DOI: https://doi.org/10.68193/jilj.2023.73806ydh

JOURNAL OF INTERNATIONAL LAW AND JURISPRUDENCE
A Publication of the
Department of International Law and Jurisprudence,
Faculty of Law, University of Jos,
Jos, Nigeria.
JILJ Vol. 8, No. 1, 2023.

RIGHT OF VICTIMS OF CRIMES UNDER THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015 IN NIGERIA

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ABSTRACT

The Nigeria Criminal Justice System leaves much to be desired. Besides the unacceptable and enormous responsibilities reposed on the victim in oiling the wheels of criminal justice system, the victim is unduly exposed to avoidable hardships and dangers. Unfortunately, a critical look at our victim compensation policies will without doubt reveal that the said policies are far below the acceptable minimum. In all, one is left to wonder if the Nigerian Criminal Justice System does not further victimize the victim. The issue of protection and compensation for victims of crime has gained prominent attention in international discourses in recent times. This issue was examined within the context of Nigeria from criminological and sociological standpoints; and gave it an analysis derived from the writer's legal knowledge. This paper is an attempt to examine the right of victim(s) of crime under the Nigerian Administration Criminal Justice Law and review how the system has protected or marred the interest of the victim of crimes. The paper concludes that Nigeria lags behind seriously, given its huge potential in human and material resources, compared with other

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advanced Commonwealth countries in its treatment of, and attention accorded the issue. The paper offers some recommendations considered relevant enough to bring expected change in compensation of victim of crime in Nigeria.

1. INTRODUCTION

Each year, millions of individuals throughout the world experience ranging degrees of physical, psychological, and financial affliction due to the criminal conduct of others, private organizations, and governments. Since the inception of criminology, the victim of crime has been integral in the service of justice; yet, no single element in criminology has been more neglected than the victim. The 7th United Nations Congress, held in Milan (1985; UN, 1999), ratified the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, declaring "victims (are) persons 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 are in violation of criminal laws, including those laws proscribing criminal abuse of power." Further, "A person may be considered a victim, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim". The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. (Bachrach, 2000).

In the delivery of absolute justice, primary concerns are that of restoring justice to the victims and communities in the aftermath of a crime, and striking a fair balance between the rights of victims and the accused. The essence of Criminal Justice Administration is to reduce crimes or incidences of crime in the society to the barest minimum and to restore the balance following the disruption of the social order by the criminal act. Justice, in this sense, is not just for the accused person, it is also justice for the victim as well as the society. The actualization of this form of justice is a complex and intriguing process. Victim's rights have become far from important to relegate them to mere abstract statements of principle and

the time has come to translate symbolic recognition into a practical and meaningful Law Reform agenda.

Victims of crimes are the central focus in the Criminal Justice System (CJS) of many countries. They have moved from being forgotten actors to become key players in the CJS. Proper understanding of the role of the victim in the CJS would lead to better prevention of crimes. In Nigeria, the victim of crime is an observer or a passive participant of the criminal justice process. He is always represented by the state, and as such acts as a prosecution witness. He is rarely consulted in any decision-making during the process. However, emphasis is so much laid on the rights of the accused, who enjoys some fundamental protection in order to ensure fair trial. The victim of crime does not enjoy such legal protection and in fact he is made vulnerable to further victimization whenever he stands as a prosecution witness.

The victims of crimes in Nigeria deserve fairness, respect and dignity in the CJS. The legal framework for the protection of an accused person is more developed than the framework for the protection and compensation of victims of crimes in Nigeria. Rights of the defendant, such as the right to fair hearing, exist in the Constitution of Nigeria. Victims need to be informed of all procedures, and their views and concerns should be presented, without prejudice to the accused.

2. VICTIM OF CRIME

There is nowhere under the Nigerian Law, at the material time, to the best knowledge, where the term "victim" is defined. The *Black's Law Dictionary* defines a victim as 'a person harmed by a crime, tort, or other wrong'. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power characterizes victims as follows:

Article 1: "Person 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 are in violation of criminal laws operative within member states, including those laws proscribing criminal abuse of power"[1].

[1]Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Recommended for adaption by the seventh United Nations Congress on the prevention of crime and the treatment of offenders held at Milan from 26 August to 6 September 1985 and adopted by the General Assembly resolution 40/34 of 29 November, 1985

Article 2: "Person may be considered a victim, under this declaration regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted, and regardless of the familiar relationship between the perpetrator and the victim. The term "victim" also includes where appropriate, the immediate family or dependants of the direct Victim and persons who have suffered harm in intervening to assist victims on distress or to prevent victimization"[2].

The above definition is all encompassing, as it deals with both Victims of direct and indirect harm. Victims are persons who have been subjected to pain, torture, sometimes death, permanent disfigurement, maiming or disability or loss of property and valuables through the direct criminal acts or omission of others. The victim is an identifiable person who has been harmed individually and directly by the perpetrator, rather than by society as a whole. In order to qualify as a victim of crime, therefore, an individual must have suffered loss or injury in emotional, economic and social terms.

A victim can be a person, a group of persons, a dependant or an institution. Therefore, an individual attacked by a gang of armed robbers, is a 'victim' of armed robbery, a village, or Community of people affected by oil spillage or gas flaring is also a 'Victim' of oil pollution as illustrated in the case of *Nweke and Anor v Nigerian AGIP Oil Ltd*[3] . In this case the plaintiff (in a representative capacity) was claiming compensation for pond lakes, economic trees, fishing creeks and juju shrines damaged as a result of the defendant's oil operation.

Therefore, "victims" in the context of this work are persons who have been subjected to pain, torture, sometimes death, permanent disfigurement, maiming, disability, loss of property and valuables through the direct criminal acts or omissions of others. The victim is not a stranger to the criminal process. He is normally the complainant, who lodges a complaint signalling the commencement of the criminal process. He can also be a witness for the prosecution. In either of the capacities, he plays a principal role in the criminal process. The typical victim would include the female victim of a sexual assault, or the citizen who has lost valuable due to

[2] Ibid.
[3](1944) 10 WACA 247.

robbery or been maimed or permanently disfigured owing to grievous bodily harm or other violent assaults.

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3. ROLE OF VICTIM(S) IN THE CRIMINAL JUSTICE SYSTEM

The victim(s) of crime are considerably beneficial to the criminal justice system. There are many ways such a victim can be of propitious use to people involved in criminal investigation of crime and apprehension of Offenders. As such, these victims can aid in criminal investigations, prosecution of Offenders, reporting of crimes and other relevant information in the investigation of crimes, parole decisions, bail decisions and plea bargaining. However, before such a victim can be disposed to aid in the criminal justice process, such a victim must feel comfortable and appreciated in the criminal justice system. The victim must be adequately compensated, properly secured from further victimization by the Press, Offenders of the law and officials of the criminal justice system.

4. VICTIMS AND PROSECUTION

The victim is always represented by the state and as such acts as a prosecution witness, thereby aiding prosecution in the criminal justice process. Without victims to act as willing witnesses, the successful prosecution of criminals is thorny. The burden and the standard of proof tilts the system of justice in favour of the Defendant. It is not as in civil cases where the Judge decides on the preponderance of the evidence.

In criminal cases, the defendants do not have the burden to proof his innocence, as they are presumed innocent and therefore, the burden of proof rests on the prosecution and same must be discharged without a broken chain of evidence, in other words, Proof beyond reasonable doubt. This is difficult and, in many cases, impossible without willing Victims to give evidence in court, which means under the process of adversarial justice system whereby, the victim's evidence is habitually challenged by the defence. Consequently, this and more, adds to the travails of the victim.

4.1 Rights of Victim(s)

The adoption by the General Assembly of the United Nations, at its 96th Plenary on 29th November, 1985 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, hereafter called the (U.N. Declaration) constituted an important recognition of the need to set

norms and minimum standards in international law for the protection of victims of crime. The U.N. declaration recognized four major components of the rights of victims of crime, which are: Access to Justice and Fair Treatment, Restitution, Compensation and Assistance,[5]

4.2 The Evolution of Victim's Right in International Law

From the earlier recorded legal systems, a Private Cause of Action has existed for Persons who have suffered personal harm or material damage at the hands of another[4]. The right to redress in its various forms has existed in every organized society. Significantly, no legal system known to humankind has ever denied the right of victims to private redress of wrongs[5]. Redress of wrongs is a fundamental legal principle that constitutes both a General Principle of Law and Customary Rule of Law, recognised and applied in all legal systems. This principle applies to private claims for which the Collectivity, Tribe or State provides a forum and enforcement of the rights and subsequent remedies. If ever there was an implied social contract between individuals and their collective entity[6], it was to provide access to some form of justice, to ensure that the justice process functioned, and to enforce a remedy for the aggrieved party.

The right to redress was often based on some concept of responsibility rather than human or social solidarity, but did not extend to claims against the collective entity. Providing remedies to victims of crimes finds its roots in the earliest societies and in many early religious traditions. Legal Systems throughout history have provided different channels for the adjudication of claims. They differed as to Access, Procedures, Remedies and Decision-making processes. Some were more readily accessible, such as tribal councils, which are still in existence in certain tribal societies in Africa, Asia, the Arab world, South America and other sub-regions of the world[7]. Anthropological studies show that tribal societies had a more advanced

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[4] For an overview of world legal systems, see LKWigmore, *A Panorama of World Legal Systems* (Washington, Washington Law Book Company, 1936). See also YG Ellul, *Histoire des Institutions* (Paris, Presses Universitaires de France, 1955) at pp1-2.

[5] For the family of legal systems of the world, see David, Les grands syste'mes de droit contemporains (Paris: Dalloz, 1973).

[6] WB Grimsley (ed.), *Rousseau, Du Contrat Social* (Oxford, Clarendon Press, 1972).

[7] One such example is in Afghanistan, where the jirga or shura council of tribes handles most personal disputes including diyya (compensation) for homicides. See Johnsonetal., Afghanistan's Political and Constitutional Development (Overseas Development Institute,2003) pp19-20.

concept of social responsibility than that existing in modern societies. Some so-called primitive or tribal systems even provided for what is now called punitive damages as opposed to only restorative damages[8].

Provision of remedies to victims of crimes has historically been seen as a way to settle disputes between the offender and the victim, thus preventing individualized vindication and further disturbances of peace[9]. The concept of awarding damages to victims can be found in the ancient Assyrian Code, as well as the Hittite Laws, which provided for specific payments to Victims of Offenses Against life. (Century BCE), and the LexAquilia de damno (Aquilian law).

However, with the centralisation of the Administration of Justice by European States, and as Retributivism gained increased acceptance as the dominant theory of criminal punishment, Victim's Rights to redress were marginalised during the 1700s and 1800s. Not until the late 1800s did victims' rights play a more significant role in the administration of justice once more. Better organised victim-oriented institutions and a widespread shift away from a purely retributive theory of criminal justice expanded the role of victims in the legal process and their right to redress. The Age of Enlightenment brought about new concepts such as Humanism and the Rule of Law as the mediator of personal and collective grievances[10]. The 20th century saw the beginning of wars in which new weapons brought even more devastating human victimisation and material destruction. This culminated in the tragedies of World War I (WWI) and World War II (WWII)[11].

International law's concern for the protection of the individual is in part a result of legal developments that occurred in the wake of the atrocities of WWII and the International Community's subsequent pursuit of

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[8] See, for example, PE Maine, *Ancient Law: Its Connection with the Early History of Society and its Relation to Modern Ideas* (MA, Kessinger Publishing, 2004).

[9] See ND Bassiouni, *Crimes Against Humanity in International Criminal Law*, 2nd edn (The Hague: Kluwer Law International, 1999) pp 127

[10] Durant and Durant, 'The Story of Civilization' Vol. 10 No 5 1967*Rousseau and Revolution* (New York: Simon and Schuster, 1967).

[11] US Department of State, The Treaty of Versailles and After (New York: Greenwood Press, 1968) (reprinting and providing commentary on Parts VIII and IX of the Versailles Treaty). The burden of the collective sanctions proved to be both unfair to the German people and unwise as they were a principal cause for the rise of national socialism and the start of World War II. See Gannett (trans.), S Schacht, *The End of Reparations* (New York: Hyperion Press, 1979).

individual criminal responsibility[12]. Once international law made individuals subjects of that discipline for the purposes of international criminal responsibility, the individual became the subject of international legal rights, which explains, in part, the beginning of international human rights law[13]. The magnitude of human victimisation arising out of WWI and WWII and the conflicts thereafter derived essentially from State Actor. This new reality brought to the fore the need to extend the same rights and obligations that existed among the individuals within a society to the relationship between the Individual Victim and Perpetrators.

After WWII, numerous International Instruments established protections and rights for Individuals, requiring States to enact domestic legislation to protect these rights[14]. The international community's enunciation of internationally protected individual rights was accompanied by efforts to ensure the protection of these rights through a variety of international enforcement mechanisms[15]. Indeed, many Instruments on the Protection of Human Rights have created special monitoring bodies as well as procedures to receive complaints of violations of individual rights, and to investigate or adjudicate on them, or at least to report such violations[16].

However, in the aftermath of WWII, a number of human rights and victim's mechanisms continued to flourish. A notable example of this trend is the development of the European human rights system, where individuals can bring claims before the ECHR for violations of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR)[17]. Classic notions of rights and responsibilities for victim redress were

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[12]TJ Paust, 'The Reality of Private Rights, Duties, and Participation in the International Legal Process', 2004Vol. 25 *Michigan Journal of International Law*pp 1229 – 1241.

[13] SA Bassiouni, *The Protection of Human Rights in the Administration of Criminal Justice: A Compendium of United Nations Norms and Standards* (Ardsley, New York: Transnational, 1994); UH Bayefsky, *How to Complain to the UN Human Rights Treaty System* (Ardsley, New York: Transnational, 2002)

[14] Article 2(3), International Covenant on Civil and Political Rights 1966, 999 UNTS 171 (ICCPR); Universal Declaration on Human Rights, GA Res. 217A (III), 10 December 1948, A/810 at 71 (Universal Declaration); African Charter on Human and Peoples' Rights 1981, (1982) 21 ILM 58 (AfChHPR); American Convention on Human Rights 1969, 1144 UNTS 123 (ACHR); and European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, ETS No. 5 (ECHR).

[15]DF Lasco, 'Repairing the Irreparable: Current and Future Approaches to Reparations', Vol. 10, 2003.*Human Rights Brief*, pp 18.

[16]Amendment of the ECHR in 1998 with the adoption of Protocol 11, the European Commission ceased to exist); and the African Commission on Human and Peoples' Rights (established pursuant to the AfChHPR).

[17] Ibid.

extended beyond private actors to public actors, at least in the doctrine of State responsibility[18].

The Normative Framework of a Victim's Right to Reparation Under Classical International Law is a description of Victims' Rights and means of redress under Contemporary International Law. A. State Responsibility, the doctrine of State Responsibility has long existed. While it comprehends responsibility for wrongful conduct against Individuals, the doctrine has historically only applied between States, and has not recognised Individual claims against States. Individual Claimants have to resort to their State of nationality to espouse their claims, and present them as a State claim against another State[19].

From the Peace at Westphalia in 1648 to WWII, the State has been the primary subject of international law. Individuals were deemed objects and not the subjects of rights and obligations that derived not from international law. But before National Law the Individuals were Legal Subjects. Individuals who were harmed by a State other than their State of Nationality could only claim for the enforcement of their rights through their own State of Nationality. This pre-supposed that the State of nationality would espouse its national's claim and pursue it through diplomatic channels or by judicial means[20]. Such an assumption evidences the State-centric nature of International Law, whereby injury to a State's Citizens is deemed an indirect injury to the State itself[21].

States' Duty to Provide a Remedy Grounded in International and Regional Conventions, a State's duty to provide a domestic legal remedy to Victims of violations of International Human Rights and Humanitarian Law Norms committed in its territory is well-grounded in International Law. Provisions of numerous International Instruments either explicitly or implicitly require this duty of States. Furthermore, a survey of contemporary domestic legislation and practice reveals that States' Endeavour to provide remedies for Victims injured within their borders. The existence of a State's duty to provide a remedy is grounded in several

[18] Harris, O'Boyle and Warbrick, *Law of the European Convention on Human Rights* (London: Butterworths, 1995)

[19]W Crawford, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (Cambridge: Cambridge University Press, 2002) pp 209-10.

[20]BC Lillich, 'International Claims: Their Adjudication by National Commissions', Vol. 6, 1962, *Syracuse: Syracuse University Press*.

[21]Ibid.

international and regional conventions. The Hague Conventions of 1899 and 1907[22] were the first international instruments codifying the customary law of armed conflicts. These conventions impose a duty on the violating party to provide compensation for violations: (1) the Geneva Convention Relative to the Treatment of Prisoners of War; (2) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War and (3) Protocol I Additional to the Geneva Convention[23]. Moreover, several regional conventions[24], also provide for an individual's right to redress or to receive compensation. For example, the ECHR and the American Convention on Human Rights (ACHR) provide for individual compensation for damages arising out of a State's violation of protected rights[25]. Likewise, the International Covenant on Civil and Political Rights 1966 (ICCPR) expanded victims' rights. Article 2(3) provides that each State Party to the ICCPR undertakes to:

(a) ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) ensure that the competent authorities shall enforce such remedies when granted. While the ICCPR does not mandate a State Party to pursue a specific course of action to remedy the violation of protected rights, the language of this provision clearly envisages that the remedy is effective, of a legal nature and enforceable. Significantly, the ICCPR renders the 'act of State' defence

[22]'Convention (IV) Respecting the Laws and Customs of War on Land 1907, 1907 Hague Convention', Vol*2 1908. American Journal of International Law Supplement*pp 90

[23] Convention Relative to the Treatment of Prisoners of War 1949 (Geneva Convention III), 75 UNTS 135; Convention Relative to the Protection of Civilian Persons in Time of War 1949 (Geneva Convention IV), 75 UNTS 287; and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts 1977, 1125 UNTS 3 (Additional Protocol I).

[24] The AfChHPR, The ACHR and The ECHR

[25] Article 63, ACHR; and Article 41, ECHR

inapplicable by ensuring the duty to provide a remedy regardless of whether the violations were committed by persons acting in an official capacity.

It is worthy of note that a State's existing legal framework are inadequate to handle the claim, it would seem that the State is implicitly in violation of the requirements of the Treaty-based Law[26]. Even in instances where the judicial system has not collapsed, a State may find it advantageous to establish special procedures with respect to situations involving numerous Claimants, or with respect to the settlement and distribution of the proceeds of lump sum agreements between States[27]. Treaty-based and Customary Law, reflect the principle that States' Nationals and aliens should have the right to a remedy for violations committed within a State's territory[28]. This is evidenced in treaty-based law by the use of language such as 'any persons' and 'everyone within their jurisdiction'[29]. Failing to provide an Alien with an effective remedy amounts to a denial of justice that subsequently gives rise to an International claim by the Alien's State of nationality[30]. Thus, clearly a State must afford National Treatment to Aliens in the provision of remedies for violations committed within its territory.

4.3 Compensation to Victims Of Crime

Before now, victims of crimes are usually left without any form of compensation. This is even still the case after the offender has been found guilty and sentenced. Section 319(1)[31] has addressed this ugly trend by providing that the court may order the defendant or convict to pay a sum of money 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 Accused or Convict, where substantial compensation is in

[26]Ibid.
[27]BC Lillich, supra n. 1; BC Lillich, *International Claims: Postwar British Practice* (Syracuse, New York: Syracuse University Press, 1967); and BCLillich and Weston (eds), *International Claims: Contemporary European Practice* (Charlottesville, Virginia: University Press of Virginia, 1982).
[28] Articles 2(3)(a) and 2(3)(b), ICCPR
[29] Article 6, ICERD
[30]BC Lillich (ed.), *International Law of State Responsibility for Injuries to Aliens* (Charlottesville, Virginia: University of Virginia Press, 1983); and Lauterpacht and Collier (eds), *Individual Rights and The State of Foreign Affairs: An International Compendium* (New York: Praeger, 1972).
[31] Administration of Criminal Justice Act, 2015.

the opinion of the Court recoverable by Civil suit. The Act has therefore broadened the powers of the Court to award Costs, Compensation and Damages in deserving cases, especially to Victims of crime. In doing this, the Act has actually adopted and improved on provisions such as Sections 365-366[32] and Section 255[33].

Clause 4 and 5[34], thus; Clause 4 provides that "Victims should be treated with Compassion and respect for their dignity. They are entitled to access to the mechanism of justice and to prompt redress, as provided for by national, for the harm that they have suffered.'' Clause 5 provides that ''Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditions, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanism." Clause 11[35] provides that "where the government under whose authority the victimizing act or omission occurred is no longer in existence, the state or government successor in title should provide restitution to the victims." Under Clause 12[36] out the onus is on the state to " Endeavour to provide financial compensation to both victims who have suffered bodily injury or impairment of physical or mental health as a result of serious crimes as well as the family of those who have died as a result of victimization."

The UN Declaration on Victims states that ''a person is a victim regardless of whether the perpetrator is identified, apprehended, prosecuted and convicted''. Victims in the sense include Family members, those who have witnessed the Crime or Wrong, and close Friends who have suffered from hardship or loss because of the harm caused to the Victim.

The *UN Declaration on Victims* further envisages responsibilities on Central and Local Government (in our case the Federal and State governments) charged under the Administration of the Criminal Justice System (Police, Law Enforcement Agencies and the Ministries of Justice and Interior).

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[32] Criminal Procedure Code
[33] Criminal Procedure Act
[34] U.N. Declaration
[35] Ibid.
[36] Ibid.

Paragraph 3 of the UN Declaration specifically states that there should no discrimination in any form in the operation of the principles embodied in the declarations. The absence of any Legislative framework for Victims of crimes does not absolve the government of its duty to protect and guarantee the Fundamental Human Rights of its Citizens as set out in Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 and strictly binding under the *juscogens* principle of our obligations under International Law in line with Section 19 (d)[37], " respect for *international law and treaty obligations as well as the seeking of settlement of international disputes* by negotiation, meditation, conciliation, *arbitration and adjudication''. "*It is my opinion that notwithstanding the often somewhat negative reading of section 12(1)[38] which states that, "treaty between the Federation and any other Country shall have the force law to the extent to which any such treaty has been enacted into law by the National Assembly", Nigeria' sob ligations under multilateral international treaties are binding and prevail over the provisions of this section. This is because the provisions of Section 12 refer to bilateral treaties, that is a treaty between Nigeria and another country and not a multilateral treaty under International Law, including treaties, conventions and protocols of the United Nations, African Union and ECOWAS, which Nigeria has signed and ratified in accordance with the rules of those multilateral organizations.

Chapter IV[39] outlined in the Fundamental Rights Sections 33*. Right to life, 34. Right to dignity of human persons, 35. Right to personal liberty, 36.Right to peaceful assembly and association, 41. Right to freedom of movement, 42, Right to freedom from discrimination, 43[40]. Right to acquire and own immovable property.* The sections are similar provisions as well as supplementary to the following International Legal Instruments: International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), International Convention on the Elimination of All Forms of Racial Discrimination (1950, Convention on the elimination of AH forms of Discrimination against Women (1979), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (1984), Convention on the Rights of

[37]The 1999 Constitution as Amended Cap LFN
[38] ibid
[39]Ibid.
[40] Ibid.

the child (1989), Universal Declaration of Human Rights, (19480, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) and African (Banjul) charter on human and peoples' Rights (1981).

Furthermore, the provisions of Chapter II Fundamental objectives and Directive Principles of State Policy, Section 17[41], Social Objectives is surmised in subsection (1) as "The State Social Order'' is founded on ideals of freedom, Equality and Justice, complement Chapter IV[42]Fundamental Rights Provisions of the Constitution.

5. CONCLUSION

The recent clamour for referral and call for the International Criminal Court (ICC) to investigate and prosecute the perpetrators of criminal atrocities cannot adequately address this issue, because the ICC was not set up for the said purpose, particularly where the State/Country has machinery already in place to investigate and execute the Culprits. The facts that the Laws do not adequately take in hand the issue, the purpose is not to initiate the process or reverse the position, but through amendments to current Legislations. It is a travesty that within the current legislative session, National Assembly has not deemed it fit to pass the law recognizing the Rights of Victims including the pending Bills in the National Assembly, namely, the bills HB 439 titled bill to eliminate violence in private and public life, prohibit all forms of violence including physical, sexual, psychological, domestic, harmful traditional practices, discrimination against persons to provide maximum protection and effective remedies for victims and punishment of offenders, HB 271, A Bill for an Act to Provide Financial Compensation as Remedy to Innocent Victims of Crime to Create a Special Fund Where Money for the Compensation of Crime Victims Is Paid into and to Provide for Matters Related Thereto, and HB 117, A Bill for an Act to Provide for the Manner in which Individuals May in the public Interest Disclose Information that Relates to Unlawful or other Illegal Conduct or Corrupt Practices of Others; to provide for a Fund to Reward Individuals Who Make the Disclosures and to Provide for Related Matters. The 'mouthful' long titled pending bills should be consolidated into one single Act for consistency, clarity and for it to be effective in its eventual

[41] 1999 Constitution of Nigeria(as Amended)
[42] Ibid.

interpretation by the courts. Surely, a single consolidated Act, as suggested would also be much easier for the implementation government authorities and the public to understand.