

## Law paper

# Analyzing Vitiated Confessional Statements: Applications in Decided Cases

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**ABSTRACT:** Analyzing vitiated confessional statements is a crucial aspect of legal proceedings, particularly in cases where the validity of such statements is contested. This paper explores the significance of scrutinizing confessions obtained under duress, coercion, or other circumstances that undermine their voluntariness. Through a review of decided cases, this study elucidates the methodologies employed by courts to assess the admissibility and reliability of confessional statements. Drawing upon legal principles and precedents, the paper highlights the pivotal role of procedural safeguards in safeguarding the rights of the accused and ensuring the integrity of the criminal justice system. By analyzing the evolution of jurisprudence surrounding vitiated confessions, this paper offers insights into the complexities inherent in assessing the veracity of incriminating statements and underscores the imperative of upholding constitutional principles in adjudicating such cases. Confessions are governed under sections 27 to 32 of the Evidence Act 1990 now 2011 as amended in Nigeria, for example. The particular goals were to objectively investigate the situations in which confessional statements are allowed, assess, and its applicability in decided cases. To accomplish these goals, a normative or doctrinal research design was chosen. According to the study, any further confessional statement acquired would be allowed if incentive, threat, or promise issued has ceased to exist. A confession does not become inadmissible simply because the accused denies having made it but the court in acting on such retracted confessional statement must satisfy itself that the accused in fact made the statement out of his own free will and choice.

**Keywords:** Admission, custom-based regulation, utility, withdrew confession booth proclamation

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## INTRODUCTION

Confessional statements serve as potent evidentiary tools in criminal proceedings, often wielding considerable influence over judicial outcomes. However, the admissibility and reliability of such statements hinge crucially upon their voluntariness and authenticity. In numerous instances, confessions extracted under duress, coercion, or inducements have been deemed vitiating, necessitating meticulous scrutiny by the courts. This introduction explores the nuances of analyzing vitiating confessional statements through a selection of

pertinent cases and legal scholarship.

### *Cited Cases:*

**Miranda v. Arizona (1966):** This landmark case established the necessity of informing suspects of their rights, including the right to remain silent and the right to counsel, prior to custodial interrogation. Miranda warnings are now ubiquitous in law enforcement practices and play a pivotal role in safeguarding against coerced confessions.

**Bram v. United States (1897):** In this case, the Supreme Court articulated the standard for determining the admissibility of confessions, emphasizing the requirement of voluntariness. The Court underscored the importance of ensuring that confessions are not the product of improper inducements or duress.

**Colorado v. Connelly (1986):** This case exemplifies the principle that the mere fact of a confession being true does not render it admissible if it was obtained involuntarily. The Supreme Court held that confessions elicited through psychological coercion, even absent physical force or inducements, are inadmissible.

This paper delves into the jurisprudential evolution surrounding vitiated confessions, examining the methods employed by courts to discern the voluntariness and reliability of such statements. It underscores the imperative of procedural safeguards in protecting the rights of the accused and maintaining the integrity of the criminal justice system. Through a comprehensive analysis of decided cases and scholarly literature, this study contributes to a deeper understanding of the complexities inherent in evaluating confessional evidence and underscores the need for vigilance in safeguarding against miscarriages of justice.

An unfavorable confirmation pertinent to the issues of culpability in a crook case is referred to at Precedent-based Regulation as admission, and a similar phrasing is utilized by the Proof Demonstration 1990. As shown above, admissions address the most significant and most often experienced exemption for the standard against noise in criminal cases, key changes in the law relating to admissions were presented by the Proof Demonstration 1990, however to comprehend the standards of suitability of admissions, it is important to comprehend the standards of acceptability created at customary regulation to administer the acceptability of admissions. Obviously, we will sum up the main parts of the customary regulation principles, we will then, at that point, continue to look at the new legal definition and rules of suitability of admissions Chukwuemeka (1992).

While the custom-based regulation perceived that an admission may be both solid and relevant as proof of responsibility, and to be sure found no issue with a conviction in situations where an admission was the main proof against the denounced, the law perceived that an admission could be viewed as dependable just when given openly and deliberately. Whenever pressured on constrained, unwavering quality of the admission may be completely compromised and the trustworthiness of the arrangement of organization of equity itself made to endure. The rejection of proof got through torment, force or other coercive strategies was the method for security of the blamed created by the adjudicators during the eighteenth and nineteenth hundreds of years, when the memory of an age when such techniques were typical still

waited. Its importance might be checked by the way that in English regulation, the standard that an admission got by mistreatment, in conditions liable to deliver it questionable should be rejected, is the main example of the obligatory prohibition of illicitness or unreasonably got proof. The exemplary assertion of the custom-based regulation rule as to acceptability of admission was that of Master Sumner in Ibrahim V. Rabiou "It has been laid out that no explanation by a charged is permissible in proof against him except if it is shown by the mistreatment to have been deliberate proclamation, as in it has not been gotten from him either by dread, or bias or any desire for advantage practiced or held out by an individual in power".

Like manner speech, 'deliberate' implied essentially of one's choice'. In Callis v. Gunn, Lord Parker C.J. added his own definition of the voluntariness test, stating that a confession must not have been obtained "in an oppressive manner." His observation was, strictly speaking, correct because the case involved the admissibility of fingerprint evidence. However, when the Judges' Rules were revised in 1964, it was stated in the introduction that the rules did not affect the overriding and applicable principle that: Any oral response to a question posed by a police officer and any statement made by that person must have been voluntary in the sense that it was not obtained from him by fear of prejudice or hope of advantage, exercise, or held out by a person in authority in order to be admissible in evidence against that person.

Curiously, Ruler Sumner's expressions dread of bias' and 'any desire for advantage' are routinely discussed as 'dangers and 'instigations' separately. It causes some issues with how the common law rules of admissibility are applied. Particularly, for a time, the use of the term's "threats" and "inducements," which suggested a deliberate act, caused the courts to focus more on the questioner's mind than the suspect's. Despite the act's apparent clarity, the issue may recur, so it is worthwhile to briefly address it. In R .V. Iseguilla, the court of Allure presumed that: "... Under the existing law, the exclusion of a confession as a matter of law because it is not voluntary is always connected to an improper or unjustified act on the part of authority. Remembered for the expression 'ill-advised or ridiculous' obviously should be the contribution of a prompting, since it is ill-advised in this setting for those in power to attempt to instigate a suspect to make an admission".

This interpretation of the law would have rendered the accused without recourse in a situation in which the questioner, perhaps even without realizing it, instilled in the suspect some fear of prejudice or hope of advantage. In such a case, the subsequent admission likely could be compulsory, however under the Iseguilla rule, would regardless be permissible. The House of Lords was asked to decide in D.P.P.V. Ping Lin whether the state of

mind of the questioner or the suspect was to control the question of voluntariness. The House was firm in its belief that the latter should also govern the issue of admissibility because it determined whether the confession was voluntary.

### Problem statement

The rules of admissibility only applied when the oppression was caused by a "person in authority." The question of who was or was not a "person in authority" has been settled to the extent that a "person in authority" must have, or reasonably be thought by the suspect to have, some influence over his arrest, detention, or persecution, or be of a person from whom a threat or inducement might appear credible. Because the majority of confessions are made to police officers and other individuals who are unquestionably in positions of authority, this restriction of the rule was not particularly significant and was explicitly eliminated by the Evidence Act of 1990. However, it is still relevant to consider it in light of the common law rule that the person in authority must have generated the fear of prejudice or hope of advantage, so self-generated fears and hopes would not undermine the voluntariness of the confessions. Notwithstanding, the outcome is different under the new legal principles, despite the fact that the admission is made to an individual who beforehand have been an individual in power.

Scholars' opinions on the definition and scope of confessional statements in criminal cases in Nigeria, such as those in *Gbadamosi v. State* and *Sunday Onungwa v. The state*, have diverged as a result of these differences in the statutory rules. This research would go further to determine the circumstances in which confessional statements are admissible and the efficient utilization of confessional statements, despite the fact that the cited cases placed a lot of importance on determining a clear definition of the concept.

### Objective of the Study

The study's objective is to evaluate the use of confessional statements in Nigerian criminal trials with the following specific goals:

1. Taking a Look at False Confessional Statements: Applications in Decisions
2. Analyze the circumstances in which confessional statements can be accepted as evidence

### METHODOLOGY

The method that was used is normative or doctrinal research (library research). The types of legal research

known as normative legal research make use of the law as the norm's foundation. The questionable norm system has to do with principles, norms, and rules from laws, verdicts, treaties, and doctrine regarding the annulment of an arbitration award. The first stage of normative research entails conducting research on legal issues with the goal of achieving objective law. The goal of the second stage of normative legal research is to discover subjective law—or rights and responsibilities. It also involves critical analysis of legislation, decision-making procedures, and the policies that underpin them.

### Cases report

At custom-based regulation, an admission was the name given to an unfriendly confirmation by the blamed pertinent to the issue for culpability in a lawbreaker case. In Nigeria, as the for example, admissions are covered by segment 27 to 32 of the Proof Demonstration 1990. The Latin word "confessus," which means "to speak or confess completely," is the source of the word "confession."

(1976)2 Scpg. 169 R.V. Udo Eka Ebong (1997)12 WACA

Even more so, it is evident from the Evidence Act's definition that such an admission of guilt can be made "at any time," provided that it is made after an offense has been committed. It is even possible for the accused to make such a confessional statement prior to being charged. In this regard, the case of *Sunday Onungwa v. The state* is extremely instructive. The appellant was found guilty of murder in that case. According to the evidence that the trial judge accepted, the appellant admitted to owning a blood-stained match found near the murder scene during the police investigations that preceded his being charged with the crime. At the same time, he admitted that he had killed the deceased "as a result of the work of the devil." The admissions were made in front of other members of his family, including his older brother, who also testified to support the appellant's claim. At the lower court, it was argued that these admissions should have been rejected because they were "extra judicial," that the appellant was not warned before they were made, and that it was not decided whether the appellant should be charged with any offense. The Supreme Court ruled, rejecting these arguments, that: that a person charged with a crime's admission that he was under the influence when he committed the crime is a relevant fact against the maker, and that if it is made voluntarily, it can be used as evidence. Additionally, in *Gbadamosi v. State*, confessions were defined as follows:

"From a legal standpoint, the term "confession" refers to an accused person's acknowledgment of a crime rather than an admission of an offense. It is any admission made by a person who is being investigated for a crime that states or suggests the inference that the accused committed the crime. A statement that is confessional must be made freely and voluntarily for it to be admissible in evidence. The accused must choose to do so of his own free will.

The nature and scope of confessional statements Confessions can be extra- or judicial. Confessions made in court during the relevant proceeding are known as judicial confessions. Judicial confessions are explicitly addressed in sections 218 and 314 of the Criminal Procedure Act, section 37 of the Evidence Act, and sections 157(1), 161(2), and 187(2) of the Criminal Procedure Code. Section 27 of the act is obviously broad enough to cover both. Sections 161(2) and 187(1) of the Criminal Procedure Code address such consequences in trials in the magistrate courts and in the High Courts of the Northern State, respectively, if an accused person confesses to the offence charged during his trial. Section 218 of the Criminal Procedure Act prescribes the consequences of such a plead. It should be noted that an accused person does not admit the truth of the dispositions' facts by pleading guilty. He only acknowledges his guilt for the alleged offense and nothing else.

A statement made by an accused person at a preliminary inquiry is admissible without further proof under section 314 of the Criminal Procedure Act unless it is demonstrated that the magistrate who purportedly signed the statement did not in fact sign it. However, under section 37 of the Evidence Act, any statement made by an accused person at a coroner's inquest or such an inquiry may be given in evidence. When referring to a crime, "admission" typically refers to the admission of a relevant fact, whereas "confession" refers to the admission of guilt. However, an incriminating admission that is not a full confession appears to fall under the definition of a confession.

R.V. Olagunju (1961) 1All N. L. R. 21 .R.V.Wilson (1954) VFSC175 (1931) I. O. N. L. R 33

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For the purposes of criminal proceedings, an admission made in a plea does not constitute a confession. Additionally, an extra-judicial admission of guilt in a proceeding other than the one intended to support the confession must have been made by the individual and not by his attorney. In R .V. Asuquo Etim Inyang the denounced was occupant in Calabar and went through a type of marriage in the congregation there. After 18 months, he was subjected to proceedings in the magistrate court to enforce a maintenance order issued by the London magistrate's court regarding a marriage the accused had entered into seven years earlier in England. The accused's attorney admitted the details of the London marriage in front of the Calabar magistrate's court. The blamed himself simply gave proof concerning his monetary conditions. At the Calabar assizes, criminal proceedings on the charge of bigamy were brought against him. The prosecution relied solely on the two marriage certificates and the admissions made in front of the Calabar magistrate. Because they were not made by the accused, it was decided that the admissions could not be considered confessions for the purposes of proving the criminal charge. Even if a confession was made verbally, it would be just as significant as a written confession.

An honest confession must be unambiguous and positive. In the case of Raimi Adebisi Afolabi v. Commissioner of Police, the suspect worked as a storekeeper for an Ibadan-based business.

When the company manager brought to his attention that there was a shortage in his stores, he informed the manager that he had sold some of them to pay for his election expenses, but he did not specify how much he had sold. He denied this account during a retrial. It was decided that "the alleged confession was not admissible because it was neither direct nor positive as to the items contained in the charges." Anyway in *R .V. Akpan Udo Essien*, it was held that an explanation producing just to an admission of suggestion in the wrongdoing can't be viewed as an admission under this heading. A man can "confess" his own actions, knowledge, or intentions, but he cannot "confess" the actions of others that he hasn't seen and only heard about. "The point has also been raised whether section 27(1), which speaks of "an admission made at any time by a person charged," intends that a confession, if it is to be admissible, must have been made subsequent to the accused being charged with an offense. The failure by the prosecutor to prove an essential element in the offence charged cannot be cured by an admission of this kind." In *R. V. Udo Eka Ebong*, it was decided that even if the statement was made before the accused was charged with the crime, it could still be considered a confession. However, a statement made before an offense is committed cannot be considered a confession. Even if an accused person denies making the confession, that doesn't necessarily mean that it can't be used. In *R.V. John Agagariga Itule*, the appellant made a statement to the police shortly after he was arrested for murder. In it, he admitted to killing the deceased person but described circumstances that, if true, would constitute legal provocation. The following day he denied having offered the expression and made another one in which he disavowed all obligation regarding the departed demise. His testimony during the trial was largely consistent with his second statement. Brett. Ag. According to C.JF (on page 465 of the Report)," A confession does not become inadmissible simply because the accused person denies having made it, and in this regard, a confession that is contained in a statement that is made to the police by a person who is under arrest is not to be treated differently from any other confession." The appellant's earlier denial of having made the statement may lend weight to his denial, but it is not a reason to ignore the statement in and of itself.

Now that it is established that a confessional statement becomes part of the prosecution's case once it is admitted as evidence, the judge is obligated to consider its probative value. The words of *Olatawura J.S.C.*, *Egboghonome.V.* The state, are instructive. Among his remarks were:

"It will be an escape route that an accused person can freely take to avoid being caught by the law. If a man who has confessed to a crime is allowed to walk out of court as a free man because he changed his mind, the entire trial will be mockery, which is against society's best interests.

### **Relevance of the Confessional Statement**

The Evidence Act discusses the relevance of the confessional statement as follows:

"Confessions, if voluntary, are considered relevant facts because they are made by the individual only." As a result, such a confession is admissible. The circumstances in which a confession is inadmissible and irrelevant are listed in Section 28. It states that an accused person's confession is irrelevant in a criminal proceeding if it appears to the court to have been caused by an inducement, threat, or promise pertaining to the charge against the accused person, coming from an authority figure, and sufficient to give the accused person grounds that would appear to him reasonable for supposing that by making the confession he would gain any advantage or avoid any evil of a temporal nature.

It is unquestionable that the provisions only apply to the admissibility of confessions on behalf of the prosecution and that an accused person may, in order to exonerate themselves, give in evidence a confession alleged to have been made by this co-accused, irrespective of how it was obtained." Relevant and thus admissible is only a voluntary confession.

The term "voluntary" is not defined in the Act. Be that as it may, any admission acquired in any of the way recorded in area 28 is compulsory and in this way forbidden. As a result, the section serves as a guide for situations in which a confession is not voluntary. By virtue of sections 27(2) and 13a (1), the prosecution always bears the burden of affirmatively demonstrating that a confession was made voluntarily. Before using a confession as evidence, the prosecution must first demonstrate to the court's satisfaction that it was free and voluntary. The prosecution will always bear the burden of proving this. Therefore, it is improper for the prosecution to accept an accused person's confessional statement during cross examination, as there would be no positive evidence to support the voluntariness or accuracy of the statement. In *Adekanbi.V. Attorney-Coneral of Western Nigeria*, the judge refused an adjournment, so the prosecution did not call the police officer who looked at the appellant's confessional statement. The arraignment throughout the case did

subsequently not delicate that proclamation. Yet, when the appealing party gave proof with all due respect, he concurred under questioning that he could peruse and that he had marked the explanation; whereupon he submitted it through the prosecution. The litigant's advice protested the suitability of the assertion fighting that the indictment had not demonstrated that it had been made intentionally.

The appellant claimed that the statement did not accurately reflect what he said and denied having read it before signing it. The statement was nevertheless accepted by the trial judge, who stated that the appellant could still challenge the statement's accuracy rather than its voluntariness. Stephens (1973) additionally distrusted the litigant's refusals about the items in the explanation. On appeal, the Supreme Court decided that the judge made a mistake by admitting the statement. By doing so, the judge seemed to forget that the prosecution always has to prove that a confession was made voluntarily. The court also said that the judge missed the fact that there was no positive evidence to show that the statement accurately recorded what the appellant had said and that the judge disbelieved the appellant's denials about the statement's contents. Since the appellant had no legitimate presumption to rebut, the judge could not make up for the lack of positive evidence in the case. It could be argued that the prosecution's failure to submit an accused person's statement before closing its case is a very bad practice that shouldn't happen by accident. However, if prosecuting attorneys make it a routine practice, as they should, to submit any statement, an accused person may have made regarding the offense, regardless of whether the statement was in his favor or against him, this should not be the case. "Before receiving or rejecting the document in evidence, the judge first hears evidence on the point from both parties and makes a ruling on the admissibility of the document," the judge wrote. "Where a statement by an accused is tendered in evidence and objection is made on the ground that it was not made voluntarily." Inducing a confession is one way it may not be voluntary. The incitement important to deliver an admission unacceptable is a prompting to say something only. It does not have to be a plan to make the confession false or an inducement to tell the truth. An inducement typically entails either the promise of a benefit from confession or the threat of a disadvantage from nondisclosure. A statement's voluntariness or inducedness may also be determined by the circumstances in which it was made. Words or actions that can reasonably be assumed to carry the promise or threat can be used as an inducement. An admission evoked from a blamed individual

subsequently for actual savagery caused for him or of danger of such viciousness is compulsory and hence unacceptable Cross, (1979).

Furthermore, the admissibility of a confession is unaffected by a moral adjuration that does not amount to a threat or promise. Under the customary regulation admissions created by such explanation as "you would do well to as great young men, come clean and "Do not run you soul into more sin however come clean have been conceded in light of the fact that they are simple counsels on moral or strict grounds. Additionally, even if the confession was made using "juju," it is voluntary and admissible under section 27(1).

"Having reference to the charge against the accused person" must be an inducement for a confession to be admissible. It can't be about anything else but the charge itself. For a prompting to make an admission unacceptable, segment 28 specifies that it probably been held not by an individual in power. If a confession is given after the court believes that the inducement, threat, or promise has completely subsided; it is applicable by prudence of section 30.

Section 31 gives that an admission, generally significant, doesn't become unimportant only in light of the fact that it was made under a commitment of mystery, or outcome of a misdirection rehearsed in the blamed individual for the reason for getting it, or when he was plastered or in light of the fact that it was made in reply to questions which he really want not have replied, anything that might have been the type of these inquiries or on the grounds that he not will undoubtedly offer such expression and that proof of it be given.

Under the terms outlined in Section 32, confessional statements made in one proceeding may be used in subsequent proceedings.

### **The Statute Approach**

A statute approach is one in which the legislation or regulation serves as the foundation for the research. The statute approach is used in normative legal research to investigate specific statutes as the primary topic of investigation. This legal strategy aims to gather information about the issue from multiple perspectives. Understanding all relevant laws and regulations is the foundation of the legislation legal approach.

### **Case methodology**

This approach is finished by doing concentrate on the cases connected with the legitimate issues are

confronting. In normative legal research, the use of the case approach aims to comprehend how legal norms are implemented in legal practice.

(1931) I. O. N. L. R 33

(1961) All N.L.R. 654 (F.S.C)

R.V. Bodom (1935)2 WACA 390

Fatumarie V. The King (1950)13 WACA 39

#### Situations in which Confessional Statements Are Acceptable

To be admissible, confessional statements must be made freely and willingly. Section 27(2) gives: "If voluntary, confessions are considered relevant facts only against the person(s) who made them." Moving from this arrangement, just intentional admission is important and thusly permissible.

The Evidence Act provides no definition for the term "voluntary." However, any confession obtained in any of the ways outlined in Section 28 of the Evidence Act is not voluntary and cannot be admitted. The part gives: " In a criminal case, an accused person's confession is irrelevant if it appears to have been prompted by "instigation, threat, or promise having reference to the charge against the accused person proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid evil of a temporal nature."

According to Nigerian Law Reform Commission, (1995), a result, a guide to the admissibility of a confessional statement can be found in section 28 of the Evidence Act. According to Section 27 of the Evidence Act, voluntary statements must be made by the accused out of his own free will and choice for them to be relevant and admissible. "An admission, similar to some other confirmation might be made orally, recorded as a hard copy, by lead or in any capacity from which legitimate derivation might be attracted unfriendly to the creator. The law regarding confessions is now the same in all cases, and it no longer matters whether the person to whom the confession is made is a person in authority. Typically, confessions are made to police officers or other investigators as a result of interrogation. However, they may also be made to the victim of an offense, a friend or relative, or any other person.

"Unless the person in authority dissociates himself from the inducement, the ensuing confession will be inadmissible if an inducement is held out by someone not in authority in the presence of someone in authority." "Different conditions legitimizing the dismissal of an admission incorporate coercion of the

charged to questioning coordinated at separating and obliterating his responses and proceeded with cross examination of a blamed who will respond to questions, or to do as such prior to seeing a specialist. It is important to note that it is not easy to make a promise or a threat that will make a confession invalid. According to section 28 of the Evidence Act, the promise or threat must have come from someone in authority for a confession to be invalid.

#### Who is an authority figure?

An individual in power isn't characterized by the Demonstration. Someone who is involved in the arrest, detection, examination, prosecution, or punishment of the accused is what Common law calls such a person. In the English case *Deokinan v. R*, "a person in authority" was also defined as anyone with authority or control over the accused, the proceedings, or the prosecution against him. Village heads are now included in the definition of "person in authority" as used by the West African Court of Appeal. Specifically, *Fatumani v. The king* serves as an example; the appellant received a murder conviction. He was caught fleeing from the scene of the crime, causing a commotion. He was brought before the head of the village, who told him not to bother his neighbors and that if he had done it, he should admit it. His attorney argued that because no warning had been issued, any statements made after that observation were inadmissible. It was decided, among other things, that the comment the village heard was just a moral judgment and that the appellant's response to it was not inadmissible.

"Furthermore, the explanation that it is a law and order that admissions made because of promptings held out by people in power are prohibited is obviously this, that the power that the denounced knows such people to have likely could be assumed in most of occasions both to enliven his expectations of favor from one viewpoint on the other to move him with stunningness. Lord Summers reiterated the principle governing the admissibility of confessional statements in *Ibrahim v. R*. "It has been long established as a positive rule of English criminal law that no statement made by an accused person is admissible in evidence against him unless it has been shown by the prosecution to be a voluntary statement in the sense that it has not been obtained from him either by fear of prejudice or hope of advantage exercised or held out by a person in authority" (underlining mine). In *Commissioner of Customs and Excise v. Harz and Power*, this principle was approved by the House of Lords: "That any piece of evidence that has been tendered as a confessional statement must satisfy the

condition of being voluntarily before it can be rendered admissible." Voluntariness is, consequently, a prerequisite for a confessional statement's admissibility.

It follows from the preceding dicta that a confessional statement must have been made voluntarily for it to be admissible in court as evidence. Where such confession booth articulation is deliberate, the proof is in itself adequate for the appointed authority to use as reason for sentencing the wrongdoer who had conceded his "responsibility. The Latin proverb "confessus in iudicio pro iudicato habetur et quode modo sua sentential damnatur" makes this abundantly clear: "a party who makes a confession is held to have the cause decided against him and has thus to say, judgment given against him is in accordance with his own decision."

In State .v. Ahamba. It was mentioned that: A confessional statement must be free and voluntary in order to be admissible. On the off chance that it continues from regret and want to make compensation for the wrongdoing, it is acceptable. It is not admissible if it originates from a person in authority's hope or fear. Whether the confession was made under the influence of hope or fear is the fundamental question.

In State v. Emeruo. It was held: "In the event that an individual makes a free and willful admission which is immediate positive and it is appropriately demonstrated, he might be sentenced on the 'admission alone with practically no additional proof".

In a similar vein, State v. Ndakotsu it took place:

"A willful admission of responsibility in the event that it be completely reliable and plausible is viewed as proof of the greatest and most palatable nature at whatever point there is free verification that a crook act had been committed by somebody".

A confessional statement that is honest, direct, and given freely and voluntarily has the potential to support a conviction. In the case of Mohammadu Sale Gashi State in which it was held:

"In one of his statements to the police, which was admitted as exhibit U," the appellant admitted to having committed the offense. Even if there is no supporting evidence, it is not illegal to convict an accused person based solely on his own confession. The prosecution could not use a confession as evidence unless it was shown to be a voluntary statement, meaning that it was not obtained from the accused out of fear of prejudice, hope of advantage, or being held in contempt of authority or oppression.

Before a confession booth proclamation can be permissible, the confession booth explanation should be conveyed with no intimidation, prompting, torment, compulsion on the individual of the denounced.

Concerning the admissibility of confessional statements, The State v. Ndukwe and Ors is helpful. In that instance, one of the murder suspects had sworn that his statement was not made voluntarily. On the side of this he said his hand and feet were integrated and last option exposed to serious beatings. He also testified that the police officer, rather than letting him go, made the ropes tighter and proceeded to write "certain things on a paper and told him to agree that the people mentioned in the said paper were the ones who killed the deceased." He denied making the statement and having any knowledge of the aforementioned murder. It was decided that "confessions obtained in circumstances as laid to own in section 28 of the evidence law are inadmissible as being made involuntarily" and that an accuser cannot be said to have made a statement if they were forced to authenticate one made by someone else.

A confession or inculpatory statement against an accused person is not admissible in court under current law unless the prosecution proves that the confession or inculpatory statement was voluntary Miller, (1973), that is, it was not obtained through oppression or fear of prejudice or advantage. A confession must be clear, precise, unambiguous, and unambiguous for it to be considered an admission of guilt. A confessional statement cannot be admitted into evidence if it is not precise, clear, and unambiguous. In Gbadamosi .V. state it was held "that a confession booth explanation should be clear, exact and unequivocal".

The prosecution bears the burden of demonstrating that a confessional statement was made voluntarily. The indictment should demonstrate without question' that a confession booth explanation was a willful one. It is of the utmost importance that the court maintain its insistence that the prosecution must demonstrate beyond a reasonable doubt that the confessional statement was obtained in the truest sense of the word and was not obtained in an unfair manner to the accused. Because of this, the accused should feel free to testify on his own or to challenge the voluntary nature of the offered statement and ask the prosecution to rely on it.

According to Evidence Act Section 140(1):

The weight of demonstrating any reality important to be demonstrated all together:

(a) To allow someone to provide evidence of another fact; or (b) The person who wishes to adduce or to prevent the adduction of such evidence, respectively, is responsible for preventing the

opposing party from adducing evidence of another fact.

(b) Additionally, in *Asake v. Declare*, "The prosecution bears the full burden of proving that a confessional statement was voluntary."

A confessional statement must also be clear and positive about the charges in order to be admissible. Specifically, the *Raimi Afolabi v. Police*, where it was determined that the conviction based on a confession that was neither direct nor positive regarding the charges was invalidated.

It has been ruled that the admission of a confession is unaffected by a simple moral adjuration that does not amount to a threat or promise. Request could be viewed as advice on moral or strict grounds. Statements like "you had better, as good boys, tell the truth" and "don't run your soul into more sin, but tell the truth" are admitted under common law because they are merely moral or religious admonitions. These cautions are allowable in proof since there is no actuation, danger or commitment in them which might give a charged individual ground that he would acquire any benefit or stay away from any evil of fleeting nature. A confession that was made out of fear of "juju" has also been held to be voluntary and admissible.

Where incitement, danger or commitment gave has failed to exist, any resulting confession booth proclamation got would be allowable. It must be demonstrated that the accused person does not believe the inducement, threat, or promise in order for the confessional statement to be admissible. Before the affirmation of such proclamation the span which the danger, actuation or commitment was made should be thought about. However, the entire confessional statement must be ignored if the courts determine that the accused was still under the influence of the threat, inducement, or promise at the time.

#### **Conditions under which confessional statements may be tainted, as well as their application in established cases**

According to Section 28 of the Evidence Act, a confessional statement is not admissible if it was made in response to any inducement, threat, or promise made by a person in authority or the accused believed that by making the statement, he would gain any advantage or avoid any temporal evil.

"A confession will not be admissible if it was obtained through an inducement as the first condition." An "inducement" for the present purpose need not be one that forces the accused to tell the truth in order to be

effective. It is adequate in the event that it is a prompting to make him say something by any stretch of the imagination.

Section 28 does not ask, "Was there an inducement to confess the truth before the confession?" "was the confession preceded by an inducement to make a statement" is the definition of it. "A statement that is based on the use of actual violence to the body of the accused, or the threat of using it, will render the statement inadmissible as a confession."

Typically, an inducement consists of either a threat or promise of benefit in exchange for confession. The situation under which an assertion was made may likewise decide if it was deliberate or initiated. Words or actions that can reasonably be taken to imply a promise or threat may serve as the inducement. *Ebhomien and Others*, there was a murder in the defendant's village, and the police took men, women, and children, some of whom were related to some of the defendants, to another village and kept them there. This alarmed the defendants, and a police officer advised the village elders that those responsible for the crime should come forward in order to free the innocent people who were taken to the other village. After that, statements from three of the defendants admitted to being complicit in the crime. The Supreme Court ruled, thereby quashing the conviction:

"That the confession was not free and voluntary because it was obvious that the police had taken people to the other village and were detaining them there so that it would operate on their fellow villagers" minds"

A confession made in response to an offer of pardon cannot be admitted. An involuntary confession that is obtained from an accused person through physical violence is admissible. The accused were tied and beaten by their fellow villagers, and a village leader ordered them to confess. "That the confessions they made later, even after caution by the police were wrongly admitted" was the conclusion. Additionally in *Sovereign.v.* "The appellant was charged with murder," Haske states. The chief of his village called the villagers together and warned them that they would all be involved in the investigation and would be targeted if they did not tell the truth because of the circumstances that led them to suspect him. He also told the appellant that he would report the circumstances surrounding the suspicion leveled against him to the police.

After that, the appellant admitted to killing the deceased. It took place: "That the statement made by the chief was, without a doubt, a threat and an inducement in the sense that the opposite was also true: if the guilty people told the truth, the other villagers would not be targeted. As a result, the confession was inadmissible. "In the English decision of *R. v. Smith* an assertion by sergeant - significant that he would keep a few troopers on march until the guilty party was presented was held to

be a danger delivering unacceptable an admission made to the sergeant - major while the danger persevered". When a confessional statement is made through an interpreter, the interpreter must also testify at the trial for it to be admissible. The confessional statement made in such circumstances will be deemed hearsay and inadmissible if the interpreter does not testify at the trial. Miller, (1973).

*Shivero Zemba v. The state* where a cop affirmed concerning the confirmation made to him by the litigant through a translator who neglected to give proof at the preliminary, on request it was held:

"That the admission, in those circumstances was clearly hearsay and was therefore clearly inadmissible, that as the interpreter, who interpreted the alleged admission of the appellant to the police officer did not testify at the trial, the admission was clearly inadmissible." According to Section 28 of the Evidence Act, a confessional statement would be rendered inadmissible in the law court if it was made in response to the use of violence or threats against the accused.

In spite of the fact that segment 28 of the Proof Demonstration discuss prompting, danger or commitment that could deliver an admission prohibited, mistreatment as actual brutality, torment, disavowal of admittance to family members and companions could deliver an admission unacceptable. In the case of *state v.*, the aforementioned viewpoint is supported by the judiciary. *Oloyede*, where a confessional statement that had been obtained in an "oppressive" manner was deemed involuntary by the trial judge. Before the confessional statement was taken, the accused had been in police custody for seven days without having access to his relative. He had to be taken to the hospital right away for treatment because he was in poor physical and mental health when the statement was taken.

Different instances of condition, which could make admission compulsory as opposed to instigated are given as where the admission was acquired by a few underhand means, for example, by inebriating the detainee by mishandling his certainty"? or by erroneously claiming that the prisoner's accomplices are already in custody. A confession that involves an accused or suspect "confessing" to complicity in a crime is another example of this category.

In Nigeria according to *Aguda*, (1999), many cases flourish where the police in a bid to make them make confession booth explanation subjects charged people to torment, danger and all kind of barbaric and debasing treatment. The police use a variety of tactics, including shooting the victim in the limbs; burns caused by smoking that are applied to a variety of body parts, including the genitalia, constant danger of death, and burning of sexual organs; inclusion of sharp items into the private parts of a male suspect or broken jugs or harsh items into the

female vagina. The courts ought to constantly treat confession booth proclamation made in such conditions as prohibited.

Most Nigerians have nerve racking involvement in the police day to day. A good illustration of this is *Maduforo's* story. He told Civil Liberties Organization that he was taken to a room on the last floor of a one-story Port-Harcourt building. Hands and feet were chained to him. With his head down, he was suspended in the air by a ceiling fan hook. He was beaten with a motorcycle break wire in this position. The whipping according, to him; was irregularly suspended to clear a path for addressing until he "admitted?" CLO (1998).

Another case that will be discussed is *Chukwube v. Okeke*. Okeke, a businessman who lives at No. 179. A receiver of stolen goods was allegedly located at 179 Abarin Road, Enugu. On December 13, 1992, he was taken into custody. He refuted the claim in his statement. In any case, subsequent to visiting the "talk-valid" room on two events, he had to make a confession booth proclamation". Because it is against the provisions of section 27(2) of the Evidence Act, the confessional statement that was obtained in this manner must not be taken into consideration at all.

*Kayode Ogundamisi* prominently called "Sankara" secretary - General of the understudy's Association of the College of Jos during the 1990/1991 scholastic meeting was captured on June 1, 1991 at the termination of the one-month final proposal given to the Bureaucratic Military Government by the Public Relationship of Nigerian understudies (NANS). He was transported to the Jos police CID torture chambers, also known as the "Disco Room," where he had sex for six painful days. "My eyes were filled with tear gas. I was handcuffed and stripped naked; with cudgels, I was chained and beaten. All in order to make a confessional statement," *Nwagbogu*, (1994) acknowledged.

In an effort to obtain confessional statements from the accused, the police torture many of them to death. The instance of *Mr. Anthony* is one of such Nigerians "Mr. Anthony Nnaemeka Mbilitem 22, accepted to have been tormented to death by the police at its Isheri post. Witnesses confirmed that Anthony entered the police station alive, and trustworthy information from sympathetic insiders indicated that the victim died as a result of severe physical torture during interrogation by police officers in order to get him to confess to the alleged crime of murder. The victim was also found to have been naked and hanged from an iron rod, according to the civil liberties investigation. CLO (1993). Any actual application of violence or torture to the accused will render any confession made thereupon unfair and therefore inadmissible in evidence, in addition to the inducement, threat, or promise stipulated by Section 28 of the Evidence Act.

## Outline of discoveries

Discoveries from the exploration uncovered that a blamed individual is for extraordinary evidential worth in the administration of equity. In this way, Murphy, (1982) posit that the court shouldn't treat it delicately considering:

Firstly, certain considerations which should be made before an accused person's confessional statement can be used as evidence. The judge must first determine that the accused person is not young or immature and that he can honestly confess.

Second, it is necessary to take into account the accused's mental state at the time of the confessional statement. The judge needs to make sure that the accused person is lying or insane when they give a confessional statement. If this happens, the confessional statement is completely untrustworthy. The accused made such a confessional statement when he was not in control of his mental statement.

Thirdly, the judge needs to be sure that the accused person was not in any way suffering from extreme weakness, distress, or mental illness when they gave the confessional statement. Additionally, the judge must be satisfied that the accused did not actually suffer because they misunderstood an important fact.

Fourthly, the accused should not be required to make any confessional statements if they are intoxicated. The confessional statement must be deemed inadmissible by the judge if it was made by the accused while intoxicated. It is important to remember that, in accordance with the provisions of the criminal code, intoxication (drunkenness) can result in temporary insanity. Therefore, applying the confessional statement while intoxicated would be unfair and in violation of the criminal code.

## Conclusion

The judge must ensure that the accused did not lie or trick him when he made the confessional statement. Any misdirection or stunt rehearsed on the blamed could lead him to involve himself. According to Section 28 of the Evidence Act of 1990, any inducement, threat, or promise must come from a person in authority and have to be related to the accusation. Any inducement, threat, or promise made to the accused would be sufficient to render any confessional statement inadmissible. For instance, if the accused is told that "if you confess, I will get you a wife," "if you confess, I will make you rich," "if

you confess, I will buy you a car or better accommodation," or "if you confess, I will get you a wife." A promise or inducement of this kind ought to be sufficient to disqualify a confession Redlich and Goodman, (2003).

The Evidence Act of 1990 says that any inducement, threat, or promise held out to the accused person any confessional statement thereby obtained would be inadmissible under section 28. However, our law does not affect the admissibility of mere adjuration whether on moral or religious grounds.

According to Leo and Ofshe, (1998) a well-established legal principle confession is admissible if it is made freely and voluntarily. Where a blamed individual openly and willfully makes a confession both explanation and in this way withdraws, he can't be made to get away from discipline by such withdrawal, when a confession both proclamation is made it ties the producer.

A confession that is retracted and one that is opposed on the grounds that it was not made freely and voluntarily must be distinguished. The two are not indeed the very same thing.

When a confession's voluntariness is in question, a trial within a trial is held to find out how the confession was received. Arermu, (1980) opine that the judge will be able to determine, during the course of the trial, whether or not the accused received a fair confession. He will accept the confession if he determines that the accused person's circumstances were favorable to him. However, he will reject the confession if he discovers that the circumstances were unfair. However, a trial within a trial is unnecessary, unjustified, and inappropriate when a confession is retracted. Where the situation wherein the confession both articulation of the charged individual was an unjustifiable one, the denounced individual has the option to protest its voluntaries when it is offered in proof. The statement should not deny making the statement but rather raise objections to its voluntaries whenever the circumstances surrounding the taking of the confession are extremely detrimental to the accused. In some cases, the accused person's later-retracted confessional statement may be the only piece of evidence. If the court is satisfied that the act to which the accused confessed actually occurred, that the accused made the confession of his own free will and choice, and that he was not subjected to any form of coercion, oppression, or inducement, the court may convict the accused based on the retracted confession. The fact that an accused person can be found guilty solely on their confession is an important reason why it must be free and voluntary<sup>3</sup>. An accused person may also make a confessional statement and present a different confessional statement to the court during standing trial. It may be the case that the blamed individual had to sign the revealed confession both articulations.

Under these circumstances, the blamed in all decency should and ought to separate himself from such explanations in light of the fact that such confession booth proclamations can't be supposed to be made by him, here, the court might arrange the cop responsible for the examination to go a take a confession booth explanation from the denounced in eth right and legitimate way.

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