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A CRITICAL APPRAISAL OF THE RIGHTS OF WITNESSES AND COMPENSATION OF VICTIMS UNDER THE NIGERIAN CRIMINAL JURISPRUDENCE

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Abstract
The criminal Justice System of Nigeria has so much protection on the rights of the accused/defendant. From the time of his arrest to his arraignment and even during the proceedings, the accused/defendant enjoys varieties of protection including his presumption of innocence until the contrary is proved. Overtime witness protection has also been given some kind of attention. However, the problem lies with victim compensation. Victims of crimes suffer a lot of harms including being traumatized, sustaining physical injuries, experiencing financial losses incurred during the trial as they serve as prosecution witnesses. They are not usually well compensated at the end of the trial. As a result, they feel that justice is somehow one sided since at the end of the trial, the state is happy and satisfied that the offender is sentenced, however the victim who suffered most of the harms gets little or no compensation at all. This paper therefore examines the rights of witnesses and the compensation of victims of crimes in Nigerian criminal justice system with the aim of analyzing the availability or otherwise of the legal framework for protecting victims of crimes and the adequacy of compensation given, if any. The paper finds that victim compensation has not been given paramount consideration in Nigeria just like other foreign countries that have provided avenues and laws to guide victim compensation. The paper proffers some recommendations to encourage a more victim centered justice system in Nigeria.

Keywords: Rights of witness, compensation, victims of crime, criminal jurisprudence, trial, accused/defendant.

1. Introduction

Victims of crimes are prominent persons in the criminal justice system. However, because the conventional criminal justice system recognizes criminal justice as exclusively between the state and the accused,[1] the victims, who are directly affected by the acts of the accused/defendant, are usually relegated to the background. Most times, the victims serve as prime witnesses for the state, without their co-operation with the police authorities, there will not be any basis for the work of the police. In many situations where there are crimes to be investigated, the victims of the crimes would have initiated the process by making report to the police. During the trial and as they serve as witnesses for the state, they are exposed to a lot of harms including intimidation and threats to their lives and that of their loved ones. They also spend a lot of money to be available in court at every slated date the matter is scheduled to hold, to serve as prosecution witnesses. Irrespective of the vital roles played by the victims of crimes and injury incurred, it has become worrisome that these victims remain shattered at the end of the trial. Justice may have been gotten but has the victim been properly compensated?

Compensation of victims ought to be given priority during every criminal trial and provisions made for compensating such victims. In a situation where only the state and the accused/defendant get

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[1] D Adeyemo, 'Recognizing the Rights of Victims in the Nigerian Justice System' International Journal of Comparative Law and Legal Philosophy (IJOCLLEP) 3 (3) 2021

satisfying justice, leaving out the victim, one wonders if justice is still a three way traffic as adumbrated by Oputa J.S.C in *Josiah v The State*[2]; justice for the offender, the state and the victim. There can only be justice properly so called when the victim of the crime is well compensated at the end of the trial. Restitution therefore remains an unadulterated form of justice as far as the victims of crimes are concerned. Restoring them to the position they were before the commission of the crime is very important if we are to have a criminal justice system devoid of faults. It is evident that the victims might not be totally restored to their previous states before the commission of the crime but it will be ideal if they are at least as close to that position as possible. There is therefore urgent need for the Nigerian State to put measures in place to ameliorate the plights of victims of crimes and to prioritize their compensation whenever any crime is committed against them.

***Meaning of Witness*:** A witness is a person who has information about the Commission of an offence or wrongdoing and has given or is giving or has agreed to give evidence on behalf of the state in the proceedings for the trial of the offence on hearings of the proceedings relating to the offence or wrongdoing before an authority which is declared by the Attorney General by an order published in the Federal Gazette.[3] A witness can also be the defendant's witness. He may be a justice collaborator, victim-witness, innocent bystander or an expert witness.

***Meaning of Victim*:** A victim is any person who individually or collectively has suffered harm including physical or mental injury, emotional suffering, economic loss or substantial impairment of his fundamental rights, through acts or omissions that are in violation of criminal laws operative within member states, including those laws prescribing criminal abuse of power.[4] This declaration also states that a person is a victim regardless of whether or not the perpetrator is identified, apprehended, prosecuted and convicted. The violence Against Persons Prohibition (VAPP) Ac[5]t *inter alia* defines violence to mean any person or persons who individually or collectively has suffered harm such as physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights

***Meaning of Compensation*:** Compensation simply means something, typically money, awarded to someone in recognition of loss, suffering or injury. AI Overview[6] stipulates that compensation refers to financial reimbursement or other forms of assistance provided to victims of crime or their families to help offset the financial and emotional harm caused by the crime. It's a mechanism for recognizing the harm caused by criminal activity and providing some level of redress to those affected. Compensation, in a legal context also, refers to the act of providing redress, typically in the form of monetary payment, to individuals or entities for a loss, injury, or damage suffered. It is designed to restore the affected party to the position they were in before the adverse event occurred. However, compensation can also extend beyond financial restitution to include non-monetary remedies such as reinstatement, rehabilitation, or other forms of relief.[7]

Accused/Defendant: An accused is a person who has been arrested of formally charged with a crime: the Defendant in a criminal case.[8] Alternatively a defendant is a person against whom a complaint, charge or information is made.[9]

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[2] (1985) 1 NWLR (pt.1) p 12

[3] Witness Protection and Management Act, S. 3 (a)

[4] The 1985 United Nations General Assembly Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, paragraph 1I

[5] VAPP Act 2015, S. 46.

[6] AI Overview, 'Meaning of Compensation in Criminal Justice System' https://www.google.com/search?client=firefox-b-d&q=meaning+of+compensation+under+the+criminal+justice+system, accessed on 3 /5/2025

[7] Juristopedia, "What is Compensation," https://juristopedia.com/compensation-definition/ accessed 5/5/2025.

[8] Mirriam-Webster, "What is the meaning of accused" http://www.Merriam-webster.com accessed 7/5/2025

[9] Administration of Criminal Justice Act (ACJA) 2015, S.494: Anambra State Administration of Criminal Justice Law(ACJL) 2022, S. 2

2. Rights of Witnesses and Compensation of Victims under the Nigerian Criminal Justice System

Victims are also witnesses in certain circumstances. The rights of witnesses are protected to a certain extent and compensation provided for victims, though not adequately and not for all offences. A victim of crime who is alive serves as a witness to the prosecution. The ACJA provides protective measures for victims and witnesses. The measures include limiting public disclosure of the witness or victim's identity in offences like rape, defilement, incest, unnatural or indecent offences against persons,[10] delaying the disclosure of the witness or victim's identity to the accused or in exceptional cases like terrorism, economic and financial crimes, trafficking in persons or organized crime cases, completely denying the accused the benefit of knowing the identity of the witness against him.[11] These measures are very necessary for the safety of the witness.

However, where a person attends court as State witness, he/she is entitled to the payment of reasonable expenses.[12] Where a person attends court as a witness to give evidence for the defence, the court may in its discretion on application, order payment by the Registrar to such witness of court such sums of money, as it may deem reasonable and sufficient to compensate the witness for the expenses he reasonably incurred in attending the court.[13] A court may, within the proceedings or while passing judgment, order the defendant or convict to pay a sum of money:

(a) as compensation to any person injured by the offence, irrespective of any other fine or other punishment that may be imposed or that is imposed on the defendant or convict, where substantial compensation is in the opinion of the court recoverable by civil suit;
(b) in compensating a bona fide purchaser for value without notice of the defect of the title in any property in respect of which the offence was committed and has been compelled to give it up; and
(c) in defraying expenses incurred on medical treatment of a victim injured by the convict in connection with the offence.[14] Order for cost or compensation may be made under this section irrespective of the fact that no fine has been imposed on the defendant in the judgment.[15]

Furthermore, the Court may[16]:

(a) in addition to or in lieu of any other penalty authorised by law, order the convict to make restitution or pay compensation to any victim of the crime for which the offender was convicted, or to the victim's estate; or
(b) order for the restitution or compensation for the loss or destruction of the Victim's property and in so doing the court may direct the convict:
    (i) to return the property to the owner or to a person designated by the owner,
    (ii) where the return of the property is impossible or impracticable, to pay an amount equal to the value of the property, or
    (iii) where the property to be returned is inadequate or insufficient, to pay an amount equal to the property calculated on the basis of what is fair and just.[17]

In line with and in adumbration of the above ACJA provisions, the Anambra State Administration of Criminal Justice Law(ACJL) 2022 also states that where a person attends court as State witness, the court may order payment of costs and expenses of such witness together with compensation for his/her inconvenience and loss of time.[18] The Attorney General shall pay the expenses and

[10] Ibid, Ss 231 and 232
[11] Administration of Criminal Justice Act 2015, Ss 231 and 232
[12] ACJA 2015 S. 251
[13] Ibid, S.252
[14] Ibid , s319(1)
[15] Ibid, s 319(3)
[16] Ibid, s 321
[17] ACJA 2015 *op cit* S.321
[18] Anambra State Administration of Criminal Justice Law(ACJL) 2022 S, 126

compensation payable to any state witness attending before the court.[19] According to Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, a trafficked person, irrespective of his immigration status is entitled to compensation, restitution a recovery for economic, physical and psychological damages which shall be assessed and paid out of forfeited assets of the convicted trafficker. Where an offender is convicted of an offence under this Act, the Court may order the offender to pay compensation to the victim, in addition to any other punishment ordered by the Court.[20]

Notwithstanding any other provision of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, a trafficked person has the right to institute civil act against a trafficker and any other person including a public officer who may have exploited or abused person provided that the amount awarded by the Criminal Court shall be taken into consideration in the determination of the amount of compensation to be awarded in the civil suit.[21] The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, provides for the Victims of Trafficking Trust Fund which is a welcomed development, though it is only for trafficking offences. It states thus:
There is established for the Agency a Victims of Trafficking Trust Fund into which shall be paid:

(a) any take off grant and special intervention funds as may be provided by the Federal Government;
(b) Such moneys as may be appropriated to meet the objectives of the Trust Fund by the National Assembly;
(c) proceeds of the sale of assets and properties derived from acts which constitute an offence under this Act;
(d) aids, grants, gifts, bequests, endowments, donations or assistance from bilateral and multi-lateral international agencies, Non Governmental Organizations, other donor agencies, partners and private sector.
(e) any other money which may accrue to the Trust Fund from time to time.[22]

The sources of monies referred to in paragraph (d) above shall be acceptable to the Trust Fund by the Agency except where the terms and conditions attached to the aid, grant, gifts bequest, endowment or assistance are inconsistent with the objective of the Trust Fund or the provisions of this Act.[23]

The Trust Fund shall be utilized—

(a) to pay compensation, restitution and damages to trafficked persons; and
(b) to fund victim support services for trafficked persons.[24]

Moreover, it is the writers view, that the afore stated Trust Fund shall go a long way to alleviate the pains and losses incurred by the victims of trafficking. This is very encouraging and a step in the right direction. Correspondingly, the VAPP Act[25] provides for compensation and restitution of victims of violence. Section 38 states that every victim of violence is entitled to receive materials, comprehensive, medical, psychological, social and legal assistance through agencies providing such assistance. Also rehabilitation and re-integration into vocational skills of victims choice, formal education or access to micro credit facilities. No complainantt of any offence under this Act shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Act[26].

[19] ACJL 2022 S. 129
[20] According to Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, S. 65(1-2)
[21] Ibid, s 65(3)
[22] Ibid, s67(1)
[23] Ibid, s 67(2)
[24] Ibid, s 67(4)
[25] Violence Against Persons Prohibition (VAPP) Act 2015
[26] Ibid, s 38

The Witness Protection and Management Act 2022 provides a legal and institutional framework for protecting witnesses and related persons who make disclosures in the public interest.[27] Terrorism (Prevention) (Amendment) Act provide for witness protection.[28] Anti – Torture Act makes provision for the protection of victims, witness or persons reporting torture.[29] S.18 of the Penal Code provides that any person who is convicted of any offence under this penal code maybe adjudged to make compensation to any person injured by his offence and such compensation may be either in addition to or in substitution for any other punishment.[30] In an effort to shift from an adversarial and retributive criminal Justice system to more victim centered approach to justice, the Ekiti State government enacted The Victim Charter. Under this Charter, there are avalanche of rights available to the victims of crimes. They include:

1. Right to be treated with Fairness and Respect for Dignity and Privacy: Here, the victim has a right to be attended to promptly and courteously treated with respect to his dignity and privacy by officials of any ministry, Department, institution, Agency or Organization dealing with or providing a service to him. The police, prosecutor or court officials and all other service providers will take measures to minimize any inconvenience to him.[31]
2. The Right to offer Information: The victim has the right to offer information during the criminal investigation and trial, and the police or prosecutor will take measures to ensure that any such contribution will be heard and considered when deciding on whether to proceed with the investigation or in the course of the prosecution.[32]
3. Right to Receive Information: The victim has the right to be informed of his rights and how to exercise them. This includes right to be informed of all the relevant services available to him, his role in the case, right to request to know the status of the case, whether or not the offender has been arrested, charged, granted bail, convicted or sentenced, approximate duration of the case, court dates, witness fees, witness and victim support programmes, etc.[33]
4. Right to Protection: He has the right to be free from intimidation, harassment, fear, tampering, bribery, corruption and abuse. As a witness, the victim can apply to be placed under witness protection programme to ensure his safety.
5. The Right to Request Assistance: The victim also has the right to request assistance, where necessary, have access to available social, health and counselling and legal services. The prosecutor will ensure that special measures are taken in the case of sexual offenders, domestic violence and child support or maintenance matters and that where available, such cases are heard in designated or specialized courts.

Be that as it may, the victims of crimes suffer a lot including being traumatized, sustaining physical injuries, experiencing financial loss etc. Even when the defendant is apprehended and charged to court, the victim, most of the time serves as witness thereby spending his resources and time to be in court to give testimony against the criminal. At the end of the trial, if the defendant is convicted, the state is satisfied, the offender is sent to prison, however, the victim is left out or inadequately compensated. It is important to point out, that compensation of victim is majorly left at the discretion of the court, which will be decided at the whims and caprices of the Judge. This is detrimental to the course justice. The neglect or inadequate compensation of the victim of crime makes him have serious mistrust in the state's capacity to protect its citizens and also makes him lack faith in the criminal justice system. Victim compensation is therefore very crucial in the administration of criminal justice system.

[27] Witness Protection and Management Act 2022, S.1
[28] Terrorism (Prevention) (Amendment) Act, S. 33 and 34
[29] Anti – Torture Act, 2017
[30] Penal Code, S. 18
[31] The Victims Charter, A statement of Rights for Victims of Crime in Ekiti State
[32] Ibid
[33] Ibid

Nigeria at the moment has no crime victim compensation or preparation schemes, and there are no laws throughout the federation placing obligation on government, state or federal to pay compensation to crime victims who suffered crimes of violent nature[34] Most available Laws, do not make it obligatory for the courts to award compensation to victims. It merely left it at the discretion of the courts, hence compensation may or may not be awarded as the case may be. Victim compensation remains an aspect of the criminal justice system that requires immense consideration. The sentencing policy in Nigerian has so far had to rely on the machinery of punishments, thereby neglecting the victim's remedy.[35]

3. Witness Protection and Available Legal Frameworks

Witness protection has overtime not been taken very seriously. Witnesses are very important in criminal justice delivery because without the evidence of witnesses, justice will not be delivered. Lack of protection of witnesses may result in the witnesses withdrawing from giving evidence and this of course is detrimental to the case of the persecution as it can cause the court to strike out serious cases involving heinous crimes.

3.1 International Legal Framework for Witness Protection

The United Nations Convention against Transnational Organized crime (UNCTOC)

The UNCTOC is the main international instrument in the fight against organized crimes. It is further supplemented by three protocols which target specific areas of organized crime: the protocol to prevent suppress and punish trafficking in persons, especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol against the Illicit Manufacturing of Components and Ammunition.[36] The states that ratify this instrument are committed to adopting a series of measures against transnational organized crimes including procedures to ensure cooperation with the law enforcement agencies.[37] Article 4 of the Convention calls on parties to the Convention to take appropriate measures within its means to provide effective protection from potential retaliation for witnesses in criminal proceedings, who give testimony concerning offences covered by this Convention.[38] The said protection extends to both the testifying witnesses, their relatives and other persons close to them. Such protection includes relocation of witnesses, non-disclosure of their identity, use of video links and order evidentiary rules so permit witness testimony to be given in a manner that ensures the safety of the witness.[39] Nigeria has ratified his convention and hence it is bound under international law to the witness protection obligations under this convention.

The United Nations Convention Against Corruption (UNCAC) – Adopted by the UN General Assembly resolution 58/4, 2004.

The UNCAC is the only legally binding universal anti-corruption instrument. The Convention covers different forms of corruption including bribery, trading in influence, abuse of functions and various acts of corruption and corrupt practices in the private sector. Article 32 (1) provides that the Convention calls on state parties to take appropriate measures within their domestic legal systems to provide effective protection to witnesses and experts who testify in corruption proceedings from potential retaliation or intimidation.[40] Just like the UNCTOC, the protective measures include

[34] PP Imiera, 'Rethinking Public Compensation to Crimes in Nigeria's Jurisprudence: Justification for State Compensation and Comparative Analysis', International Journal of Research and Innovation in Social Science , Vol. VII, Issue x, Oct., 2023

[35] A Olatubosun,'Compensation to Victims of Crime in Nigeria: A Critical Assessment of Criminal-Victim Relationship', Journal of the Indian Law Institute, Vol. 44 no. 2, April-June, 2002, pp.205-224

[36] Suzzie Oyeka Oyakhire, , 'An Appraisal of the Emerging Jurisprudence for the Protection of Witnesses in Nigeria' available at https//www.researchgate.net/publication/359721959

[37] Ibid.

[38] Article 4, UNCTOC

[39] Article 24 (2) (a) (b)

[40] United Nations Convention Against Corruption, Article 32(1)

relocation of witnesses, non-disclosure of witness identity, use of video links and other evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of witness.[41]

3.2 Regional Instrument

The African Union Model National Law on Universal Jurisdiction over International Crimes 2012.

The AU Model law represents a common position adopted by African States, and also indicates current legal thinking from the continent vis-à-vis universal jurisdiction. The main aim of the AU was to be in control of the development of international criminal laws. This law stipulates both prosecutorial and court responsibility to ensure protection of witnesses. The law seeks to combat immunity for crimes and prevent and punish such crimes. It confers jurisdiction on courts to try crimes under the law, defines jurisdiction of the court over such crimes, defines the crimes that are punishable and provides for the power to prosecute those responsible for such crimes, gives effect to immunities enjoyed by foreign states officials under international law, provides mutual assistance and cooperation among states, provides for the punishment of the persons convicted of the crimes and provides for rehabilitation and the reparation of victims[42] . Section 7 provides that persecuting authority and the court should ensure that any witness is accorded the necessary protection. However the law does not highlight what the protection may be, as in the case of UNCTOC and UNCAC.[43] Domestic laws should therefore be enacted for protection mechanisms for witnesses in this case.[44]

3.3 National Instrument

Witness Protection and Management Act 2022

In an effort to protect witnesses and encourage justice delivery, President Muhammadu Buhari on 23rd May, 2022, signed the Witness Protection and Management Bill into law, effectively changing its status to an act of the National Assembly. This Act (Witness Protection and Management Act) applies only to investigation and persecution of offences like terrorism, money laundering prevention and prohibition, economic and financial crimes, corrupt practices and other related offences, drugs and narcotics and their trafficking.[45] S.1 provides that the objective of the Act includes the establishment of a legal and institutional framework to protect witnesses and related persons with responsibilities of carrying out all administrative duties including providing temporary protection and related services, ensuring that the relevant agencies take responsibility for agreeing with the witness on behalf of the state, regulating the procedure and determining how the provisions of the Act are to be carried out, ensuring that adequate consideration is given to the right of witnesses as well as harmonizing the existing laws and policies on witness protection and management.[46]

The Administration of Criminal Justice Act (ACJA) 2015

The ACJA provides protective measures for victims and witnesses. The measures include limiting public disclosure of the witness or victim's identity, delaying the disclosure of the witness or victim's identity to the accused or in exceptional cases like terrorism or organized crime cases, completely denying the accused the benefit of knowing the identity of the witness against him. These measures are very necessary for the safety of the witness. S.232 provides a wide range of possible scenarios where witnesses and victims should be protected during trial. This section applies only to trials for rape, the defilement, incest, on unnatural or indecent offences against persons,

[41] UNCAC, Article 32 (2) (a) (b)
[42] African Union Model National Law on Universal Jurisdiction over International Crimes, 2012, s. 3
[43] F Waziri-Azi, 'Legal Framework of Witness Protection Measures During Criminal Trial in Nigeria and Emerging Practices', European Journal of Research in Social Sciences, Vol. 7, No.1, 2019
[44] Ibid.
[45] Witness Protection and Management Act 2022, s. 2.
[46] Ibid, s. 1

offences under terrorism (Prevention Amendments Act), offences relating to economic and financial crimes, trafficking in persons and related offences and any other offence in respect of which an Act of National Assembly permits the use of such protective measures or as the judge may consider appropriate in the circumstances. In furtherance of the protective measures, trial of offences referred here may not, where the courts so determines be held in open court. Also the names, addresses, telephone numbers and identity of the victims of such offences or witnesses shall not be disclosed in any record or report of proceedings and it shall be sufficient to designate the names of victims or witnesses with the combination of alphabets.[47]

Terrorism (Prevention) (Amendment) Act, 2013

S.33 and 34 of the Terrorism (Prevention) (Amendment) Act provide for witness protection.[48]

S.33 states that where a person volunteers to the relevant law enforcement, any information that may be useful in the investigation or prosecution of an offence, the agency must take all reasonable measures to protect the identity and life of that person and the information so volunteered shall be treated as confidential.

S.34 provides that the courts may on its own or on a motion by the Attorney General or a relevant law enforcement or Security Agency, protect a witness or any person in any preceding before it, where it is satisfied that the life of the person or witness is in danger and take such measures as it deems fit to keep the identity and address of the witness or person secret.[49]

S.34(2) (a-d) provides that the measures which the courts may take include, holding of the proceeding at a place to be decided by the court, avoidance of the mention of the real name and address of the witness or person in its order, judgments of record of the case, which are accessible to the public, or issuing of a direction for ensuring that the identity and address of the witness or person is not disclosed, undertaking the preceding in camera in order to protect the identity and location of the witnesses and persons.[50] The court may also decide in the public interests and national security, that all or any of the proceedings shall be adjoined and the accused persons detained, pending when the attorney general is able to guarantee the protection and safety of persons, witnesses and other persons involved in the matter.[51]

S.34 (5) criminalizes the contravention of any order or direction made under S .34 and imposes an imprisonment of not less than five years upon conviction. This Act made a lot of protective measures to ensure the safety of the victim or witness.

Anti – Torture Act, 2017

The law makes provision for the protection of victims, witness or persons reporting torture. It provides that it is the responsibility of the state to ensure that any person including the complainant, witnesses or person making complaint, whether the victim or not, is protected against all manner of ill treatment or intimidation as a consequence of his or her complaint or any evidence given.[52] The above listed laws on witness protection shows how the law has improved drastically in protecting the witness against attack from the offender and his cohorts, however no single law has been specifically promulgated to take care of the victims compensation. In the real sense only little attention is paid to victim compensation.

Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015

This Law provides for an effective and comprehensive Legal and Institutional framework for the prohibition, prevention, detection, prosecution and punishment of human trafficking and related

[47] Ibid, s 232 (2)
[48] Terrorism (Prevention) (Amendment) Act, S. 33 and 34
[49] S. 34 (1)
[50] S. 34(2) (a-d)
[51] S. 34 (4)
[52] Anti- Torture Act, 2017, S. 17

offences Nigeria. At the same time protecting victims of Human Trafficking; and promote and facilitate National and International co-operation.[53]

Violence Against Persons Prohibition (VAPP) Act 2015

It is concerned with the elimination of violence in public and private life, prohibit all forms of violence against persons and to provide maximum and effective remedies for victims and punish offenders.[54]

4. The Nature of Crime Victim Compensation in Nigeria

Victim compensation is a necessity due to high rate of crime. Even in the ancient times, victim conversation was paramount. In the ancient Jewish law, an offender was obliged to compensate the crime victim.[55] In most western countries, victim compensation have been given paramount consideration. The emergence of the 'Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power' has resulted in almost all the western jurisdictions like England and Wales, New Zealand, Canada, almost all states in United States, e.t.c to adopt Crime Victim Compensation Programmes. This programme has made victim compensation possible in the above countries. It is the duty of the state to protect the lives and properties of its citizens. Hence, where there is any contravention in this regard, the state ought reasonably, to compensate the victim for their failure to protect him. The Nigerian State ought to borrow a leaf from these western jurisdictions and enact laws that will consider victim compensation as important as accused conviction. There has been a bill before the National Assembly since 2011 on the remedies and rights of crime victims, yet, the lawmakers have not thought it wise to pass such bill into law.

5. Conclusion and Recommendations

Conclusion

The implication of crime or its effect on the victim culminates various hardship including financial losses physical loss psychological trauma, etc on the victim. It is therefore, not out of place to compensate him and restore him to the position where he was before the commission of the crime by the offender. The state has the responsibility to protect lives and properties of its citizens. This duty is not fulfilled when there is a commission of crime. The state should therefore take the well-being and compensation of victims more serious as they do with the conviction of the accused/defendant. In other words, while the decision to sentence the accused is being considered, provisions should be made for the accused to compensate the victim. Where this is not possible, the state ought to compensate the victim. Justice can only be seen to have been done when all the parties involved including the state, the victim and the accused are satisfied with the judgment.

Recommendations

Consequently the following recommendations are made:

1. Restitution of the crime victim to a state which he was before the commission of crime. This is because most times, the victim never recovers from the crime even after the accused has been sentenced.
2. The government ought to map out fund for compensating victims of crimes.
3. Enactment of law to specifically guide victim welfare and compensation. The Bill before the National Assembly since 2011 on the remedies and rights of crime victim for instance, should be signed into law. With the said Law in existence, the court will see a law to rely on when making orders for restitution.
4. Sensitization: Sensitizing the general public on the implication of crime, its effects both on the accused person and the victim. This could help to reduce the rate of crime commission and bring it to the barest minimum.

[53] Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, S. 1

[54] VAPP 2015 Act, preamble.

[55] Flood CM, 'New Zealand's no-fault Accident Compensation Scheme: Paradise or Panacea?' 2010, 8 Health Law Review 3