

Compensation for Victims of Crime and Abuse of Power in Nigeria

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Abstract : In Nigerian criminal law, a victim of an offence plays little or no role in the prosecution of an offender. The state concentrates only on imposing punishment on the offender while the victims of crime and abuse of power by security agencies are abandoned without any compensation either from the State or the offender. It has been stated that the victim of crime is the forgotten man in our criminal justice system. He sets the criminal law in motion but then goes into oblivion. Our present criminal law does not recognise the right of the victim to take part in the prosecution of the case or his right to compensation. The victim is merely a witness in a state versus case. This paper examines the meaning of the phrase 'the victims of crime and abuse of power'. It needs to be noted that there is no definition of these two categories of victims in any statute in Nigeria. The paper also considers the United Nations General Assembly Declaration of Basic Principle of Justice for Victims and abuse of power. This declaration was adopted by the United Nations General Assembly on the 25th of November 1985. The declaration contains copious provisions on compensation for the victims of crime and abuse of power. Unfortunately, the declaration is not, in itself a legally binding instrument and has been given little or no attention since the coming into effect in 1985. This paper examines the role of the judiciary in ensuring that victims of crime and abuse of power in Nigeria are compensated. While some Judges found it difficult to award damages to victims of abuse of power others have given some landmark rulings and awarded substantial damages. The criminal justice (victim's remedies) Bill shall also be examined. The Bill comprises of 74 sections and it spelt out the procedures for compensating the victims of crime and abuse of power in Nigeria. Finally, the paper also examines the practicability of awarding damages to victims of crime whether the offender is convicted or not and in addition, the possibility of granting all equitable remedies available in civil cases to victims of crime and abuse of power so that the victims will be restored to the earlier position before the crime.

Keywords : compensation, damages, restitution, victims

Conference Title : ICSRD 2020 : International Conference on Scientific Research and Development

Conference Location : Chicago, United States

Conference Dates : December 12-13, 2020