

## AN EXAMINATION OF THE CHALLENGES OF VICTIMS OF CRIME UNDER THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015

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### Abstract

*Victims of crime pertinently form an integral part of the Criminal Justice System of every country. However, the tendencies of the Nigerian Criminal Justice Administration is that, it pays greater attention to the plight, interest, and rights of suspect and defendants in criminal cases or the accused person than the victims of crime, to the extent that victims of crime have been seen as being relevant in our criminal justice administration only for the sole purpose of serving as a prosecution witness. This paper examined the challenges of Victims of Crime under the Administration of Criminal Justice Act of Nigeria, 2015. However, ACJA 2015 has recognised and given prominence to victims of crime by introducing novel provisions for their protection in courts.<sup>1</sup> However, there are noticeable challenges in some of these victim's in ACJA, which is hampering the enjoyment of these provisions. The paper examines these challenges faced by the victims of crime under the ACJA 2015 and to proffer solutions to them. In achieving this, the paper adopted the doctrinal research methodology where primary sources such as Statutes and other secondary sources from both local and international were consulted. The paper recommends for the amendment of the provisions of the*

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<sup>1</sup> See s.1(1) ACJA

*Administration of Criminal Justice Act of Nigeria, 2015, in order to enable victims of crime seamlessly enjoy the benefits these provisions of the ACJA, 2015, among others.*

**Keywords:** Administration of Criminal Justice, Challenges of Victims of Crime

## 1.0 Introduction

In Nigeria from the beginning of colonial administration up to the enactment of the Administration of Criminal Justice Act of Nigeria 2015, victims of crime have always been seen as relevant in our criminal justice administration only for the sole purpose of serving as a prosecution witness. As a result, their needs, interest and rights are not given the desired prominence they deserve by the administrators of our criminal justice system. Hence the need for change of focus of our laws and the operators of our Criminal Justice Administration, including the Civil Society Organisations, and other community-based groups in Nigeria from the protection and redress for the suspect, accused persons and or prisoners to that of the victim(s) of crime.

Interestingly, the passing in to law of ACJA been 2015, has been applauded by stakeholders within the criminal justice family as a significant milestone in the criminal justice administration in Nigeria. As the Act recognises a salient third party (i.e. the victim of crime), and gave them prominence by the introduction of novel provisions for the protection of this salient third party by the courts.<sup>2</sup> This the Act achieve by the insertion of some notable provisions which guarantee the rights of victims of crime in Nigeria, by ensuring expeditious delivery of justice, isolating the society from crime and safeguarding the rights and interest of the suspect, the defendant, and the victims of crime in particular.<sup>3</sup> Despite the inclusion of this victim's friendly provisions in the Act, victims of crime are still battling with one challenge or

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<sup>2</sup> See s.1(1) ACJA

<sup>3</sup> See s. 1 of the ACJA 2015 which provides for the objectives of the ACJA, 2015

the other in our criminal justice system. Thus, this study has highlight some of these challenges and also recommend ways of addressing them.

## 2.0 Meaning of Victims of Crime

Paragraph 1 of the Declaration of the Basic Principle of Justice for Victims of Crime and Abuse of Power<sup>4</sup> define ‘victim’ of crime as someone;

who individually or collectively have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that violate criminal laws operative within member states including those laws proscribing criminal abuse of power’?

The United Nations in its Handbook on Justice for Victims, defined a victim as *an individual who has been subjected to physical harm, injury physical or mental, including emotional abuse or economic loss as a result of a direct act or omission of the accused person in contravention of criminal law of the society.*<sup>5</sup> However, for the purpose of this research, “A victim of crime is someone who is injured, wrong, sacrificed, cheated, traumatized, defrauded and even killed as a consequence of the unlawful or wrongful act or omission of some individual or person(s). It must be noted that such wrongful acts or omission must be punishable under the law for it to constitute a crime, so that the person who has suffered the pain, injury and lost as a result of the unfortunate act of the accuse should as far as possible be compensated and be restored to the position where he was before the act occur. And that person is referred to as a ‘victim of crime.

Even though the ACJA 2015 did not define who a ‘Victim of Crime’ is, the Act in awarding compensation adopts the meaning of ‘Victim of Crime’ as stipulated in the VAPP Act.<sup>6</sup> The VAPP Act, 2015, which define victims of

<sup>4</sup> United Nations General Assembly Resolution 40/34 of 29 November, 1985.

<sup>5</sup> See United Nations *Handbook on Justice for Victims* 1885.

<sup>6</sup> Violence Against Person (Prohibition) Act 2015 (VAPP ACT 2015)

crime to include *the immediate family of the victim, the dependants of the direct victim, and any other person who has suffered harm in intervening to assist the victims in distress*<sup>7</sup> Also, the Black's Law Dictionary define 'Victim of Crime' as someone who is harmed by the crime, tort or other wrong.<sup>8</sup> Karibi Whyte on the other hand, define victim of crime as 'any person, dependent or any establishment who has experience hurt, harm or injury as a result of the criminal act of the culprit or suspect who has been found wanting of such act.'<sup>9</sup> Furthermore, under our Act, a person may be considered a victim of crime whether or not the suspect is known, arrested, charge, prosecuted or convicted notwithstanding the close affinity between the offender and the victim.<sup>10</sup> Hence, Victims can also suffer from psychological trauma, fear and a loss of trust in society and from their fellow citizens. Victims may experience wide range degree of mental health challenges such as restlessness, discomfort, depression, and Post-Traumatic Stress Disorder (PTSD) amongst others.<sup>11</sup>

### **3.0 Challenges Faced by Victims of Crime under the ACJA 2015**

As stated earlier, the enactment of the ACJA 2015 provide a veritable avenue for the inclusion of the much-sought after laws that will secure the right and interest of victims of crime, considering their importance in our Criminal Justice Administration. While these provisions have been praised for bringing to mind the interest of victims of a crime in our Administration of Criminal Justice, as it also ensures that they too get justice. However, as will be reveal in this study, these victims' friendly provisions are grossly inadequate to totally ameliorate the suffering of victims of crime in our Criminal Justice

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<sup>7</sup> Ibid. s.46

<sup>8</sup> B.A. Garner & H.C. Black., 'Black's Law Dictionary (8 Ed.) (St. Paul. MN, Thomson/ West Publishing Co., 2004) 1425.

<sup>9</sup>. K Whyte., "National policy on compensation to victim of crime. How Desirable". Federal Ministry of Justice, 1990.

<sup>10</sup> Universal Declaration of Human Rights 1948.

<sup>11</sup> A post traumatic disorder is a disorder associated by the failure to recover after experiencing or witnessing a terrifying event.

Administration specially when compared to certain international instruments<sup>12</sup> on this subject. As a result, victims of crime in Nigeria are still struggling with one challenge or the other in their quest to seek justice in our Criminal Justice System. Some of these challenges are highlighted below:

### **3.1 Unconstitutionality of Some Victim's Protection Provisions of the ACJA, 2015**

Over the years some of the victim's friendly provisions of the ACJA 2015 which disincentivised delay in criminal trials and provide for speedy dispensation of justice has been subjected to judicial review by way of appeals. This has led to some judicial pronouncement declaring some these provisions invalid and void for contravening the dictate of the constitution<sup>13</sup>. For instance, the provision of section 396(7) which allowed trial Judges to continue to sit over pending matters after their promotion to higher or superior bench, has been declared null and void by the court in the case of *Ude Jones Udeogu v Orji Uzor Kalu & 2 Ors*<sup>14</sup>. In that case, the Supreme Court set aside the judgment of the Federal High Court, which convicted the defendant Sen. Orji Uzor Kalu, on the ground that the learned trial judge who delivered the judgement lacks the jurisdiction to deliver same having been elevated to court of appeal. By this decision, trial criminal matter now have to start de novo once the trial judge handling them is elevated to a higher bench. This usually occasion frustration and hardship to the victims of crime.

Also, the provision of section 306 of the ACJA 2015 which provides for the avoidance of 'stay of proceedings' in criminal matters, has been applauded by stake holders in our Criminal Justice Administration for bringing to an end an

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<sup>12</sup> The United Nation Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 & United Nation Universal Declaration on Human and Peoples Right 1948 amongst other.

<sup>13</sup> Constitution Federal Republic of Nigeria, 1999 (As amended).

<sup>14</sup> Suit No: SC/457/2016

era of hanging or suspending criminal matters pending appeal in Nigeria.<sup>15</sup> Sadly, this provision of the Act has been challenged in the case of *CCB v Saraki*,<sup>16</sup> for being in violation of the applicant right to appeal which in essence affect his right to fair hearing as enshrine in section 36 of the constitution. In that case, apex court refuse to uphold the provision of section 306 of ACJA 2015 on the ground that it run against the constitutional provisions as regards fair hearing and that Court of Conduct Trial being a quasi-judicial body is not bound by the provision of the ACJA 2015. Regrettably, the decision of the supreme court in *Saraki's*<sup>17</sup> case and other which follow it.<sup>18</sup> took us back to the dark days of hanging criminal matters in the trial court pending the determination of appeal on preliminary issues.

### **3.2 Inadequate Technological Infrastructure for the Court to Implement the Victim Protection Provisions of the ACJA 2015**

Today's world is driven by technology and for some time now there has been calls for the courts in Nigeria to adopts technology in its system, due to the obvious benefits associated with it, which amongst others include the improvement in efficiency and transparency in justice delivery through the adoption of electronic case filling and case management system, transcribing equipment to record and also play court proceedings , the use of digital evidence presentation system and the ease of access to online data bases such as case laws, legislations both local and international and research base articles amongst others, enhance the efficacy and the efficiency of legal research which in turn lead to speedy justice delivery in favour of the victims of crime, as oppose the manual research through the tortious and ferocious voluminous paper works, which is frustrating, time wasting and often lead to delay in justice delivery.

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<sup>15</sup>See the case of *Destra Investment v FRN* and *Chief Olisa Metuh v FRN & Anor.* Appeal No: SC/457/2016

<sup>16</sup> Suit No. CCB/ABJ/01/15

<sup>17</sup> (supra)

<sup>18</sup> Such as *Abacha v FRN* (2017) LPELR-42512 (SC) and *Uwaje v FRN* (2019) LPELR-47266 (CA) amongst others.

Fortunately for the victims of crime, these calls have been heeded to with the enactment of ACJA, 2015, which made provisions for the adoption of technology in criminal proceedings. Prominent amongst this provisions is the provisions of sections 15(4) of the ACJA 2015 which provide for the electronic recording of confessional statements of the suspects by the police and the adoption of same by the courts,<sup>19</sup> in order to forestall the possibilities of retracting same by the suspect, and section 364(1) which allow for the adoption of technology in criminal proceedings, provides for taking of notes of evidence or record of proceedings at a trial of criminal cases by electronic means. No doubt, these provisions has the effect of fast-tracking proceedings in court and ensuring speedy dispensation of justice. It is however unfortunate that most of the police stations and the courts applying the provisions of the ACJA 2015 today, lack the required technological facilities to implement these provisions of the Act. Thus, the courts have in the case of *Chief Okoro v FRN*<sup>20</sup>, lament the absence of this technical facilities in court which has affected their abilities to expeditiously dispense justice.

The unavailability of the necessary gadgets and equipment's required to record confessional statements or play same when the needs arise, has made nonsense of the mischiefs intended to be cure by the inclusion of section 15(4) in the Act, which amongst others include the avoidance of delay and ensuring speedy dispensation of justice occasion by the suspect outright denial of the confessional statement on the alleged ground of fraud, duress or by undue influence amongst other vitiating factors. This has the effect of making the court to suspend the main trial and conduct a 'trial within trial' in order to determine the sincerity or otherwise of such a claim. In the process, a lot of time and resources is wasted. This is indeed a draw back to the realization of the loopholes sought to be cured by the provision of section 15(4) of ACJA 2015. Furthermore, the most devastating effect of inadequate of technical infrastructure in our court is that, it has the effect of limiting the parties to the

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<sup>19</sup> S. 15(4) of the ACJA, 2015

<sup>20</sup> (2020) LPELR-49743 (CA). See also *Nwosu v FRN* (2020) LPELR-50131 (CA)

kind's gadgets and technical aids available in the court during the course of the proceedings. This means that the kind of evidence the parties will present to the court is dependent on the kind of technical facilities available in that court. Thus, in order to achieve efficiency and effectiveness of the judicial process, measures need to be taken to provide this equipment's and gadgets to the police and the courts for them to give effect the provisions of ACJA, 2015. Also, the challenge of incessant power failure in our courts needs to be addressed too by the provision of alternative source of power in court.

### **3.3 Inability of the Victims of Crime to Access Compensation and Restitution Ordered by the Court**

Even-though sections 319 and 328 of the ACJA 2015 provide for compensation and/or restitution of victims either in course of the proceedings or after. However, victims usually face a lot of challenges as regard how the Court will ensure that the convict pays the said compensatory fee, especially where there is failure or inability to pay compensation ordered by the court. The absence of any compensatory fund for the victims and the inability of the convict to comply with the order of the court on it, couple with the seemingly inability or helplessness of the courts to ensure that its orders on compensation and/or restitution is complied with, made nonsense of the section on compensation and restitution order of the court. This indeed present a great challenge to the victims of crime. For instance, the Court of Appeal has in the cases of *FRN v. Olunloyo*,<sup>21</sup> *FRN v. Raymond Dokpesi*,<sup>22</sup> and *FRN v. Ayodele Fayose*<sup>23</sup> amongst others, to expresses its frustration and seemingly helplessness over the inability of the convict/defendants to comply with the compensation orders made by the court.

Though, it is provided that payment of compensation may include any other punishment.<sup>24</sup> Regrettably, the section does not state what type of punishment is

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<sup>21</sup> (2019) LPELR-46952 (CA)

<sup>22</sup> (2020) ABJ/CR/159/2019

<sup>23</sup> (2019) LPELR-47266 (CA). see also the cases of *FRN v. Olisa Metuh* (2018) LPELR-44058 and *FRN v. Sen Ademola Adeleke* (2018) LPELR-44062 (CA)

<sup>24</sup> S.319(1)(a) of ACJA, 2015

to be meted to the convict if the payment is not made. And with due respect to the makers of this law, punishment alone, will not serve the best interest of the victim of crime who is expected to be restored back to the state where he was before the crime against him was committed. This has indeed highlighted the need for an amendment of the provision on compensation to make it possible for victims to receive compensation regardless of the financial status of the convict or defendant.

### **3.4 Inability of the Victims to be Involved in Decision Making**

One of the obstacles faced by victim of crime today in our criminal justice administration is the lack of his involving in the decision making regarding his case with the police station and the court. The notion that criminal offence is committed against the state has actually given the prosecutors the impression that the victims of crime usually doesn't necessarily matter in a criminal proceeding. As a result, victims of crime are usually side line and look down on by the prosecution once the matter is before them. Most at times victims of crime are usually left out in critical decisions affecting their case with the prosecution, including the decision to whether or not accept a mediating settlement over his case. Thus, the Courts in the following's cases<sup>25</sup> has had the cause to caution prosecutors on ensuring that victims are not side-lined in criminal proceedings and that their interest are considered in decision-making. As such, where there is the need for a criminal matter involving the accused person and the complainant (victim) to be mediated/negotiated upon, the victim should as far as possible be involve in the decision process. This will boast their confidence in the system and will enable them to divulge sensitive information that will assist the prosecution to arrive at a just conclusion of the case. Hence, necessary legal machinery needs to be put in place to check mate or monitor the activities of prosecutors.

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<sup>25</sup> *FRN v Udo* (2018) LPELR-42555(CA), *FRN v Uwaje* (2019) LPELR-47622 (CA) & *FRN v John* (2017) LPELR-42412 (SC).

### **3.5 Slow Adaptation to the Provisions of the Act by Law Enforcement Officers, Legal Practitioners and Some Judicial Officers**

Another challenge faced by victims of crime in their quest to seek justice on the harm or injury done to them by the criminal defendant or the accuse person is the obvious lack of awareness by the handlers of our Criminal Justice Administration, especially investigative police officers and the prosecutors of cases in courts, of the innovative provisions of the ACJA 2015, especially the ones that seek to protect the interest of victims of crime and their imports on the plight of victims. Even though ignorant of the law is not an excuse. Daily dealings with the investigative police officers and the prosecutors in court shows that most of them lack the requisite understanding of the imports of the recent provisions of the ACJA regarding speedy dispensation of justice and those that seek to preserved the rights of victims of crime and are therefore unable to take advantage of them.

Also, judges too are often guilty of not complying with the requirements of section 109(4) & (5) of the Act, which mandates the courts to give regular report to the Chief Judge as regards the progress of criminal cases in their courts. The sections also mandate the court to present quarterly returns of all the cases they handle and their details such as charges, remand and other cases that trials have started but not completed to the chief judge. However, as observed, these provisions are usually not adhered to by most judges, thereby keeping cases for too long in their courts to the disadvantage of the victims whose major desire is to see that justice is done to him/her within a reasonable time. A case in point is the recent case involving the *IGP v. End Bad Governance protesters*<sup>26</sup> where about 119 ends bad governance protesters mostly minors where detained for more than 90 days against the provision of the law and the judge before whom this children where arraign for trial even when aware of the obvious infringement of the law and the age brackets of this suspect, failed to take the necessary steps as required by the above

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<sup>26</sup> With suit no: FHC/ABJ/CR/503/2024 and FHC/ABJ/CR/527/2024

provision.<sup>27</sup> To refer the case to the Chief Judge for further directive or to take the necessary step in protecting the minor during their arraignment as required by section 232(1) of ACJA 2015.

### **3.6 Reluctance to Move Away from Entrenched Old System**

Also, one other challenge faced by victims of crime in trying to seek justice on the injury and harm done to them by the criminal defendant under the ACJA 2015, is the reluctance of the agencies involved or the stakeholders in our Criminal Justice System to put in to practice some of the victims' friendly provisions of the ACJA 2015 due to conflict of interest and long years of practice in the old system. There is no doubt that the provisions of the Criminal Procedure Act (CPA) and the Criminal Procedure Code (CPC) that the ACJA 2015 replaced, has been in operation for more than 60 years. Naturally, change and adoption of the new system will take time to materialize, especially in a country like Nigeria. This is because, the old Acts or legislations have for long period been exploited by the stakeholders to their advantage. As such, the new law which has come to ensure justice and fairness in the system has been seen by some bad elements in the system as challenging or withering some of their unfettered powers and are very reluctant to adopt same. For instance, under plea bargaining, it is observed that, despite the inclusion of section 270 of ACJA 2015, the prosecutors still insist on undertaking plea bargaining negotiation between them and the criminal defendant alone, without involvement victims of crime and their witnesses<sup>28</sup>. This in effect violates the provisions of section 270(2)(6) of the ACJA 2015, and the victims right to fair hearing as enshrine in our constitution<sup>29</sup>. Also, the recent case involving the *IGP v. End Bad Governance protesters*<sup>30</sup> where about 119 ends bad governance protesters mostly minors where detained for more than 90 days

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<sup>27</sup> Including section 232(1) of ACJA 2015, since most of the alleged accused persons/defendants are minors.

<sup>28</sup> See the case of *FRN v. Udo* (Supra), Where the Supreme Court cautioned prosecutors against plea-bargaining without the involvement of victims.

<sup>29</sup> See s. 36 CFRN 1999. (as amended).

<sup>30</sup> With suit no: FHC/ABJ/CR/503/2024 and FHC/ABJ/CR/527/2024

against the provision of the law, is a clear manifestation of the resistance of the stakeholders in our Criminal Justice Administration to embrace the provision of the ACJA 2015. This indeed constitute a stumbling block to the victim's realisation of his right under the system.

### **3.7 Inability of the Criminal Justice System to Guarantee the Victims Right to be Treated with Respect and Compassion**

Another serious challenged face by victims of crime is the inability of the system to guarantee the victims right to be treated with respect and compassion by the investigative authorities. The moment a complaint is entered with the police, a motion is immediately set in place to verify the accuracy and truth of the substance of the petition or complaint. Where the complaint is real, the suspect is apprehended and made to face justice after proper investigation. At this stage of the process, a standard is being set by the UN 1985 Declaration<sup>31</sup>, where it mandates the investigative law enforcement officers to treat the victim with compassion and dignity as it will to any other citizen involve in the same situation. This is intended to assist the victim to cooperate with the police during investigation and in the subsequent prosecution of the case.<sup>32</sup>

It is curious that recently enacted ACJA 2015 does not have such a provision mandating investigating authorities to accord victims of crime right to be treated with respect and compassion during the course of investigating the offence. However, the elements of this principle are defined elaborately in some state Children's Rights Law<sup>33</sup>. It needs to emphasize here that the victims have a right to be treated with love and compassion at this stage of his case, so as to boast his confidence in the system, thereby obliterating any thought of taking laws in to their hand, which is usually the case with victims of crimes in Nigeria.

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<sup>31</sup> Declaration 45 of United Nation Declaration on Basic Principles on the Protection of Victims of Crime and Abuse of Office 1985

<sup>32</sup> Handbook on Justice for Victims of Crime (United Nations Office, New York 1999), at 42.

<sup>33</sup> Akwa Ibom State Child Rights Law 2008, Part 1 Art. 1.

### 3.8 Judicial Corruption

Judicial corruption is one of the biggest challenges facing victims of crime in Nigeria today. The judiciary, which should exemplify the nation's best and moral uprightness is now seen as the worst in terms of trustworthiness and nobility. Majority of Nigerian judges today are utterly corrupt and hold an obnoxious belief that gathering wealth is what matters the most in life.<sup>34</sup> They throw all honesty and integrity to the dustbin. As such, these categories of judges who unfortunately are the majority in Nigeria judiciary today subject their dedication and commitment in the temple justice to their innate desire to amass wealth. In Nigeria today, judge's appointment is being influenced by individuals who turn out to be the dictator of their careers and the influencers of outcome of their proceedings in court. Judicial officers today in Nigeria lack the courage, independence, industry, resources and integrity required to decide cases fairly and justly.<sup>35</sup> As a consequence of this, the political elites, senior government officials, and sometimes even captains of industries use their enormous wealth to induce, intimidate and/or influence judicial officers into doing their bidding. Thus, the Supreme Court has affirmed in *A.G Ondo State v. A.G. Federation & Ors*<sup>36</sup> that, 'corruption is not a disease which afflicts judicial officers alone but the society as a whole'. Consequently, the Court rightly cautions that, 'If corruption is to be eradicated effectively, the solution to it must be pervasive to cover every segment of the society'. Thus, in *Sullivan Chime v. Onyia & Ors*,<sup>37</sup> the Supreme Court cautioned judges against the temptation of corruption thus, "The judiciary has a sacred, albeit arduous task to salvage the nation ... as judges, we must rise up to that sacred duty". He finally affirmed that, 'only then can we earn the eternal gratitude of the citizenry and as priest in the Temple of Justice, the eternal blessing of the

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<sup>34</sup> M.O. Maduagwu., 'Nigeria in Search of Political Culture: The Political Class, Corruption and Democratization in Nigeria' 13, 18–19 (Alex Gboyega ed. 1996).

<sup>35</sup> O. Oko., 'Seeking Justice in Transitional Societies: An Analysis of the Problems and Failures of the Judiciary in Nigeria' (Brooklyn Journal of International Law, Vol. 31, Issue 1. Art. 1) 46.

<sup>36</sup> *A G Ondo State v. AG Federation & ors* (2002) 9 NWLR (pt.772) at 222 holding. No. 5.

<sup>37</sup> (2009) 2 NWLR (pt.1124) 1 at 77 G-H.

Almighty God'. With the recent happenings in the judiciary,<sup>38</sup> one wonders whether our judges do heed the warning Supreme Court. It is generally agreed that a honest, competent and efficient judiciary will benefit both the victims of crime and the general public, while a corrupt and inefficient judiciary is a disaster to the litigant, victims of crime, the society and country at large.

### **3.9 Poor or Inadequate Funding of the Courts**

Closely associated with the issue of lack or inadequate of technological equipment require in the courts to give effect to some victim's friendly provisions of the ACJA, 2015, is the issue of funds require to procure such equipment's in the first instance. A lot of requirements of the ACJA 2015 that are aimed at ensuring efficiency and speedy dispensation of justice, requires fund to be available to achieve same. For instance, the criteria that a confessional statement of the suspect or accused person be recorded by the investigative police officer electronical implies that funds must be available to the Nigerian police force and other crime investigative agencies to procure the recording devices. The same applies to the court too. It's quite unfortunate that for some time now, the judiciary has been crying of poor funding, the budget of the judiciary has been stagnant over the years despite the galloping nature of Nigeria inflationary trend and the advancement in the justice delivery sector. This ugly development has constraints the courts to remain in the old days despite the statutory provisions of the ACJA 2015<sup>39</sup> requiring them to adopt technology in order to ensure efficiency and speedy dispensation of justice. Once the require funding is not available, the provisions of section 15(4) and section 264(7) which requiring technology to be operational will

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<sup>38</sup> The Scandal of bribery of Judges that sat at 2003 Governorship Election Petition Tribunal in Akwa Ibom State, the accusation of Justice Katsina – Alu, CJN by Salami (PCA) of interfering with the course of Justice, see generally E. Essien., 'Judicial Reforms and Democracy in Nigeria' (*Alls-Round Excellence, Essays in Honour of Professor Peter Umoh* (Top Law Publishers Ltd, 2012) 9.6

<sup>39</sup> See s. 264(7) & s. 15(4) of the ACJA, 2015

naturally become inapplicable and of no moment. This is to the detriment of the interest of victims of crime.

### **3.10 Indiscriminate Transfer or Redeployment of Judges**

Even-though transfer or redeployment of judges is a necessary administrative measure aimed at bridging the gaps in justice delivery and also to rid the system of too much familiarization which usually breeds corruption in the system. As it is being said in the social circle ‘familiarity breeds contempt’. Indiscriminate transfer or redeployment of judges usually affects the smooth dispensation of justice, and in most cases constitute a clog in the wheels of justice<sup>40</sup>. Trial *denovo* is the end result of most cases handled by a judge who for one reason or the other is redeployed/transferred from his court to another, except in cases where the parties agreed that application for fiat be made so that the transferred judge complete the part-heard cases. The challenge with the application for fiat is that, in most cases application does not usually receive the blessings of the defence counsels who by their very nature doesn’t want the matter to end on time. All these factors usually occasion some hardship to the litigants especially victims of crime who has already being impoverished and frustrated by the incessant adjournments and some technicalities involved in prosecuting cases especially at the superior courts.

## **4.0 Conclusion and Recommendations**

In conclusion, the enactment of the ACJA 2015 has been applauded by stakeholders and the general public as a game changer in our Criminal Justice Administration. This study has revealed that victims of crime in Nigeria still faced enormous challenges while seeking for justice and fair play in our Criminal Justice System. This study also observed that, the indiscriminate transfer of judges, the reluctance of the stakeholders in our criminal justice

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<sup>40</sup> See the cases of PDP v. INEC (21011) 12 NWLR (Pt. 1265) 343, *Ibru v. FRN* (2014) 12 NWLR (Pt. 1422) 100 and *Ogboru v. Uduaghan* (2013) 14 NWLR (Pt 1376) 211 amongst others. In all these cases the courts express frustration with the frequent transfer of judges, which disrupts the continuity of trials and contributes to the slow pace of litigation in Nigeria.

system to embrace the novel provisions of the Act, the inadequate funding of the courts and the police and judicial corruption amongst others, are factors that contribute to the victim's despondency in the system. In order to ameliorate these challenges bedevilling victims of crime in the system, this study therefore made the following recommendations:

- i. There is the need to embark on the amendment of the provisions of the ACJA 2015 in order to streamline its provisions with that of the Constitution so that the legality of some of its victims' friendly provisions will not be an issue when it comes to its implementation in court which is mostly the case. Once this is achieved, victims of crime can smoothly enjoy the benefits offered to them by these provisions in court without any challenge as to their legality or otherwise.
- ii. Also, the Administration of Criminal Justice Act of Nigeria, 2015 needs to be amended to make provision for the establishment of a National Policy and programme on Compensation, Restitution and Remedies for Victims of Crime at the Federal level and state level. The establishment both at the Federal and State Level, of Victims of Crime Compensation's Commissions or Boards, to be saddled with the responsibility of compensation and restitution of victims of crime, whose issue has been genuinely inquired into by the court and found to be deserving of such compensation or restitution. This will ensure that every victim of crime gets compensated or to be restored regardless of the financial condition of the convict or the defendant.
- iii. Furthermore, for us to achieve efficiency and sanity in the workings in the Criminal Justice Administration, the Police force, the court and other stakeholders in the system needs to be sensitized on the obvious benefits the victim's friendly provisions of the Act offered in boosting the victim's confidence in the system. Also, the relevant stakeholders need to be trained on the new modus operandi introduced by the Act and the victims need to be enlightened on his new-found recognition

and entitlement under the Act. This will enable the victim enjoy the full benefits of the victim's friendly provisions of the Act.<sup>41</sup>

- iv. This study also recommends for an improve in budgetary allocation to the judiciary and the police to enable them procure the necessary technological devices/gadgets, so that the provisions of the Act requiring technological applications to be operational can be given effect to. This is very important in order that the right and interest of the victims of crime is adequately protected via effective implementation of the ACJA 2015.
- v. Finally, this study also recommends that the National Judicial Council (NJC), take serious disciplinary measures on judges who are in the habit of granting ex-parte/interlocutory orders for political or other monetary consideration without regard to the interest justice, fair play and interest victims of crime and the society in general. Such an act should be made a serious judicial misconduct so that judges can sit up and do the right thing. Also, in line with the aforementioned, all the necessary legal and institutional machineries need to be put in place to monitor prosecutors handling criminal cases in court and to sanction earring ones where necessary.

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<sup>41</sup> ACJA, 2024