria, any State can establish one. A Grand Khadi heads the Sharia Court of Appeal and all the other Khadis prescribed by the House of Assembly of the State. A Khadi must possess a recognized qualification in Islamic personal law from an Institution approved by the State Judicial Commission. And the Khadi must have had the qualification for a period of not less than 10 years, or considerable experience in the practice of Islamic personal law. The Court is duly constituted with at least three Khadis. It has jurisdiction to hear appeals from Upper Area Courts in cases involving the questions of Muslim personal law.

The Federal High Court

The Court is constituted with a single Judge who is a legal practitioner, having not less than 10 years' experience in the legal profession before being appointed.

Appeals from here go to the Court of Appeal, and then to the Supreme Court.

National Industrial Court

The Court was established under the Trade Disputes Act for the purpose of dealing with trade disputes and collective agreements.

A trade Dispute is any disagreement between the employers and the workers or between workers. It usually deals with disagreements over employment, termination of employment or physical conditions in the workplace.

Collective agreement is any agreement in writing between:

- (a) An employer; a group of employers, an employee organization or representatives of any group of workers.
- (b) One or more representatives of a workers' organization or the lawfully appointed representatives of any group of workers.

The Court has exclusive original jurisdiction to make awards for the purpose of settling trade disputes. It also has exclusive jurisdiction to determine questions concerning the interpretation of:

- (a) A collective agreement.
- (b) An award made by an arbitration tribunal or by the Court itself under the Act.
- (c) The terms of settlement of a trade dispute as stated in a memorandum in cases where a conciliator is appointed under the Trade Disputes Act to deal with a trade dispute.

The decisions of the Court are final, but appeals can be made to the Court of Appeal based on precedence from its rulings on whether any of the provisions of Chapter IV of the Constitution have been contravened.

The Court may be assisted by assessors appointed under the Act at the discretion of the President.

The Court of Appeal

It is next to the Supreme Court in ranking. Its decisions are binding on all other Courts except the Supreme Court.

It is constituted by not less than three justices. Five justices comprise the court when it is hearing a case on a point involving the interpretation of the Constitution.

The Court has jurisdiction to hear and determine appeals from all Courts below it.

Supreme Court of Nigeria Section 230

It is the highest Court in Nigeria and its decisions are final and binding on all other Courts. It is constituted by at least five justices.

Seven justices comprise the court when it is hearing a case involving interpretation of the Constitution or an appeal to one of its earlier decisions. The Supreme Court is headed by the Chief Justice of Nigeria and up to 15 other Justices.

It hears appeals from the Court of Appeal.

B. Organs and Staffing of Court

Apart from the fact that the Court is an institution for the settlement of legal disputes, it is also a place where other activities take place. These activities are performed by different departments in the Court bureaucracy, which comprises staff employed to perform specific functions.

Basically, these departments include:

- ? Registry department
- ? Administration department
- ? Accountants/Finance department
- ? Planning, research & statistics
- ? Area Courts Inspectorate Division

However, the most important of these departments for our purposes is the Registry department.

The Registry department is headed by the Chief Registrar, and it is subdivided into Litigation and Probate Registry, respectively.

The Litigation Registry is the department in charge of such matters as the receiving and filing of documents, certification of documents, affidavits, service of court processes, and compilation of records.

The Probate Registry deals with matters relating to the estate of a deceased person. It handles all legal processes, such as Wills, through which the estate of deceased persons are administered. This includes the procedure by which a Will is proved to be valid. The probate officer is in charge of this section.

The Administration Department is in charge of the day-to-day operations of the judiciary. The department is charged with the general management of staff in the judiciary, and it is headed by a director.

The Account/Finance Department manages the funds of the judiciary and keeps all records.

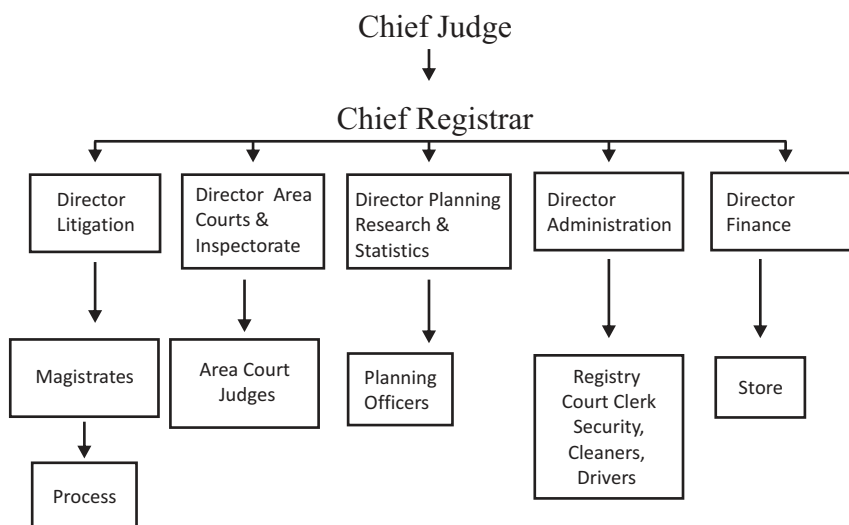
The Department of Planning, Research and Statistics is responsible for research and planning within the Court system.

The Area Court/Inspectorate Division is in charge of the appointment and supervision of Area Court Judges.

Each court has a Registrar or Clerk who keeps records of all the cases to be tried by the Judge, and calls the cases as they come up on the cause list. They also administer oath on litigants and their witnesses before they provide evidence in court.

Some courts also have interpreters, who help litigants with language barriers.

Diagram of Organ/Staffing of Court



C. The Registry/Business Within

In Nigeria, all the Courts have a Registry Department. The Registry of a Court will be the first point of call for a litigant. This department is seen as the nucleus of the Nigerian judicial system. It is practically impossible to

have an effective judicial system without a responsible, responsive and highly efficient Registry.

The Registry comprises officers who take care of responsibilities related to the filing of processes, documents and compilation of records.

Each Nigerian Court system has a hierarchy, at the top of which sits the Chief Registrar who is able to speak for the entire Registry of the Court. He is a recorder who also serves as an accounting officer. All other officers in the Registry Department are accountable to him.

The Registry Department has two parts: the Litigation Registry and the Probate Registry.

The Registrar in the Litigation Registry is responsible for such tasks as keeping records, accepting and accessing documents or processes for filing, certification of documents to be filed, compilation of records, and administering oaths.

The Registrar assesses the documents or court processes presented for filing, after which payment is made to the cashier, who in turn issues a receipt for the amount paid. In most Courts, the Cashier's office is located close to the office of the Registrar. The assessed documents are then sent to the Process Room and the Process Officer, who will file the paperwork and provide a copy to the litigant or his legal representative. The process officer prepares the hearing notice, and ensures the court bailiffs serves the notices to the parties involved in the legal action.

Note, however, that, in lower Courts, which are usually not strictly bound by formal rules of evidence and procedure, a litigant not represented by a legal practitioner may rely on the Registrar in the Litigation Registry to prepare the necessary paperwork.

The Litigation Registry is further sub-divided into criminal and civil sections, depending on the jurisdiction of the court.

The Probate Registry is in charge of matters dealing with letters of

Administration for a deceased person.

D. Court Room Layout

The Court Room is the arena where legal disputes are determined between parties through a series of procedures. The Court Room usually has distinct sitting arrangements where persons in court are expected to sit.

The Judge sits on a platform that is higher than every other person in the courtroom. Every court sits with a Registrar, who usually sits directly in front of the judge.

In the courtroom, there are usually two boxes. The box to the right of the Judge is known as the witness box. In some courts, it can be on the left of the Judge, while the other box is known as the dock. The dock is where the accused person stands.

Some courts do not have these boxes.

The first rows of seats in front of the Registrar of the court are reserved for lawyers, and they are usually separated from the public. In the Magistrate Courts, for example, the seats in front of the Registrar are usually reserved for police prosecutors, while the lawyers sit directly behind them.

The Senior Advocates of Nigeria (SAN) sit in the front row of the seats reserved for lawyers, while other lawyers sit in the next rows.

Other seats where the members of the public sit are usually behind or by the side of the lawyers.

Courtroom layouts, except where noted above, are the same in every court.

E. Proceedings **Civil Proceedings**

Court proceedings commence at 9 a.m., and the litigants are expected to be in court at least 30 minutes prior.

The Registrar usually announces the arrival of the judge. In the superior

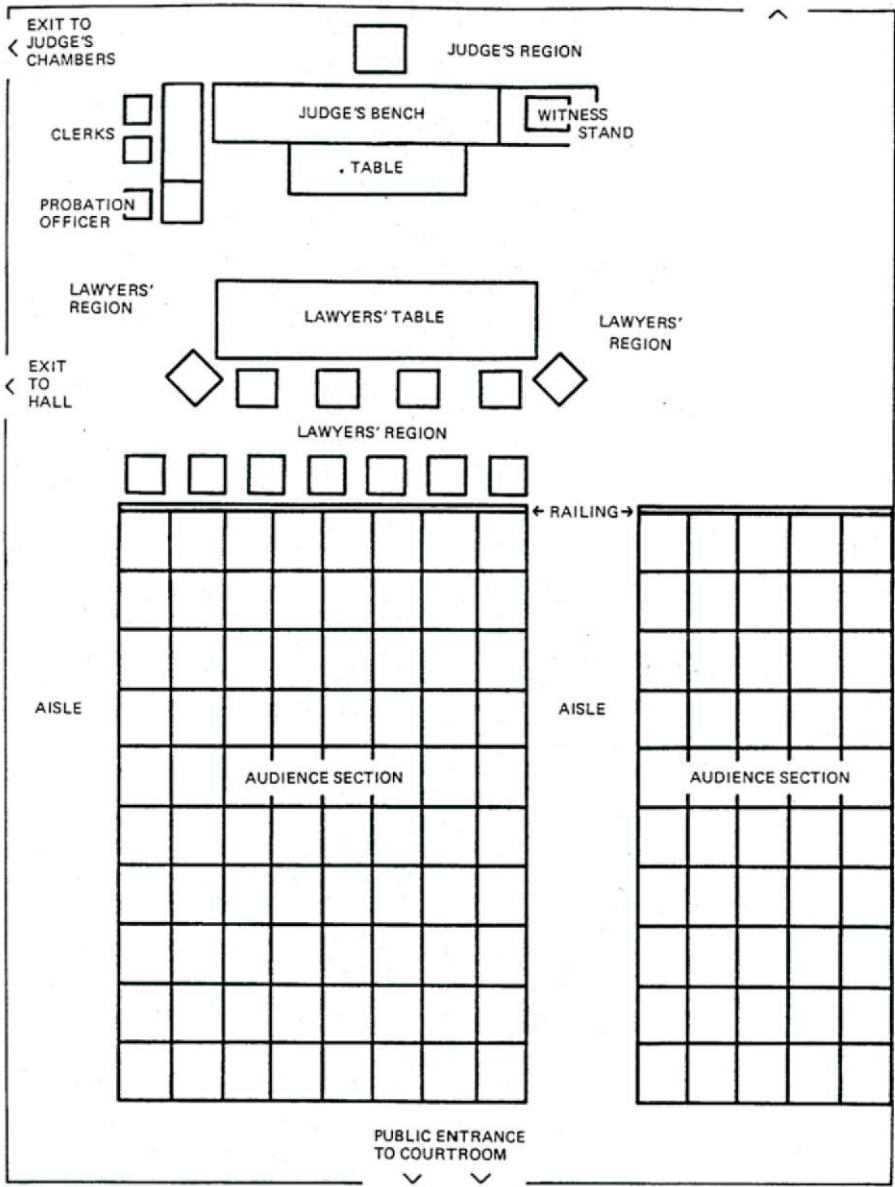


Figure 1. The courtroom.

courts, such as the High Court, Court of Appeal or the Supreme Court, the judge is normally dressed in a black gown with white trim and a wig. Whereas in the lower courts, such as the Magistrate Courts, Area Courts and Customary Courts, the Judge is usually dressed in a black suit with a matching tie. The banging on the door three times is the signal that the Judge is about to enter the courtroom, and everyone in the court is expected to stand up. As the Judge enters the courtroom, he will bow toward the public before sitting down, and the public is expected to reciprocate. The Registrar of the Court, who keeps the record of all the cases, calls the case as they come up on the cause list. The parties to the cases are expected to signify their presence by answering when their names are called. The Plaintiff is expected to stand on the right side of the Judge, while the defendant stands on the left.

The witnesses in the case are ordered to leave the courtroom for a separate witness room when evidence is to be given. In most courts, this room is not available, and witnesses are expected to simply stay outside the courtroom. The witness who is to give evidence will enter the witness box to the right of the Judge.

Prior to testifying, a witness swears an oath to tell the truth on the Holy Koran or the Holy Bible. A Plaintiff who is represented by a lawyer will normally be questioned first by his lawyer.

At the end of his testimony, the Defendant or his lawyer may question the witness.

After questioning, the witness's lawyer may ask clarifying questions. Once the plaintiff presents his case, the defendant opens his case by calling witnesses and following the same procedure.

After both parties have presented their cases, their lawyers could address the court on all the issues that are necessary for the determination of the

case. If a lawyer does not represent a party, he can address the court provided he knows what to say.

The judgment may be delivered instantly or at any time not later than 90 days from the completion of legal proceedings.

Criminal Proceedings

The procedures are similar in criminal cases, with some minor differences.

The judge is dressed the same, unless he is delivering a death sentence, in which case he will wear red robes and a wig.

Criminal cases are usually initiated by the state through police prosecutors or state counsel from the Ministry of Justice. The Registrar, after calling the accused person into the dock (i.e. the box on the left side of the Judge), reads the charges. The accused person is expected to plead guilty or not guilty to the charges.

The prosecution opens its case by calling witnesses, who must first swear an oath to tell the truth. At the end of the witnesses' testimony, the defense counsel has the right to ask questions. Once the prosecutor is finished, the defense presents his case under the same procedures.

Attorneys from both sides, usually starting with the defense, will then sum up their cases for the court.

The Court reserves its judgment, and can deliver it at any time within 90 days after the trial is completed. The Judge may also deliver a summary Judgment, depending on the complexity or nature of the case.

You should remember that proceedings in civil and criminal matters in the

formal court system are distinct from the proceedings in Sharia Courts, where Islamic law is practiced.

Islamic Civil Practice and Procedure

The court sits by 9 a.m. and parties are expected to be seated before the Judge enters the courtroom.

The door is banged three times and the Registrar announces the arrival of the Judge.

The Judge enters the courtroom and bows to the public, which is expected to do the same to the judge. The Registrar calls the cases on the cause list, and the parties will signify their presence by answering when their names when called. Usually, the judge will request the plaintiff to state his case in clear and unambiguous term.

The Plaintiff is expected to be succinct in his statement. When a suit pertains to land, the Plaintiff has to explain where it is situated and define its extents and boundary. If it is an animal, he has to give its exact number and any other relevant identifiers. A Plaintiff who fails to properly define his claim to the extent of clearing any doubt as to its certainly shall have his matter dismissed or struck out by the court.

Whenever a claim cannot be properly defined by the plaintiff, the Judge will ask the Defendant whether he would admit the claim. The Defendant may admit all or part of it, or deny it. He may even refuse to comment.

When the defendant admits liability, and he is determined competent under the law, the court will give judgment in favor of the Plaintiff once the Defendant had been given I'izar, which is an opportunity to furnish any further proof or statement. When the defendant refuse to talk or comment on the allegation against him, the judge takes his silence for an admission of guilt. The judgment will then be entered in favour of the Plaintiff, without requesting the Plaintiff to take any oath.

When the defendant denies liability, the Judge will scrutinize the statement of claim and decide who among the parties should be (mudai) Plaintiff and

who should be (mudda alaihi) Defendant.

After this, the Judge will ask the Plaintiff to call his witnesses, who will be brought into the court room one after another. The witnesses must be adult Muslims, male, sane, free born, and not indicted or involved in Bida activities (innovations).

A non-Muslim may give expert evidence. Females can also give evidence in cases relating to such female issues as gynecology. Two female witnesses shall suffice to give the plaintiff judgment.

If a witness gives credible evidence, the Judge allows the defendant to cross-examine him. The Plaintiff also has the right to cross-examine his own witness. The witness also has the opportunity to defend his testimony. When the Defendant is able to fault the evidence of his opposing witness, that evidence shall be rejected. Otherwise, such evidence will be admitted.

A party can challenge the testimony of his opponent by saying that they are related by blood, that they are related by marriage or by identifying some other circumstance that renders the witness incompetent under Islamic Law.

If the Judge is satisfied that the Plaintiff has proved his case by calling two unimpeachable male witnesses, one male and two female witnesses, or two female witness in cases where they have exclusive knowledge, judgment will be made in favor of the Plaintiff.

If the plaintiff has no witnesses, the Judge will request the defendant to swear that he is innocent. The case will be dismissed and the defendant freed if he takes such an oath. A judgment will be made against the defendant if s/he refuses to swear, and the plaintiff agrees to swear.

F. Judgment Meaning

A judgment is simply the binding decision of the court given at the end of a case.

The Judge is expected to deliver his ruling as soon as the parties finish their

cases. However, he may reserve judgment as long as he wishes. When this happens, a hearing notice will be served on the parties notifying them of the date the judgment will be delivered. Generally, the Judge is expected to issue a ruling within 90 days.

A judgment once delivered remains valid and binding unless appealed.

Contents/Attributes of A Valid Judgment

(a) It must be in writing.

Every court is expected to deliver its judgment in writing, not orally.

(b) It must be delivered in open court.

Open court in this respect means an area where members of the public would have access. Any judgment delivered in chambers, even if the proceedings were held in public, is not valid.

(c) Proper evaluation of the evidence.

The judgment must show a fact-based, clear resolution of all the issues. The record must show that the court has considered all evidence presented by witnesses.

(d) Confinement of judgments to issues raised and claims sought by the parties. A court is not to grant to a party what he has not claimed.

G. Appeals

An appeal has been defined as a request to a higher court to review the decision of a lower court. The higher court considers the proceedings and record of the lower court to determine whether a correct decision was reached. This definition is contained in the decision of **OKEDOYIN V. AROWOLO (1989) 4 NWLR 172** at page 211.

An appeal is generally regarded as a continuation of the original case, and not a new one.

The main Appeal Courts are the Supreme Court, the Court of Appeal, the High Court (Federal, State and the Federal Capital Territory), the Customary Court of Appeal of a State and the Sharia Court of Appeal of a State.

These are the only superior Courts of record in Nigeria, as provided for in section 6(3) and (5) of the Nigeria Constitution 1999.

The Supreme Court is the highest and final Court of Appeal. Although there is an exception, especially regarding electoral matters, when an appeal terminates at the Court of Appeal. Judicial intervention by the President or Vice President is an exception to the appeal process

The court of Appeal hears appeals from the High Courts (Federal, State and Federal Capital territory), the Customary Court of Appeal (State, and Federal Capital Territory), and the Sharia Courts (State and Federal Capital Territory).

The Customary Court of Appeal of a State and the Sharia Court of Appeal of a State, each solely adjudicates appeals of Customary and Sharia.

The Customary Courts function mainly in the Southern States. The High Courts (Federal, State and Federal Capital Territory) hear Appeals from subordinate Court, namely Magistrate's Courts, the District Courts and Area Courts.

It is important to note that the Appeal may either involve a criminal or civil case. Generally the Court of Appeal reviews the whole proceeding, including all the interlocutory decision given in the trial. Therefore no interlocutory Judgment or order from which there has been no Appeal operates so as to bar or prejudice the appellate Court.

The various rules guiding the appeal procedure are contained in the statute laws and Acts establishing the Appellate Courts.

In addition to the above, other principle legislation regulating appeal procedure includes:

1. The Criminal Procedure code/Act for the Southern and Northern States respectively.
2. The Constitution of the Federal Republic of Nigeria 1999.
3. The Civil procedure Rules.

The Procedures

Commencement of Appeal:

Every appeal from the decision of a lower Court is commenced by Notice of Appeal, which is lodge by the appellant in the lower court within 30 days of that decision and served on all the other parties affected by the appeal within the same time period. The Notice of appeal should be in the form specified. If it is a civil case, then it should be in form 107 in the Appendix to the Rules. If it is a criminal Appeal, then the Notice of Appeal should be as prescribed by the rules.

When the appellant complains about only a part of the decision, the notice of appeal should only address that part of the decision. Otherwise, the appeal would address the decision as a whole.

Record of Proceeding

This is the work of the Registrar of the lower court, for which fees are required. He prepares copies of the proceedings within three months of the decision. Within 7 days of preparing the copies of the proceedings, the Registrar of the lower court sends them to the Registrar of the High Court.

¹ See glossary at the end for definition of interlocutory

CHAPTER THREE

ASSISTING WOMEN IN PRISON

A. Rights of Prisoners That Must Be Observed In Prison

Although prisoners do not have full constitutional rights, they are protected by the constitutional prohibition of cruel and unusual punishment. This protection requires that prisoners are entitled to a minimum standard of living. Prisoner's who are detained without sentence retain some other constitutional rights. A citizen behind bars is entitled to the society's and Court's vigilance since under the law they are considered to have the same rights as all citizens

Unfortunately, however, many persons behind bars are unaware of these rights. And women, who are usually illiterate, . Even the literate ones are unaware of their rights. Furthermore, even empowered women face gender barriers due to entrenched societal customs and practices.

This reality is reflected in Nigerian prisons. Men make up such a big majority of prisoners that the authorities do not find it necessary to construct standard prisons for women. Consequently, they are kept in crude cells, makeshift buildings or attachments to men's prisons, contrary to national and international standards provided in specific instruments.

Below is a list of some of these important rights, particularly as they effect prisoners awaiting trial and women. **Right to Liberty:** Section 35 (1) of the 1999 Constitution provides to the effect that no one should be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law.

Right to Fair Trial within a reasonable time: Any detained person has the right to trial within a reasonable time, or release.

Right to presumption of innocence: Section 36(5). Any person who is charged with a criminal offense is presumed to be innocent until he is proven guilty.

Right to Legal Representation: Section 36(6) (C). A detained person has the right to defend himself, or to be legally represented.

Right not to be convicted of a criminal offense that is not prescribed in a written law: Section 36 (12) of the Constitution. No body is to be tried or convicted of any offence that is not written down under a known law.

There are International Instruments containing special provisions on the rights and privileges of women prisoners. For example:

- ? Convention on the Elimination of All Forms of Discrimination against Women (Art 2).

This Convention prohibits all forms of discrimination against women in the political, economic, social, cultural and civic areas. But there is no express provision in this convention with regard to the state of women in prisons. By implication, these rights are covered by this convention.

- ? International Covenant on Civil and Political Rights

This instrument addresses women's rights in the area of criminal justice. Article 6 says that no pregnant woman shall be executed.

- The Standard Minimum Rules for the Treatment of Prisoners describes the special requirements regarding women under Rule 53 (1-3):

(i) In an institution for men and women, the part of the institution set aside for women shall be under the authority of a responsible women officer who shall have the custody of the keys of all that part of the institution.

(ii) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a women officer.

(iii) Women prisoners should be attended and supervised only by women officers. Though professionals are not precluded from parts of the institution set aside for women.

Essentially, women are entitled to the equal protection of all human rights in the political, economic, social, cultural, civil and all other areas.

B. Staffing/Roles and Responsibilities of Front Officers

Every State in Nigeria has its respective prison command supervised by the Controller of Prisons (CP). Below the State Command are the individual prison bureaucracies headed by a Superintendent of Prisons.

There are subordinates staff in the lower cadre with specific responsibilities.

Any person visiting the prison would normally meet the gate officer, who is always by the entrant gate. He is the first point of contact. He keeps watch over the gate and monitors the entry and exit of people.

There is also a desk officer who keeps a register where visitors are expected to enter their names and drop their cell phones any other personal items. The prison wardens are in charge of the prisoners. These officers bring a prisoner out of the in such instances as trial or visits. There are also qualified medical practitioners and nurses who are generally responsible for the health care of the prisoners and the sanitary condition of the entire prison.

It is important for a visitor to the prison to note that the gate officer and the desk officer play vital roles in providing proper direction regarding the purpose of a visit.

All prison staff/officers (executive or subordinate) are enjoined by law to strictly obey all the laws and regulations.

C. Visiting Rights

All prisoners, untried or convicted, are accorded rights under the United Nations Standard Minimum Rules for the Treatment of Prisoners.

A prisoner must be given reasonable facilities for communicating with his family and friends, as well as legal advisers, and for receiving visitors, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

Section 12 of the Prison Act defines differences between classes of visitors.

Visitors ex-officio They are judicial officers only.

Visiting Committees They are comprised of respectable public servants outside the prison hierarchy who have a mandate to visit prisons periodically to assess the standard of living of the inmates and to make appropriate impute through official administrative channels.

Voluntary visitors There are also other groups known as voluntary visitors. In practice, it is important that NGOs, paralegals or members of any civil society organizations give prior notice of their intended visit to the Superintendent of prisons before embarking on such visits.

D. Interviews

The Prisoners' right to receive visits from members of his family, friends and legal advisers also extend to his right to be interviewed for his defense and to take in confidential instructions. For these purposes, he must be supplied with writing materials.

Interviews between the prisoner and his legal adviser or any other visitor may be within sight but not within the hearing of the prison official, who is usually a psychologist. Prisoners are normally led into a large hall where such facilities exist for the purpose of interviews.

E. Securing Legal Assistance

For the purpose of his/her defense, a prisoner who is awaiting trial on a capital charge or who has been convicted of a capital offense is allowed to apply for free legal aid. It is the responsibility of the State to provide legal aid to such category of prisoners who have no legal representation or who are indigent. Judges play vital roles in this respect since they are in a position to detect such cases as they adjudicate on matters coming before them. Usually, a human rights lawyer involved in the rendering of pro-bono services may be of assistance.

F. Hygiene and Sanitary Conditions

Section 12 of the Prison Act establishes the office of the Medical officer and empowers the officer to attend to matters pertaining to the general sanitation of the prison. It is the responsibility of Prison officials to make provisions for the clothing and bedding of prisoners and to ensure that they live in hygienic conditions.

G. Pre- and Post-Natal Care

The United Nations Minimum Standard Rule makes special provisions covering pregnancy, child birth and child care. It is the requirement of law that pregnant women and nursing mothers who are in prison be provided the special facilities.

Women prisoners are expected to be taken to outside hospitals by prison officials whenever practicable to give birth. When they deliver their babies in the prison, it must not be mentioned on the birth certificates. When nursing infants are allowed to remain with their mothers in the institution, provision must be made for a nursery staffed by qualified staff. The U.N. rule makes it clear that pregnant women should receive as high a level of care as is accorded to women outside prison.

Jurisdictions vary in the rules they make about women prisoner's babies. Some countries allow mother to keep their babies with them until they reach a certain age of month; 18 months, 2 or 3 years before the babies are taken elsewhere.

H. Feeding/Health Care

The prison Administration is required to provide adequate and quality food for prisoners three times a day. However, prisoners waiting trial, within limits, may have their food brought from outside at their own expense.

The Minimum Standard Rule stipulates that every institution should have the services of at least one qualified medical officer with some knowledge of psychiatry. The medical service is to be organized in close relationship to the general health administration of the community or nation.

The rule further stipulates that the medical officers is responsible a prisoner's physical and psychological health of the prisoners, and that they should make daily checks on all sick prisoners.

Furthermore, persons who are found to be suffering from diagnosed mental disorders should not be detained in prisons. Arrangements shall be made to move them to psychiatric institutions as soon as possible. Such treatments may be continued where necessary, upon arrangement with appropriate authorities after the release of the prisoner.

I. Bail

The category of prisoners referred to as Awaiting Trial Persons must be entitled to apply for bail, which can only be granted by the Courts.

The Court has the power to decide whether or not to grant bail. The power of the court to grant bail generally depends on the circumstances in each case.

The power of a court to admit an accused to bail depends on two factors:

- 1. The court before which the accused is being charged and**
- 2. The nature of the offense leveled against the accused.**

For example

In capital offences carrying a death penalty, the Magistrate Courts, by virtue of the combined effects of sections 118(1) CPA and 341(1) CPC, cannot grant bail to such an accused person. But it may grant bail to an accused person charged with non-capital offenses punishable with imprisonment for three years or more.

Under the CPC, the defendant is eligible for bail unless his alleged crime carries a prison term of three or more years

Also an accused person charged with a capital offence would ordinarily not be granted bail by the High Court, except upon proof of some special circumstances that may necessitate the grant of bail in such cases.

The High Courts equally have the power to grant bail to an accused person charged with a non capital offense.

Application for bail in court after the accused has been arraigned in court may be made orally by counsel in court, depending on the nature of the offense for which the accused is charged. Once an accused has been charged and pleaded not guilty, counsel may apply orally for bail pending the final determination of the case.

Where an accused is not represented by counsel, the court will grant bail to the accused, subject to whatever representation prosecution may make. Generally in practice, an accused person without a legal representative may only be granted bail in minor cases.

J. Petitions/Complaints

Part I of the Prison Regulation of 1947 ensures a prisoner's right to make formal complaints.

He can make such complaints or file such petitions to prison visitors, which may include his family, friends, legal adviser, judicial officers, the visiting committees or the superintendent of the prison.

CHAPTER FOUR

Commencement of Civil/Criminal Action

Civil Action

Generally, the Rules of Court provide four methods by which a person who is seeking legal redress may have access to the court. These methods apply to all courts exercising civil jurisdiction. The four methods are:

- (a) **By the issuance of a writ of summons:** The writ of summons results from the litigant's complaint and commands the defendant to appear in court on a fixed date, time and place to answer to a civil case. It is used in proceedings involving disputed facts.
- (b) **By the issuance of an originating summons:** Any summons; other than a summons in a pending case or matter. The proceedings in which it is used involves questions of law rather than disputed facts.
- (c) **By a petition:** A written application setting out a litigant's case in detail for a relief or remedy, and made in open court. It is used to commence proceedings for the dissolution of companies, marital divorces and electoral matters.
- (d) **By an originating motion:** Official notice of when a legal matter begins. For example, where leave to apply for an order of mandamus prohibition or certiorari has been granted, the application must be made by notice of motion.

Among these methods the most commonly used is the issuance of a writ of summons. Essentially, the other methods are employed when it is expressly provided by a statute or where it is strictly a question of interpretation. In lower courts, where the rules of procedure are usually not strictly applied, actions generally are commenced by the issuance of summons by the court

at the instance of a litigant upon receiving a written or oral statement of claim from the Litigant. These depend upon the type or nature of claim, or the relief sought by the Litigant.

Before commencing a civil action, a Plaintiff must first consider the following when judging the competence of his Cause of Action.

A suit is aimed at vindication of some legal rights. A cause of action therefore is a plaintiff showing that the defendant has done a wrongful act which has affected him, and that he has suffered damages as a result of the illegal or wrongful act of the defendant.

Locus Standi

This simply means the legal capacity to institute an action in a court of law. The Plaintiff is expected to show to the court that he has a title or sufficient personal interest or right to sue the defendant and that the defendant's act has adversely affected such interest. Failure to show locus would lead to the action being dismissed.

Jurisdiction Of The Court

The Rules of Court regulate choice of venue of institution and trial of suits. In all suits relating to land, the suit must be commenced and determined in the territorial jurisdiction of the court in which the land is situated.

- All suits relating to personal property seized for any cause must be commenced in the judicial division or where the distress or seizure took place.
- In the case of an action for recovery of penalties and forfeitures, it must be commenced where the cause of action arose.
- Where there is a suit against public officers, it must be commenced and determined in the area where the cause of action arose.
- In the case of an action for infringement of fundamental rights, it should be commenced where the infringement took place.

- Suit upon contract should be commenced in the place where the contract is made or where the Defendant resides or carries on part of his business.

- ? Other suits should be commenced in the place or judicial division in which the defendant resides or does business. Where there are different defendants residing in different judicial divisions, the suit can be commenced in any judicial divisions where there are defendants.
- ? Any suit which is commenced in a wrong judicial division can be transferred through an application.

Limitation Law

The Plaintiff must be vigilant to commence an action because the law does not aid lazy people.

Once there is a cause of action, the plaintiff must take urgent steps to initiating the action in court because time begins to run when the cause of actions arise.

The limitation law stops running against an action once that action has been filed in court.

- Matters involving infringement of fundamental right should be filed within 12 Months. However, the applicable rules under this procedure allow the Judge to extend the time after 12 months.
- ? Matters involving the government or its parastatal and officials must be commenced within 3 months.
- ? In actions for tort, it must be commenced within a period of 6 years.
- ? In case of death where there is a claim under the Fatal Accident Act, the action is commenced within 3 years after the occurrence of such death.
- ? Action against the local government, Nigeria Telecommunications Limited, the Nigerian Railway Corporation etc should be filed within 12 months of the cause of action.
- ? If goods are lost at sea or there is a breach of a contract, the action is commenced within 12 months.
- ? No action can be brought to enforce a contract after a period of 6 years. However in carriage of goods by air, where the goods are lost or there is a breach of contract, the action must be filed within 2 years

Suing The Proper Defendant/Party

There must be a dispute between the plaintiff and the defendant as the Plaintiff cannot bring an action against persons whom he has no cause of action or against whom he has not made any claim. The proper defendant/party is that person (natural or artificial) that has infringed on the Plaintiffs right. A claim may be struck where there is no proper defendant/party.

Criminal Action

The law lays down the methods by which criminal proceedings can be instituted in courts vested with criminal jurisdiction. The methods by which criminal proceedings can be instituted in the Magistrates' Courts, the Federal High Court and the States' High Courts are as follows:

Magistrates' Courts

- ◆ By preferring a charge before a Magistrate: This is the most common method of instituting criminal proceedings in the Magistrates' courts in Southern Nigeria.
- By laying a complaint before a Magistrate: A complaint is an allegation that any named person has committed an offense. Complaints are usually made by police officers, but a private person can lawfully lay a complaint before a Magistrate. This method is applicable in both Southern and Northern Nigeria.
- By laying a First Information Report before a Magistrate: This is the method by which the police brings a suspect before the court and it is the commonest method by which criminal proceedings are instituted in the Magistrates courts in Northern Nigeria.

Federal High Court

- By preferring a charge against an accused person.

State High Courts

- By filing information against a person charged with an indictable offence after obtaining the consent of a High court Judge. This is applicable to High Courts in the South.
- By filing information accompanied by proof of evidence.
- By laying a complaint before a High Court Judge.
- By filing an information for an indictable offence after a

- committal order made by a Magistrate.
- By a private person filing an information for an indictable offence.
- By filing a charge in the High Court with leave of a High Court Judge. This is peculiar to High Court in Northern Nigeria.

Note that criminal proceedings can also be instituted by filing a complaint before the Judge or by filing of a First Information Report before the Judge in Area, Customary and Sharia Courts respectively.

Unlike in civil proceedings, there is no time-bar against the institution of a criminal cause of action. However, there are a few exceptions to this general rule constituted under statute, for example:

- ◆ Criminal proceedings for the offense of unlawful carnal knowledge of a girl under the age of 13 must be instituted within two months of the commission of the offense.
- ? In cases of Treason, it must be instituted within two years of the alleged commission of the offense.
- ? For the offense of sedition, it must be commenced within six months of the alleged commission of the offense.
- ? Cases against any person alleged to have had unlawful carnal knowledge of a girl over 13 but under 16, and a person, knowing a woman or girl to be an idiot or imbecile, who allegedly had or attempted to have unlawful carnal knowledge of her, must be instituted within two months of the commissions of the offense.
- ? Criminal proceedings against a public officer alleged to have committed an offence in the course of the execution of his duty must be instituted within three months of the alleged commission of the offence.

CHAPTER FIVE

Some Legal Terminologies to Know

ABUSE OF JUDICIAL PROCESS: The malicious and unfounded use of regular legal proceedings by an adverse party to obtain an advantage over his opponent.

ACCESS TO COURT: The right to approach the court to seek redress against a legally recognized wrong or against an infringement of any legal rights.

ACCESS TO JUSTICE: The approach or means of approaching the court for legal redress or relief without hindrance following the violation of a person's rights, and this includes any person liable to an order for recognizance or to keep the peace.

ACCOMPLICE: A person who helps another to commit a crime or do something wrong.

ACQUITTAL: A decision that a person is not guilty of a crime or an offence for which he is been charged.

ADJOURNMENT: The postponement of the hearing of a matter to another time or date or a future date or indefinitely.

ADMISSION: Statement made by a party to a legal proceeding accepting or conceding to the truth or a factual situation.

AFFIDAVIT: A written statement of fact which the maker swears to be true to the best of his knowledge information or belief.

ALIBI: A person charged for a criminal offence was elsewhere other than at the scene of crime at the time the crime was alleged to have been committed.

ALLOCUTUS: An appeal or statement made by a person convicted of an

offence to the court to mitigate the sentence.

APPEAL: An invitation to a high court to review the decision of a lower court to find out whether on the proper consideration of the facts placed before it, and the applicable law, that court arrived at a correct decision.

APPEARANCE: When a party presents himself before the court upon been served with a writ of summons.

APPELLANT: A person who is not satisfied with the decision of the lower court and appealed against the decision to a higher court.

APPLICANT: A person or party that brings an application before a Court

ARRAIGNMENT: The calling of an accused person to answer to the allegation made against him in the language he understand where it is true of false.

ARREST: The taking of or keeping of a person in custody by legal authority e.g Police etc to answer or in response to a criminal charge or complaint.

ATTACHMENT: The seizure of a person's property to secure a judgment or the sale of a person's property in satisfaction of a judgment debt.

ATTESTATION: The appending of signature to a document executed by another person who is not a party to it in order to testify to its validity or genuineness.

BAIL BOND: The undertaking given by a surety of a person released on bail guaranteeing that the person will appear in court or at the police station whenever he is required to attend in future. Failure of the person bailed to appear when needed would require the surety to redeem the amount pledged in the bond.

BAIL: The release either conditionally or unconditionally of a suspect, whether on trial or convicted pending the determination of the case.

BAILIFF: An officer of the Court whose duty is to serve the writ of summons and other Court processes.

BENCH WARRANT: An order issued by the Court directing a law enforcement officer to arrest the person named in the order for failure to obey the Court or refusal to attend the Court.

CAPITAL OFFENSE: An offense that may be punishable by the sentence of death or life imprisonment.

CAPITAL PUNISHMENT: The death penalty.

CAUSE OF ACTION: A fact or combination of facts which give rise to a right to sue. This right to sue consists of the wrongful act of the defendant, which gives the Plaintiff the right to complain and the damages consequent to the wrongful act.

CAUSE: Includes any action, suit or other originating proceeding between Plaintiff and Defendant.

CAUSE LIST: A list prepared weekly by the Registrar of the Court containing all the cases that are to be heard by the Court during the week and it also states the nature of the matter that is coming up before the Court by grouping them under part heard, hearing, motion, mention, etc.

CAVEAT: A notice in writing lodged in the probate registry that no grant is to be sealed in the estate of the deceased named therein without notice to the person who has entered the caveat

CERTIORARI: Simply means to be informed of. It is an order issued by the High Court to Courts or Tribunal of subordinate jurisdiction directing

them to send the record of the proceedings of a particular case before it so that it can determine its legality.

CHARGE SHEET: A document containing one or more counts of offences alleged to have been committed by the accused person.

CHARGE: The formal accusation of a crime.

CLAIM: Demand as one's own or as one's right.

COMMISSIONER FOR OATHS: An officer of the Court appointed under the Oaths and Affirmation Law to administer oaths and affirmation to persons coming before him.

COMPLAINANT: Any person whether an informant or a prosecutor in any case relating to summary conviction for an offence. Or a person who complains of a criminal case against another person usually called a suspect if at the police station or an accused person at the Court.

COMMITTAL TO PRISON : An order of court against the defendant committing him to prison where he/she neglects or refuses to obey an order of the court.

CONFESSION: An admission made at anytime by a person charged with a crime, stating or suggesting the inference that he committed that crime.

CONFESSIONAL STATEMENT: A statement, which is made by an accused person admitting or acknowledging the fact that, he really committed the offence for which he is charged.

CONSENT JUDGMENT: A judgment, the provisions and terms of which are settled and agreed to by the parties to the action and due effect shall be given to it by the Court.

CONSPIRACY: Legally it means the meetings of two or more minds to

carry out an unlawful purpose or to carry out a lawful purpose in an unlawful way.

CONTEMPT OF COURT: The failure to comply with the order of a Court or an act of resistance, or disrespect or insult to the Court.

CONTRADICTION IN EVIDENCE: A piece of evidence affirms the opposite of what that other evidence has stated and not when there is a minor discrepancy between them.

CONVICTION: An act of a Court of competent jurisdiction adjudging a person to be guilty of a punishable offence.

CORROBORATION: An independent testimony or evidence, which affects the accused by connecting or tending to connect him with the crime with which he is charge. It is evidence which implicates the accused, that is which confirms in some material particulars not only the evidence that the crime was committed but also that the accused committed the crime.

COURT RECORD OF PROCEEDINGS: The official collection of all the trial, pleadings, exhibits, and orders and word for word testimony that took place during the trial. A written memorial of all the acts and proceedings in an action or suit in Court.

COURT: A government body consisting of one or more Judges who sit to adjudicate disputes and administers justice.

CREDIBLE EVIDENCE: Facts deserving to be believed, trusted or taken seriously.

CRIMINAL SUMMONS: A Court document commanding an accused person to appear in Court on a fixed date, time and place to answer to a charge against him.

CRIMINAL TRIAL: The proceedings in Court in which the Director of Public Prosecution (D.P.P.) or the police presents the case for the state, attempting to prove the case beyond reasonable doubt that the accused

person committed the offence as charged. The accused person may present proof to dispute the charge.

CROSS-EXAMINATION: The questions that the opposing party would ask the witness in the box so as to test the truth and veracity of the evidence given by the witness.

CULPRIT: The prisoner at the dock awaiting his trial after a plea of not guilty or a person arraigned for an offence, hence one guilty of an offence or fault or an offender.

DEFENDANT: A person against whom an action is brought; also a person being charged with a criminal offence.

DISCHARGE: The release of an accused person from detention or the prison. It is the dismissal of a case against an accused person and releasing him.

DISCRETION: A power or right conferred upon them by law acting officially in certain circumstances, according to the dictates of their own judgment and conscience, uncontrolled by the judgment or conscience of others.

DISMISSAL: A final order given at the end of the conclusion of a matter in which the relief the Plaintiff is asking for are refused by the Court. A case dismissed cannot be resuscitated.

DOCK: A box that is usually placed on the left hand side of the Judge in the Court which is meant for the use of the accused person to stand for his trial.

EVIDENCE: The testimony whether oral or documentary or real that may be legally received in order to prove or disprove some facts in dispute.

EXECUTION OF JUDGMENT: The process whereby a judgment or order of a Court of law is enforced or given effect to according to law.

EXPERT WITNESS: A witness who testifies on professional or technical matters e.g. Doctor, Accountant, Engineer, Surveyor, etc.

FAIR HEARING: It means that the adverse party is given the opportunity by the party in position to act to state his own side of the story and cross examine his accusers so as to test the veracity of their claim.

FELONY: An offense that is punishable by imprisonment for a term exceeding two years.

FIAT: The authority given by the Attorney General to a private legal practitioner or any other private person to prosecute a criminal matter on behalf of the state.

FORCE: Connotes an exercise of strength, power or energy. It also connotes influence or coercion.

FUNCTUS OFFICIO: A task performed, to fulfill the function, discharge the office, or accomplish the purpose and therefore of no further force or authority.

HEAR SAY EVIDENCE: Testimony that is given by a witness who relates not what he or she knows personally, but what others have said and that is therefore depending on the credibility of some one other than the witness.

HEARING DATE: The date fixed for hearing a case on the cause list after the close of pleadings and any subsequent date for hearing is an adjourned date.

HEARING NOTICE: A process of the Court by which a party to the proceedings is notified of the date of the case that has been fixed in the Court where he is not otherwise aware of such a date.

HEARING: The opportunity to be heard, audience, judicial investigation and listening to evidence and arguments.

INFORMATION: The prosecution formal accusation of the defendant for allegedly committing a crime.

INHERENT POWER: The power, which attends to and inheres in a Court by the very fact and no other than that it is a Court. Such a power need not be legislated. It is unnecessary to spell out such a power in any statutory instrument or even in a constitution. Such power is natural to the Court. Inherent power of Court sticks in the Court.

INJUNCTION: A judicial remedy by which a person is ordered to refrain from doing something or to do a particular act or thing.

INTER-ALIA: It simply means among other things

INTEREST OF JUSTICE: The interests of both parties are taken into consideration before the Court would arrive at a decision, balancing of the interest of both parties.

INTERESTED WITNESS: A witness who has an interest in the litigation. He is a witness who may derive an advantage or benefit from the result of the litigation. The advantage may be tangible or intangible.

INTERLOCUTORY APPLICATIONS: They are applications which do not decide the rights of the parties but are made for the purpose of keeping things in status quo till the rights of the parties can be decided or for the purpose of obtaining some directions from the Court as to how the case is to be conducted, as to what is to be done in the progress of the cause for the purpose of enabling the Court to ultimately decide the rights of the parties.

INTERLOCUTORY DECISION: Decision of the Court that only disposes of an issue or issues in the case leaving the parties to go back to the

Court to claim other rights in the Court.

INTERLOCUTORY INJUNCTION: An order issued by the Court any time during the pendency of the litigation for the short term purpose of preventing irreparable injury to the Applicant/Petitioner prior to the time that the Court will be in a position to either grant or deny permanent relief on the merits.

INTERLOCUTORY ORDER: A decision given in the course of proceedings but which does not determine the issue between the parties or their rights finally.

JURISDICTION: The power of the Court to hear and determine the issues in controversy between the parties and give a decision.

JUSTICIABLE: The matter is one that is proper to be examined in the Court.

LEGAL PROCEEDINGS: Proceedings authorized or sanctioned by law and brought or instituted in a Court or legal tribunal for the acquiring of a right or the enforcement of a remedy.

LEGAL PROCESS: A summons, writ, warrant, mandate or other process issuing from the Court.

LOCUS STANDI: The legal capacity or standing to institute an action in a Court of law.

MATTER: Every proceeding in Court not a cause.

MENTION: A brief notice, to notice briefly, to remark.

MISCARRIAGE OF JUSTICE: A departure from the rules, which

permeates all judicial processes so as to make what happened not in the proper sense of the word judicial procedure at all.

MISDEMEANOUR: An offence that is punishable by imprisonment for a term not less than six months but less than three years.

MOTION EXPARTE: An application in which the Applicant for cogent reasons cannot put the other party or parties on notice or awareness of its existence.

MOTION ON NOTICE: An application in which the Applicant has put the other side on notice that is the other side is aware or the existence of the application has been brought to the attention of the other party or parties involved.

MOTION: An application made to a Court or Judge for purpose of obtaining a rule or order in favour of the Applicant.

NULLITY: An act, which is void and lacking of any legal effect or consequences whatsoever. It is beyond remedy. It is a void act, an act that has no legal consequence.

OATHS: A religious asseveration (to declare solemnly) by which the party calls his God to witness that what he says is the truth, or that what he promises to do he will do.

ORIGINATING SUMMONS: A summons other than a summons in a pending cause or matter. As the name suggests it is a summons which originates an action. This procedure is used where the only or main issue for the determination is the construction or interpretation of a written law or instrument, a deed, a Will, contract or other documents or where there is express statutory requirement on its use.

ORIGINATING MOTION: A notice of a motion by which an action commences. In general, where leave to apply for an order of mandamus,

prohibition or certiorari has been granted the application must be made by notice of motion.

PARDON: An act of grace by the appropriate authority, which mitigates or cancels the punishment the law demands for the offence and restores the rights and the privileges forfeited on account of the offence. The effect of a pardon is to make the offender a new man (novus homo) to acquit him of all corporal penalties and forfeiture annexed to the offence pardoned.

PETITION: A written application praying for a relief or remedy or redress.

PETITIONER: The person who presents a petition or who seeks a relief or remedy by petition.

PLAINTIFF: A person or party who brings a civil claim in Court against another persons.

PLEA: The answer of an accused person to a charge or information preferred against him.

PRIMA FACIE: First appearance, first face, at first sight. A case supported by sufficient evidence to warrant submission to the judge for trial of the facts and the rendition of a verdict or finding in accord therewith. Or such as will prevail until contradicted and overcome by other evidence.

PROBATE ACTIONS: Actions and other matters relating to the grant or recall of probate or letters of administration other than common form business.

PROBATE: A procedure by which a will is proved to be valid. It refers to all legal process wherein the estate of a deceased is administered.

PROBATE ORDERS: An order requiring a convicted person under the age of 17 years to be under the supervision of a probation officer for the duration of the recognizance.

PROCEEDINGS: The form and manner of conducting judicial business before a Court or judicial officer. Regular and orderly progress in form of

law including all possible steps in an action from commencement to the execution of judgment.

PROCESS: Any means used by the Court to acquire or exercise its jurisdiction over a person or some specific property. It refers to summons, writ of summons etc.

PROOF BEYOND REASONABLE DOUBT: A degree of cogency, which is consistent with and equivalent to a high degree of probability. It does not eliminate the possibility of any doubts whatsoever including remote possibilities.

PROSECUTOR OR PROSECUTRIX: The person who take proceedings against another person in the name of the state usually either the person injured or the police or the Attorney General or the Director of Public Prosecution.

REASONABLE CAUSE OF ACTION: A cause of action with some reasonable chance of success when only the allegations in the statement of claim are considered.

REASONABLE TIME: Such time as is necessary, convenient to do what a contract requires to be done and as soon as circumstances will permit. In determining what is reasonable time, many factors are taken into consideration and it depends on the circumstances of each case.

RECORDS OF COURT: The documents filed in the Court and put in the Courts' file. They include the writ of summons, statement of claim and defence, motions, rulings, evidence of witnesses, judgment of the Court, letters of the

RESPONDENT: A person or party against whom an application is directed or a person against whom an appeal is brought against.

SEARCH WARRANT: A written authority by a Magistrate or any other appropriate person authorizing a police officer or any person named on it to enter a building or a place and conduct a search of it in situations where

there is a reasonable suspicion that an offence has been committed or is likely to be committed or to look for a particular thing.

SENTENCE: The judgment of the Court imposing a term of punishment on an accused person that has been found guilty.

SHERIFF: An officer of the Court whose duty is to levy execution in order to enforce the judgment of the Court.

STATEMENT OF CLAIM: A statement filed by the Plaintiff showing the facts which the Plaintiff's relies to support his claim against the Defendant and the relief which he claims.

STATEMENT OF DEFENCE: A statement filed by the Defendant admitting or denying the allegations in the statement of claim.

STATUTE BARRED: The period or the time limit to bring an action has lapsed and as such the action cannot be brought or prosecuted in the Court.

SUMMONS: A document issued by the Court calling on the person to whom it is directed to attend before a Judge of the Court within a particular period failing which certain consequences would follow at his own disadvantage.

SURETY: A person who binds himself to satisfy the obligation of another person if the latter fails to do so.

THE BAR: The area reserved in the Courtroom for the sitting of legal practitioners.

THE BENCH: The area in the Courtroom where Judges sit.

TRIAL: The finding out by examination the truth of the point in issue of the essential questions between the parties.

UNCONTROVERTED EVIDENCE: Evidence, which was not disputed or denied or opposed or contested.

VOID: Null, ineffectual, nugatory, having no legal force or binding effect, which makes it unable in law to support the purpose for which it was intended.

WITNESS: A person who gives evidence on Oath or tendered a document in a judicial proceeding.

WRIT OF SUMMONS: A Court document commanding a person to appear in Court on a fixed date, time and place to answer to a civil case brought against the person by another. The writ is dated with the date of issue and it specifies the court or venue in which it is intended that the case should be tried.

APPENDIX

Summary of Relevant Nigeria Laws

THE CONSTITUTION

Most countries of the world including Nigeria have a document called the constitution. Broadly speaking, the constitution refers to the whole system of government, which establishes, regulates or governs the administration of a given country. In other words, it is a single or related document that contains the rules establishing the various organs of government, their powers, interrelationships, and stating the position of the rights of citizens against the federal or state government. The 1999 Constitution of the Federal Republic of Nigeria, among other things, defines the rights of Nigerian citizens as well as their obligations to the government as citizens.

The constitution is regarded as the supreme law of the land. Consequently, all other laws in the country are subject to its provisions. It therefore follows that any law that is inconsistent with any of the provisions of the constitution will be declared null and void by reason of such inconsistency. Also, all authorities constituted by the Constitution are bound by the constitution as none is expected to act beyond the limits of the powers conferred on it by the constitution, otherwise such excessive exercise of power will be declared inconsistent and in effect null and void.

Therefore, the provisions of other relevant laws as well as the exercise of the power conferred on constituted authorities established under the constitution must at all time conform with that provided in the constitution.

CRIMINAL LAW

Criminal law is a branch of public law, which concerns itself with the relationship of members of the community as among themselves and the State. Criminal law seeks to protect the interest of the public at large by punishing certain conduct or behavior, which is believed to be harmful to the entire society.

In Nigeria, there are two enactments that provide for offences and prescribed the punishment for such offenses. The Penal Code law (PC) applies in the Northern States of the country and the Criminal Code law

(CC) applies in the Southern States of the country. The PC and CC covers offenses committed within the territory of its application as well as the punishments prescribed for such offences.

This is in line with the general principle of international law that criminal law should be local in its application. Therefore, any person who commits an offense against the criminal or penal law in force in the territory in which it is committed is liable to be punished by the appropriate court in that territory irrespective of his nationality or place of residence.

There are also two other enactments governing criminal procedure in Nigeria. The Criminal Procedure Code (CPC) operating in the States in Northern Nigeria and the Criminal Procedure Act (CPA) operating among States in the Southern part of the country.

CIVIL LAW

This aspect of law defines the rights and duties of one person towards another person. It provides a system whereby an individual who is injured by the wrongful act of another person can be compensated for the damage he has suffered. It is usually invoked by private citizens.

The main object of civil action is to obtain relief via either damages or an injunction. The usual outcome of a civil action is payments of compensation, but the courts in extreme cases award exemplary or punitive damages. Civil law is regulated by the rules of each court in Nigeria.

CUSTOMARY LAW

This aspect of the law consists of the various indigenous laws based on customs and operating among each ethnic group in Nigeria. Customary law is limited to civil matters. The rules of customary law are couched from usages or practices accepted by the people in a given community, which has a binding effect.

The rules of customary law are mainly unwritten so they are regarded as question of fact, which must be proved to exist. A person wishing to rely on a rule of customary law in any dispute before a court other than Customary or Area Courts is expected to establish the existence of such rule.

ISLAMIC LAW

This is a religious law based mainly not on accepted usage but on the Holy Quran, the practice of the prophet Mohammed, the Consensus of Islamic scholars and the analogical deduction from the Holy Quran. The version of Islamic law enforced in Nigeria is Islamic law of the Maliki School, which is uniformed throughout the Northern States of the Country where Islamic law is practiced.

Islamic law forms the way of life of Muslims so much so that they may be said not to have any other custom governing their conduct.

LAW OF CONTRACT

This is an aspect of private law that governs the relationship among individuals. It confers status and rights of obligation to citizens especially as it relates to their economic or commercial transactions.

The law of contract pervades all economic and daily affairs, which we engage in sometimes unconsciously.

Contract is an agreement, which the law would enforce as between the parties to it. Contracts could be express or implied. There is an express contract where all the terms of the contract are clearly detailed. An implied contract is one in which the terms are not clearly detailed, and the Court will have to construe the existence of a contract from the conduct of the parties.

A contract is said to be formed when there is an offer or expression of willingness to contract, acceptance of the offer; the given of consideration or something of value in the eyes of the Law, and where there is an intention of creating legal relations between the parties.

Generally, infants or persons under 21 years, mentally abnormal persons and drunken persons do not have the legal capacity to contract.

LAND LAW

This is the aspect of law that deals with all transactions relating to land by individuals and government respectively. It covers important issues such as ownership of land, acquisition of land, alienation, succession rights to land, grant of Rights of occupancy, etc.

Nigerian Land Law is comprised of Native Law and Customs; Statutory laws, being those enacted prior to the introduction of the Land Use Act, 1978, and the Act itself, which is the unified law regulating land matters throughout the Country as well as the Received English Laws on land matters.

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