A Jurisprudence for Operation of Crime Victims Compensation in Nigeria's Criminal Justice System*

Abstract

Crime victim compensation (CVC) is new and untested legal theory in Nigeria's criminal justice system. This paper, in establishing the jurisprudence for its operation, examined theories of criminal punishment and brought out that while utilitarian and retributive basis are well established grounds for criminal punishment, crime victims' compensation is the only theory of penology that considers crime victims' interests, and is a late entrant to penology. The paper examined legislation from different Nigerian jurisdictions that deal with CVC, and established that provisions in the different legislations, though exuberant on intent, are deficient on the details of an effective and practical CVC programme. The paper established that another shortcoming of the CVC programmes is absence of clear procedure for operation of the programme. The paper concluded that notwithstanding these defects, a CVC programme is a commendable addition to our justice administration system, provided it is not permitted to replace apprehension and punishment of offenders as the primary purpose of our criminal law.

Keywords: Compensatory Theory, Crime Victims Compensation, Criminal Justice, Retributive Theory, Social Contract, Utilitarian Theory.

1. Introduction

Administration of justice, which is one of the basic functions of the State, is separated into civil and criminal justice. Administration of criminal justice involves investigation of crimes, apprehension, prosecution and punishment of offenders. A crime is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either or a combination of the following - death, imprisonment, fine, removal from office or disqualification to hold and enjoy any office of honour, trust or profit.[1] Punishment is any fine, penalty or confinement inflicted upon a person by authority of the law and the judgment and sentence of a court, for crime or offence committed by him, or for his omission of a duty enjoined by law.[2] The body of law dealing with offences which may result in imposition of punishment, such as fine or imprisonment is known as criminal justice.[3] Every society, in the quest to do justice, has had to define its basis for imposition of punishment upon those who violate its norms and tenets. This led to development of different theories of punishment. Application of each of these theories in a society is not insular. Consequently, in most legal systems, a combination of these theories form the basis for their penology. In Nigeria's criminal justice system, enactment of Violence against Persons (Prohibition) Act, 2015[4], following hard on the Administration of Criminal Justice Act, 2015, introduced the principle of compensation as an aspect of penology. This trend accelerated with enactment of the Penal Code of Adamawa

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[1] *Black's Law Dictionary*, 8th ed. (West Law Publishing Co., 1979) 1234.

[2] ibid.

[3] <https://thelawstudy.blogspot.com/2017/10/different-theories-of-punishment.html> Accessed on March 10, 2021.

[4] Hereinafter, VAPP Act. This Act was passed by both Houses of the National Assembly on 14th May, 2015 and assented to by the President on 23rd May, 2015. Preceding the VAPP Act is the Administration of Criminal Justice Act (ACJA) 2015 which was passed by the House of Representatives on 22nd April 2015, by the Senate on 23rd April 2015 and was assented to by the President on 13th May 2015. Part 32 of ACJA 2015 spanning sections 319-328 contains provisions for crime victims' compensation. Many States have domesticated the provisions of ACJA 2015. Largely, provisions of ACJA 2015 comprise current orthodoxy in criminal justice administration in Nigeria.

State, 2018 and Sokoto State Penal Code, 2019, both of which contain provisions authorising compensation as further objectives of their respective criminal justice systems. This paper will conduct a cohesive study of the basis of criminal punishment, with emphasis on the theory of compensation. After setting out the applicable provisions of the law, it will set out the operational framework of such a scheme. It will then examine the weaknesses in the local schemes relative to other schemes. Where necessary, it will offer suggestions on means of bringing the local schemes into conformity with universal best practises. It will then conclude.

2. Theories of Criminal Punishment

2.1 Societies' Reaction to Crime

Societies react in different manner to crime in their culture. These reactions which indicate the moral and value system of the given society at the given time, may be divided into three broad categories. A punitive perspective to crime considers the criminal as basically dangerous. Here, primary system objective becomes protection of the society through infliction of pain and punishment on the offender. A therapeutic perception to crime and criminality considers the criminal as not an essentially bad person, but a helpless product of his society who requires treatment and help. A preventive approach, unlike the previous two which focus on the offender, focuses on conditions causative of crime and seeks their elimination. However, these approaches to crime and criminality do not exist in hermetically sealed categorisations. They intersect and coincide.[5]

2.2 Functions of the Criminal Justice System

The foundation of the state is based on social contract, and encapsulates the idea that individuals and nation-states implicitly consent to reciprocally obligatory conditions and commitments. The social contract is in essence the underpinning of civil society, providing endorsement for organization of individuals as a structure of command.[6] The social contract theory is predicated on the concept that society and the State are formed by individuals yielding up of their autonomy, and government is produced from authority of the governed.[7] The social contract theory has attained a remarkable degree of antiquity and is acknowledged in both sacred and secular history as providing both a theoretical and practical foundation for organization of societies and civilisations. In antiquity, secular history records existence of social contracts as providing the accepted and respected framework for the existence and discharge of mutual obligations between people and their societies. In Plato's dialogue, *Crito*, Socrates uses the concept of social contract to justify his decision to remain in incarceration in order that the sentence of death imposed on him should be executed, instead of escaping from jail as urged by Crito.[8] John Locke also articulates a social contract theory in which each man gives over the power to punish transgressors to the government.[9]

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[5] <https://thelawstudy.blogspot.com/2017/10/different-theories-of-punishment.html> Accessed on March 10, 2021

[6] C E Miller and M E King, *A Glossary of Terms and Concepts in Peace and Conflict Studies,* 2nd *edn.* (University for Peace, 2005) 71-72. [Though more a theoretical construction than historical occurrence, the social contract serves to explain fundamental aspects of modern societies, and institutionalisation of social and political relationships. Failure of a party to the social contract to uphold its responsibilities leads to a breakdown of the aforementioned assurances, and also to a complete undermining of the entire contract itself.]

[7] Eric Engle, 'The Social Contract: A Basic Contradiction in Western Liberal Democracy'. <http://ssrn.com/abstract=1268335> Accessed on March 3, 2021.

[8] Plato, *Crito, (*Trans. Benjamin Jowett*), Great Books of the Western World*, vol. 7, (William Benton, 1952) 217

[9] John Locke. *'An Essay Concerning the True Original Extent and end of Civil Government; Great Books of the Western World*, vol. 35, (William Benton, 1952).

Historically, as early civilizations grew, society was endangered by an undeveloped criminal justice system for retribution of wrongs, feuds and vendettas. In these societies with rudimentary or undeveloped criminal justice systems, if a person was hurt, the injured person or his relative was permitted to exact revenge on the person who caused the injury. The retribution occasionally exceeded the offence. Under the Code of Hammurabi, retribution was required to be proportionate to the crime, provided the victim and offender were social equals.[10] As a substitute for vengeance, Roman law advanced in the direction of monetary compensation, and fixed penalties were set for various injuries in cases of assault.[11] Thus, from the perspective of development of law and infliction of punishment on offenders, creation of an institution charged with the responsibility of exacting retribution and vengeance on malefactors as the only societally permissible punishment was critical. That institution is the State, and that function, was one of its most basic, and till date, one of its most critical. From the perspective of the social contract theory, the primary reason for existence of the State is maintenance of peace, order, law and good government. Flowing from this, authority and power to inflict punishment upon offenders is an aspect of the power of the State. In order to exercise the power of detecting offenders and investigating offences, adjudging offenders, imposing and implementing prescribed punishments upon them, existence of a functional and rational criminal justice system is indicated. Therefore, the functions of every criminal justice system should include the preservation of life, protection of individual property, maintenance of public peace and tranquillity, and sanctioning of crimes, criminals and violations of law.[12]

2.3 Purpose of Punishment

Justification of punishment presents a difficult jurisprudential issue. In accordance with the variations in culture and civilization of different countries, different theories and different justifications of punishment prevail in various ages. These theories attempt to resolve the conundrum of whether it is cruel to expose the guilty to useless sufferings when the punishment is too severe, or, on the other hand, is it not cruel still to leave the innocent to suffer when the result of such punishment is too mild to be efficient.[13] Despite the differing opinions about justification of punishments, it may be broadly asserted that the main object of punishment is the prevention of crime. In this regard, every punishment is intended to prevent the person who committed a crime from repeating the act or omission, and to prevent other members of the community from committing similar crimes.[14]

3. Theories of Criminal Punishment

3.1 Utilitarian Theory

The Utilitarian effect of punishment extends to the punishment having a deterrent effect. In this regard, imposition of punishment and its painful effect on the offender deters the offender from continuing with a life of crime. Not only is the actual offender deterred. Other prospective offenders, upon considering the certainty and pain of applicable punishment for similar crimes, are deterred from entering or continuing with a career of crime. Deterrence as a principle of penology has an ancient pedigree. The Hebrew Holy Book states that punishments serve to remove dangerous elements from society to deter potential criminals from violating the law *"……. And the rest shall hear and be daunted, and they shall no longer commit anything like*

[10] Kenneth Bond, 'Religious Beliefs as a Basis for Ethical Decision Making in the Workplace', <https://web.archive.org/web/20070703102021/http://www.humboldt.edu/~kmb2/paper.html>Accessed on March 10, 2021.

[11] <Encyclopædia Britannica, "Roman law: Delict and Contract",> Accessed on March 10, 2021.

[12] (n. 5).

[13] Jeremy Bentham, *The Theory of Legislation*, (NM Tripathi, Bombay: 1995) 213.

[14] (n.5).

this evil deed in your midst".[15] In reality, the fact of recidivism creates doubt on efficacy of deterrence as an effective basis for punishment of criminal behaviour. Despite extreme severity of applicable punishments, crimes punishable by death or life imprisonment still get committed. Crimes offering a high return on investment such as drug and substance trafficking are still committed on the basis that the returns of the successful criminal enterprise justify the risks. Crimes of passion, which are committed without pre-planning or which are predicated on a spur of the moment action or reaction, cannot be restrained by a deterrent punishment. Crimes which are technical in nature, and which most times are based on the individual's lack of knowledge of appropriate model of conduct rather than a deliberate decision to breach applicable models of behaviour are not restrainable by a deterrent model of punishment. Thus, deterrent theory of punishments is of little or no effect in preventing commission of crimes.

Utilitarian theory of punishment finds further expression in the reformative model which focuses on the offender and not his offence and seeks to deal with the root cause of criminality by retraining and reforming the offender. The practical dynamics of this model is disclosed in the borstal and juvenile homes set up for training young offenders, rehabilitation centres for drug and substance addicts, prison schooling, and psychological and anger management therapy. The major shortcoming of this theory is that it shifts responsibility for the actions of the offender from the offender to the society. Real life experience discloses that a good number of criminals make a deliberate choice about a life of crime; their decisions are driven by a cost benefit analysis. The obverse way of looking at it is that other members of the society exposed to exactly the same factors as they, do no revert to a career of crime. Besides, crimes of passion do not fit into the reformative model since their occurrence is spontaneous

The preventive theory, which entails denying a convicted criminal opportunity of continuing a career of crime fits into the utilitarian view of punishment because it provides the greatest happiness for the greatest number of people in the society. In this regard, the death penalty, though proceeding from a retributive basis also has utilitarian effect because the murderer is permanently denied the opportunity of committing another homicide. Jail terms and revocation of drivers' licences are also predicated on the same theory. In recent times, on the issue of castration of sex-based offenders, the preventive model of punishment has been vigorously interrogated. Sex offenses, more than other offences result in moral outrage. This is more so when the victim is a minor. In the US criminal justice system, currently several states permit convicted sex offenders to be injected with a drug meant to quell the sex drive of male sex offenders by lowering their testosterone levels. The effect of this drug is referred to as chemical castration. States continue to experiment with various types of surgical and chemical castration for sex offenders.[16] Proponents of castration argue that it is justified and appropriate; that its use to control sex offenders' irresistible urges to rape or molest allows them to be released without endangering the public. Opponents argue that side effects of chemical castration (e.g., life threatening blood clots and serious allergic reactions) are reason for avoiding it.[17] A serious defect of the preventive justification of punishment is that it has occasionally provided basis for serious injustice. In the face of an imperfect criminal justice system, police misconduct, prosecutorial overzealousness or defence counsel incompetence, acting either singly or in combination occasionally result in innocent persons being either incarcerated or executed. Furthermore, incarceration centres, while removing the criminal from society and thus

[15] *Deuteronomy* 19:18-20 (KJV).

[16] <https://www.findlaw.com/criminal/criminal-charges/chemical-and-surgical-castration.html> Accessed on March 14, 2021 [Critics, including American Civil Liberties Union (ACLU), charge that chemical castration violates sex offenders' constitutional rights.]

[17] Sandra Norman, 'Castration of Sex Offenders', <http://www.cga.ct.gov/olr> Accessed on March 14, 2021

preventing him from committing further crimes, also provide a training school for more efficient commission of crimes. A high rate of recidivism is proof that the expected efficacy of jailhouses in ameliorating criminal behaviour is not realised.

3.2 Retributive Theory

The legal principle of *lex talionis* developed in early Babylonian law. It was also present in both biblical and early Roman law, and required that criminals should receive as punishment precisely those injuries and damages they had inflicted upon their victims.[18] The Code of Hammurabi[19] prescribed that[20]

> *(196) If a man put out the eye of another man, his eye shall be put out.*
> *(197) If he break another man's bone, his bone shall be broken.*
> *(200) If a man knock out the teeth of his equal, his teeth shall be knocked out.*

The Old Testament of the Holy Bible contains similar prescriptions.

> *22 If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as the woman's husband will lay upon him; and he shall pay as the judges determine. 23 And if any mischief follow, then thou shalt give life for life, 24 Eye for eye, tooth for tooth, hand for hand, foot for foot, 25 burning for burning, wound for wound, stripe for stripe.*[21]
> *19 And if a man cause a blemish in his neighbour; as he hath done, so shall it be done to him; 20 Breach for breach, eye for eye, tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again.*[22]
> *And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.*[23]

The Jewish sages in attempt to mitigate the rigour of strict application of the *'an eye for an eye'* rule, reasoned that two different persons would not suffer exactly the same injury. They therefore interpreted the law to require that the injured party could not demand an eye from the person who caused the loss of his eye but could demand the value of his eye. Effectively, this led abolition of *lex talionis* in the jurisprudence of the Talmud.[24] The Talmud, using the argument that since the Torah requires that penalties be universally applicable, and such an interpretation of an eye for an eye would be inapplicable to blind or eyeless offenders, repudiated physical retaliation in kind.[25] Thus, the Rabbis made *lex talionis* less harsh by their interpretation of *'an eye for an eye'* to mean reasonable pecuniary compensation.[26] Thus, *lex*

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[18] <https://www.britannica.com/topic/talion> Accessed on March 10, 2021

[19] <https://en.wikipedia.org/wiki/Hammurabi> Accessed on March 14, 2021, [Hammurabi (c. 1810 – c. 1750 BC) was the sixth king of the First Babylonian dynasty reigning from c. 1792 BC to c. 1750 BC (according to the Middle Chronology). The Code of Hammurabi is not the earliest surviving law code. It is predated by the Code of Ur-Nammu, the Laws of Eshnunna, and the Code of Lipit-Ishtar. Earlier Sumerian law codes focused on compensating crime victims. The Code of Hammurabi instead focused on punishing the perpetrator. The code is very specific, with each offense receiving a specified punishment. Many offenses resulted in death, disfigurement, or the use of the '*eye for eye, tooth for tooth*' philosophy.]

[20] <https://empoweryourknowledgeandhappytrivia.wordpress.com/2017/10/12/282-laws-of-the-code-of-hammurabi/> Accessed on March 14, 2021

[21] *Exodus* 21: 22-25 (KJV).

[22] *Leviticus* 24: 19-20 (KJV).

[23] *Deuteronomy* 19:21 (KJV.)

[24] <https://www.britannica.com/topic/talion> Accessed on March 10, 2021.

[25] *Bava Kamma, 83b–84a*; *(Nezikin* or *Seder Nezikin* is the fourth Order of the Mishna. It deals largely with Jewish criminal and civil law and the Jewish court system.).

[26] K Isaac & P J Haas, '*Biblical Interpretation in Judaism and Christianity'*, (Continuum: 2006) 2.

talionis does not always and only refer to literal eye-for-an-eye codes of justice but applies to the broader class of legal systems that specify penalties for specific crimes, which are thought to be fitting in their severity.[27] Retribution requires criminals to pay for their crimes and suffer for wrongs they inflicted on other members of the society. It does not look at reformation of the offender as a primary goal, but proceeds on the basis that a person who has broken the legal codes of the society is by that singular act entitled to suffer an approximation of the very injury he caused. In 1949, Lord Denning appearing before the Royal Commission on 'Capital Punishment' expressed the following view:

> *'The punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizen for them. It is a mistake to consider the object of punishment as being deterrent or reformative or preventive and nothing else ... The ultimate justification of any punishment is not that it is a deterrent, but that it is the emphatic denunciation by the community of a crime: and from this point of view, there are some murders which, in the present state of public opinion, demand the most emphatic denunciation of all namely the death penalty.'*[28]

3.3 Compensatory Theory

Paradoxically, the criminal justice system's sole focus is the offender. The victim is useful only in assisting to obtain conviction of the offender. Consequently, while the preceding theories of punishment serve the needs of the society and even that of the offender, they fail to assuage the victim's needs. In 1985, the UN General Assembly adopted a declaration on *'Basic Principles of Justice for victims of Crime and Abuse of Power.'* The Declaration's article 9 required governments to review their regulations and laws to consider restitution as a sentencing option in criminal cases in addition to other criminal sanctions.[29] Crime victims' compensation rests primarily on two grounds. First, a criminal who inflicted injury against persons or property must compensate them for the loss, and second, a State that failed to protect a crime victim must pay compensation to him.[30] Compensation, as an objective of punishment finds justification in utilitarianism, so that the primary goal of criminal justice administration ceases being punishment of the offender or prevention of commission of further crimes, but rather compensation of the victim. However, this position does not entirely except the offender from retribution, since the loss of his property used to compensate the victim is sometimes sufficient retributory penalty to him. The compensatory theory taken alone, like every other theory of punishment taken alone has severe shortcomings. Since the motive of criminality is not always economic, promotion of economic loss as sufficient punishment for the offender results in oversimplification of motives for crime. Furthermore, the effect of the punishment depends on the economic status of the offender. Persons of means are less affected by financial loss as punishment than persons with lean resources. In this regard, persons without financial means or property which could be amerced cannot be punished. Finally, taking away the entire economic resources of a person as punishment could leave him with no other means other than resort to crime for subsistence.[31]

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[27] D A Knight & Amy-Jill Levine, *The Meaning of the Bible.* (New York: Harper Collins, 2011) 124.

[28] W Friedman, '*Law in a Changing Society'*, (Delhi: Universal 2nd edn., 2008) 225.

[29] UNGA Resolution no 40/34 of 1985.

[30] SG Goudappanavar, 'Critical Analysis of Theories of Punishment', <http://jsslawcollege.in/wp-contents/uploads/2013/05/critical analysis of theories of punishment1.pdf> Accessed March 21, 2020

[31] <https://thelawstudy.blogspot.com/2017/10/different-theories-of-punishment.html> Accessed on March 10, 2021.

4. General Overview of Crime Victims Compensation (CVC) Programmes

Crime victims, particularly, victims of violent crimes sometimes suffer financial pressure. The effects of this may occasionally approximate or even exceed the effects of physical and emotional injuries suffered by them. As a result of this, while they are recovering from the effects of the criminal violence meted to them, they are also confronted by the challenge of meeting expenses of medical services rendered to them as a result of the crime, and replacement of income lost due to trauma-related confinement, or even death. Basically, the purpose of CVC programmes is to offer essential and direct financial assistance to victims of violence. Certainly, no amount of money can erase the trauma and grief of crime victims. However, while dealing with the aftermath of crime, financial support could be crucial in assisting victims regain physical and mental health, as substitute for lost income for victims who are unable to work and for families who lose a breadwinner.

4.1 CVC Programmes under Nigerian Law

An ideal criminal justice system, in imposition of penalties on offenders, has in view satisfaction of societal objectives. Attaining this result is not possible with deployment of a single theory of punishment. Consequently, in order to attain societal objectives of every criminal justice system, there must be fusion of different theories. The VAPP Act creates a system of compensation for crime victims. For victims of rape, the court shall award appropriate compensation to the victim as it may deem fit in the circumstance.[32] For victims of physical injury, the court may award appropriate compensation to the victim as it may deem fit in the circumstance.[33] Victims of violent acts by state agents are entitled to appropriate compensation commensurate with the extent and amount of damages suffered by them.[34] By way of comparison, s. 40 of Adamawa State Penal Code and s. 40(1) of Sokoto State Penal Code provide that '*[A]ny Person who is convicted of an offence under this Law, may be 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.'* On the other hand, s. 319 (1)(a) of ACJA provides that a court may, within the proceedings or while passing judgment, 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 defendant or convict, where substantial compensation is in the opinion of the Court recoverable by civil suit.

4.2 Funding CVC Programmes

The VAPP Act does not specify the source of monies to be used in compensating crime victims. On the other hand, s. 40 of Adamawa State Penal Code and s. 40(1) of Sokoto State Penal Code stipulate that CVC may be funded from fines imposed on offenders on conviction for the offence. For purposes of funding the CVC, ACJA proposes that if a defendant is ordered to pay compensation to another person the Court making the order may issue a warrant for the levy of the amount by any means permitted by law, including- seizure and sale of any movable property belonging to the defendant or convict; attachment of any debt due to the defendant or convict; and subject to the provisions of Land Use Act, attachment and sale of any immovable property of the convict situated within the jurisdiction of the court.[35] The major drawback with these propositions is that failure or inability of the offender to make court-ordered payments due to penury entails that the victim would remain uncompensated. It is however difficult to fund the

[32] VAPP Act, 2015, s. 1(3).
[33] ibid, s. 2(5).
[34] ibid, s. 24(5).
[35] ACJA, 2015, s.326.

programme through public tax takings. On the other hand, for victims of violent acts by state agents, who under the Act are entitled to appropriate compensation commensurate with the extent and amount of damages suffered by them,[36] their compensation should be funded from the public purse.

4.3 Those Entitled to Participate in CVC Programmes

VAPP Act restricts those entitled to participate in CVC programmes to victims of rape,[37] victims of physical injury,[38] and victims of violent acts by state agents.[39] Of course, other than the directly violated victim, other persons in close relationship of affinity or consanguinity with him/her could also be victimised by the unlawful criminal violence. For example, a wife whose spouse is brutalised by state agents, is as much a victim of the crime as her directly brutalised husband. The same scenario also plays out with a man whose wife or daughter is violated in his presence. Violent act by state agents could directly lead to the victim's death. A crime victim could have died before the violator's conviction. The Act adopts expansive victimology. Consequently, as used in the Act, the expression *'victim'* means any person(s), who individually or collectively suffered any 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 the Act, or the criminal laws of the country. It also includes the immediate family or dependants of the direct victim, and any other person who has suffered harm in intervening to assist the victims in distress.[40] Under ACJA, the compensation is paid to the crime victim or to the victim's estate.[41]

4.4 Expenses covered by CVC Programmes

While the Act permits award of compensation to crime victims, it does not specify compensable heads of injury. Without stipulated heads of injury, awardable quantum of recompense remains elusive. However, awarded compensation should be sufficient to cover proven expenses and losses related to stipulate heads of injury. They should cover medical care, psychological observation and counselling, funerals, lost wages and lost income from a self-operated business. In law of remedies, exemplary damages are damages on increased scale awarded where wrongs done are aggravated by circumstances of violence, oppression, malice, fraud or wanton and wicked conduct on the part of defendant.[42] Exemplary damages may be awarded in cases of oppressive, arbitrary or unconstitutional acts of government servants.[43] The Act provides that victims of violent acts by state agents are entitled to appropriate compensation commensurate with the extent and amount of damages suffered by them.[44] This entitles the court to award to the victim, not merely a reimbursement of his/her expenses but such compensations as would assuage the physical, emotional and psychological harm caused by the unlawful acts of state agents. Sums awarded in this instance should be substantial and approximate amounts receivable as damages in a civil claim. On the other hand, ACJA makes provision for compensating a *bona fide* purchaser for value without notice of the defect of the

[36] ibid, s. 24(5) (n 32).
[37] ibid, s. 1(3).
[38] ibid, s. 2(5).
[39] ibid, s. 24(5).
[40] ibid, s. 46; in the UK, <https://www.gov.uk/> Accessed on March 21, 2021, the victimology includes – if you were injured, or a close relative died, or you saw the crime happen to a loved one (or were there immediately afterwards), or you paid for the funeral of a person who died. You might also be able to claim compensation if you were injured while taking a '*justified and exceptional'* risk trying to stop a crime.
[41] s. 321(a) (n 35).
[42] *SBN Plc. v CBN*, [2009] All FWLR Part 481, 939.
[43] *Odiba v Muemue*, [1999] 10 NWLR Part 622, 174.
[44] ACJA, s. 24(5) (n 32).

title in any property in respect of which the offence was committed and has been compelled to give it up;[45] and in defraying expenses incurred on medical treatment of a victim injured by the convict in connection with the offence.[46]

5 Formalities of Participating in CVC Programmes in Nigeria

VAPP Act provides that payment of compensation would be preceded by an order of court to that effect. This implies that prosecution and possible conviction of the offender must precede making of such order. Certainly, in operation of an offender-funded programme, it is inevitable that the offender's guilt must have been decided before a fine would be imposed on him. The compensation order under ACJA is made either during the course of the proceedings or while passing judgment.[47] The problem with making the compensation order during the course of the proceedings is that until conclusion of trial and a finding of guilt against the accused person is made, he is constitutionally immune from such criminal forfeiture. The only way a forfeiture order could be made during the proceedings is after conviction and before sentencing. Other than this, a rule for making a compensation order against the defendant during the proceedings is tenuous.

5.1 Right of Crime Victim to Waive Compensation

Under ACJA, before making an order for payment of compensation to the crime victim, the court is required to explain to the crime victim or other person receiving the compensation, the full implication of accepting the compensation. In this regard, where the person receives the compensation or the convict, having been ordered to pay compensation, suffers imprisonment for non-payment, receipt of the compensation, or the imprisonment, as the case may be, shall act as a bar to further action for the same injury. Upon explanation of this implication, the person to whom compensation is awardable may refuse to accept the compensation.[48] When a wrong has been done and the law gives a remedy, compensation should be equal to the injury and the injured party should be placed, as near as may be, in the situation he would have occupied if the wrong had not been committed.[49] A crime victim may waive any compensation due him/her. The concept of waiver presupposes that the person who is to enjoy the benefit or who has the choice of two benefits is fully aware of his right to the benefits, but either neglects to exercise his right to the benefits, or where he has a choice of two, he decides to take one but not both.[50] A waiver is an abandonment of a legal right.[51] A waiver could be express or implied from conduct.[52] However, a waiver will not be lightly presumed.[53] Where the victim does not waive compensation, a claim should be formally submitted to the court. However knowledgeable the judge might personally be regarding circumstances of the victim's case, the judge may not use his personal knowledge as the basis for judicial decision.[54] Consequently, request for compensation, and compensable heads of expenses and injuries must be formally introduced into the records of the court.

[45] ibid, s. 319(1) (b) (n 35).
[46] ibid, s. 319(1) (c).
[47] ibid, s. 319(1).
[48] AJCA, s. 324 ACJA.
[49] *Wicker v Hoppock*, 73 US 94, 18 L Ed.
[50] *Adegoke Motors Ltd. v Adesanya*, [1989] 3 NWLR Part 109, 250.
[51] *Caribbean Trading & Fidelity Corporation v NNPC* [1992] 7 NWLR Part 252, 161.
[52] *Gikiru Bakare v Lagos State Civil Service Commission*, [1992] 8 NWLR. Part 262, 641.
[53] *Bavouset v. Shaw's of San Francisco*, 17 FPD 2d 196.
[54] *Asuquo v Etim*, [1995] 7 NWLR Part 405, 91, [The Judge may not utilise his personal knowledge or information obtained from his private investigation as the basis to exercise judicial discretion.].

5.2 Absence of Prescribed Procedure for applying for Compensation

Beyond a bald assertion of crime victims' entitlement to compensation, VAPP Act is silent on procedure for applying, evaluating and awarding compensation in deserving cases. Despite this remiss, absence of stipulated procedure for application for compensation should not defeat award of compensation in deserving cases. In this regard, the primary duty of the court is to do justice to all manner of men in matters before it. When the court sets out to do justice so as to cover new conditions or situations before it, there is often need to have recourse to equitable principles. Consequently, Judges must create new solutions where the justice of the matter so requires. On the principle of *ubi jus, ibi remedium,* the court will provide a remedy irrespective of the fact that no remedy is provided either at common law or by statute.[55] In determination of cases, the primary objective of the court must be to attain substantial justice.[56] If a relief or remedy is provided for by any written law, or by the common law or in equity, the relief or remedy, if properly claimed by the party seeking it, cannot be denied such party simply because he applied for it under a wrong law. To do otherwise would be unjust. The courts should do substantial justice between parties, rather than shut the door of justice on any of the parties due to detail.[57] Therefore, absence of stipulated procedure for applying for compensation is not a bar to the court making an order for compensation in a deserving case. The crime victim is entitled to approach the court in any of the usual modes of bringing an application before the court. Such an application would not be discountenanced for the mere fact of being brought outside a stipulated procedure. This is more so in this instance, where no procedure is stipulated. The court must take and grant the application because, a genuinely aggrieved person who approaches the courts for redress must be accorded redress if he establishes his rights thereto.[58]

5.3 Duty of Crime Victim to Specify Compensable Heads of Injury

A claim for compensation by a crime victim for particular loss at the hands of an offender is analogous to a claim for special damages in a civil action. It must be particularised. Where a self-employed crime victim claims compensation for loss of income and revenue during the period of injury, hospitalization, recuperation and psychological counselling, it does not necessarily follow that the victim should be held entirely unable to prove any loss of profit merely because he has not kept absolutely accurate accounts. Such books may be admitted in evidence and allowance made for the defects. It is also open to the proprietor to testify that he made a certain profit during a certain period. Testimony of other men engaged in the same kind of business is also admissible for what it is worth.[59] While documentary evidence is the most competent manner of proving specific and particular loss of income and damages, it is certainly,

[55] *Amaechi v. INEC*, [2008] All FWLR Part 407, 1, here, statute did not provide remedy for wrongful substitution of a political candidate who won primaries with a person who did not contest primaries at all, and there was no common law remedy. The Supreme Court therefore fashioned a remedy by declaring the wrongly substituted person as the proper candidate for the elections and the true winner of the elections even though in actual fact, he did not stand for the elections. In *Okeke v Petmag Nigeria Ltd*. [2005] 4 NWLR Part 915, 245 it was held that a wrong must not necessarily be remediable under a known head of tort before it is justiciable. Once there is a wrong, there must be a remedy. What is important is presentation of the factual situation which if substantiated entitles the plaintiff to relief against the defendant. In *Ewhrudje v Warri LGC*, [2005] 7 NWLR Part 924, 334, it was held that in exercise of the court's duty to provide a remedy for a plaintiff even if none has been prescribed, it must not follow that because a claim for damages fails, the claim for injunction must also fail. If a trespass is threatened, or reasonably apprehended or likely to occur, an injunction to restrain defendants from committing a trespass may be granted, even though no trespass has been proved.

[56] *Haruna v Ladeinde*, [1987] 4 NWLR Part 67, 941.

[57] *Ogun State University v Makinde*, [1991] 2 NWLR Part 175, 613.

[58] *Odedo v INEC* [2009] All FWLR Part 449, 448.

[59] *Antoniou v Arnett*, 17 E&ED 179.

not the only way. Not every transaction is amenable to receipts and other forms of documentary evidence. Certain transactions do not lend themselves to documentation or issuance of receipts. That by itself does not deny a party competence to prove the un-receipted transaction as an item of specific and special loss and injury. In fact, the obverse situation is true, so that a trial court should be suspicious of receipts presented in proof of transactions where traditionally, receipts are not issued.[60] There are however certain transactions where issuance of receipts in evidence of payments is indispensable. Examples include payment of hotel and hospital bills and other formal commercial transactions. In such instances, failure of claimant to produce receipts for claimed payments would likely affect his case adversely.[61] In such instance, production of a receipt in strict proof of specific loss and injury is vital.[62] Where production of a receipt or other financial records is indispensable to proof of specific injury and loss, it would be improper to permit a claimant for compensation to rely on a mere *ipse dixit* to prove specific and special loss. Entitlement to compensation in this regard must be established by production of credible evidence of such compelling character and weight as would satisfy the court that a claimant was indeed entitled to an award under the head.[63]

5.4 Discretion of Court to Award Compensation in Absence of Heads of Injury

A judicial act is an act of the judge or court in deciding a question of right litigated before him or referred by law to his judgment.[64] *Discretion* denotes absence of a hard and fast rule. When invoked as a guide to judicial action it means discretion exercised not arbitrarily or wilfully but with regard to what is right and equitable under the circumstances and law, and directed by the reason and conscience of the judge to a just result.[65] In exercise of his discretion to award compensation to a crime victim, and consideration of circumstances pertinent to the fact and quantum of the award, a trial Judge is bound by facts before him in the relevant context before him. He has no discretion to look beyond the law.[66] Sentiments have no place in the

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[60] *Kurubo v Zach-Motison Nigeria Ltd*., [1992] 5 NWLR Part 239, 102, [It is a fact that in all cities of this country, food stuffs are bought in the market upon cash payment without issuance of receipts. Where therefore receipts are tendered to back-up such transactions, courts should be suspicious in accepting their veracity. A blanket insistence by courts on production of receipts as the sole evidence of transactions and production of documentary evidence as sole proof of special damages would amount to using fraud to sustain the administration of justice.]

[61] In *Yebumot Hotel Ltd. v Okafor*, [2005] All FWLR Part 255, 1089, Onnoghen, JCA stated at 1109G-1110B '*There is evidence, by way of receipts, that the sum of N53, 337.00 was expended by the respondent by way of medical expenses which ought to include bed charges if any was paid but the court awarded =N=60, 337.00 which means it added the sum N7,000.00 alleged bed charges to the sum awarded. I have gone through the receipts tendered in respect of medical expenses from the University of Ilorin Teaching Hospital and there is no receipt covering the sum of N7,000.00 by way of bed charges. It is only reasonable that when a man says he incurred some expenses in an establishment such as a Teaching Hospital and produces receipts to cover some of the expenses and not all, it becomes very doubtful that the other expenses not so covered by official receipts were duly paid for or incurred. The best evidence of such payments is the receipt of payment, which has been produced in this case with regards to the sum of N53, 337.00'*. In *Aluminium Manfg. Co. Nig. Ltd. v Volkswagen of Nig. Ltd*., [2010] 7 NWLR Part 1192, 97, it was held that receipts were not necessary for the claim in respect of cost of materials from abroad, but in respect of customs duty and local charges paid in foreign currency, the nature of credible evidence required is documentary.

[62] *Healthcare Products Nigeria Ltd. v Bazza*, [2003] FWLR Part 162, 1937, per Sanusi, JCA at 1960D-E: *'The court below was however right in holding that there is no hard and fast rule that every payment of money must be proved by the production of a receipt but I shall again emphasise that production of receipt is strict a proof of payment to satisfy the court for special damages and recipients even need not be called to give evidence.'*

[63] *Spring Bank Plc. v Adekunle*, [2011] 1 NWLR Part 1229, 581, [Respondent in proof of his claim for loss of earnings ought, for example, to have put in evidence his daily, weekly or monthly sales records or his tax returns or payment therefore, etc].

[64] *US v Ward*, 42 FD 359.

[65] *US v McCarthy*, 17 FPD 2d 189.

[66] *Seaview Investments Ltd v Munis*, [1991] 6 NWLR Part 195, 67.

adjudication process.[67] Exercise of discretion of the court is challenged where a crime victim's request for compensation is not supported by particularised heads of loss, injury and compensable items. In this regard, it must be borne in mind that a Judge is a judge of law and facts. He is not a metaphysician or a soothsayer, and is not allowed by law to speculate on possible facts. His only jurisdiction is to use facts presented by parties in open court to reach resolution of the case before him.[68] A Judge is not permitted to adopt a method of adjudication alien to procedural rules of justice, upon a plea that he is actuated by zeal for justice.[69] A court of law cannot go on a voyage of discovery to assemble facts and use them in the trial process.[70] Investigation is not the work of a court.[71] The function of the court is to decide between parties on the basis of what has been demonstrated and tested by assertion and evidence.[72] However much it is moved by a desire to do justice, the court must never abandon its adjudicatory role for an investigatory one. It will amount to doing cloistered justice for the tribunal to abandon its adjudicatory role and proceed to indulge in investigation of a matter placed before it.[73] The duty of initiating and conducting investigations is not a function of the court, and the judge may not call for consideration any facts outside those presented to the court by the parties.[74] If the duty of adjudication renders it necessary for the Judge to make certain deductions and draw

[67] *Onyia v Onyia*, [1989]1 NWLR Part 99, 514; in *NAB Ltd v Ogueri*, [1990] 6 NWLR Part 159, 751 in an application for an interim injunction, facts contained in affidavits of parties were diametrically opposed and severely contested. Without in any manner reconciling the conflicting affidavit evidence, the trial judge made the order of injunction. On appeal, it was held that where as in instant case, discretion of the judge is exercised on contentious and unproved facts, it could not be said that the judge exercised his discretion judicially and judiciously.

[68] *Adisa v State* [1991] 1 NWLR Part 198, 490.

[69] *Onwuanumkpe v. Onwuanumkpe* [1993] 8 NWLR Part 310, 86, here the Judge, with consent of parties directed appellant to swear an oath before Roman Catholic priest as proof of his title to disputed land, upon the understanding that if he survived the oath-taking by a year his title would be held proved. The Court of Appeal held the procedure irregular and unacceptable.

[70] *Odua'a Investment Company Ltd. v Talabi* [1991] 1 NWLR Part 170, 761.

[71] *Awuse v Odili* [2005] All FWLR Part 261, 248; in *Terab v Lawan*, [1992] 3 NWLR Part 231, 569, the Court of Appeal held that the function of a court is to decide between parties on basis of what has been so demonstrated and tested. It is not part of court's duty to do cloistered justice by making an inquiry into the case outside court, not even by examination of the documents which were in evidence, when the documents had not been examined in court and the court's examination disclosed things that had not been brought out and exposed to test in court, or were not things that, at least, must have been noticed in court.

[72] *Adeleke v Iyanda* [1994] 9 NWLR Part 366, 113.

[73] *Zimit v Mahmoud* [1993] 1 NWLR Part 267, 71.

[74] *Ngene v Igbo* [1991] 7 NWLR Part 203, 358 per Uwaifo, JCA at 369 E-370 D *'But first, I must comment on what the learned judge did. It was after the close of addresses by counsel that he called for the Lands Registry copy and conducted his own investigation. Later, he constituted both counsel into witnesses (un-sworn) by asking them questions as to their impressions of the said Lands Registry copy. Both Counsel gave conflicting impressions. I think, with great respect, that what the learned trial judge did was not open to him. His approach was not in accord with our adversary system of judicial proceedings; and in the present circumstances, it was irregular and uncalled for. His primary duty was to decide the case upon the evidence produced by the parties. As said by Fletcher-Moulton L J in Re Enoch and Zaretsky, Bock & Co's Arbitration (1910) 1 KB 327 at 333: 'A judge has nothing to do with the getting up of a case'. I see the strength in that statement standing up on its own. In a civil case, a judge should be very wary of acting other than an independent, uninterested and unbiased umpire. His power to interfere as to what evidence or witnesses to be called by the parties is very limited. He ought never on his own to play an investigative role for the procurement of evidence. He may in certain circumstances but with great circumspection call a witness. As Fletcher-Moulton further said in Re Enoch at page 333; 'There may in some cases be a person whom it would be desirable to have before the court but neither party wishes to take the responsibility of vouching his personal credibility, or admitting that he is fit to be called as a witness. In such a case the judge may relieve the parties by letting him go into the box as a witness of neither party; in my opinion it is certainly not the law, that a judge or any person in a judicial position has any power himself to call witnesses to fact against the will of either of the parties.'*

inferences, he may do this only within confines of the evidence presented in court.[75] It is improper for a Judge to place himself in the position of a witness and arrive at a conclusion based on his personal observation or knowledge of which there is no evidence on record.[76] The judge must not substitute his own imagination for facts and make these the basis for his determination.[77] Consequently, however much the Judge is moved by a desire to do justice, and however much the Judge is clear in his mind as to what he believes should be compensable heads of injury and loss, an application by a crime victim for compensation which is not supported by itemised heads of loss, injury and compensable items is a request the court is incompetent to grant. It would amount to the Judge exercising discretion without materials for the judge to grant such an application

Circumstances of certain cases elicit great sympathy for the crime victim. This is more so in rape cases, particularly, where the victim is a minor; and also, where circumstances attending the offence are particularly egregious. This same sentiment is replicated for victims of torture, unlawful incarceration and high-handed violence and depredations by state agents. In these categories of cases, the Judge, in his desire to do justice to the crime victim is faced with a temptation of permitting the machinery of justice to be propelled by his moral outrage at the injustice done to the victim. Incidentally, sentiments command no place in judicial deliberations, for if it did, the task of courts would be more difficult and less beneficial to the society.[78] If the judge considers matters which are not before him, and makes them the basis of exercise of his discretion, he is exercising discretion on wrong considerations.[79] Where extraneous and irrelevant factors had been taken into consideration, such exercise of discretion is arbitrary, reckless, and unreasonable, and is occasion for miscarriage of justice.[80] Consequently, however sympathetic of consideration the victim's circumstances may be, the judge's sense of moral outrage and compassion are not materials that should guide exercise of the court's discretion on whether to award compensation and the quantum of compensation to grant. Where there are no facts before the court itemising compensable heads of loss and injury, the judge's sense of empathy and compassion would not supply such material.

5.5 Whether Compensation could be ordered as Consequential Order

In the previous subsection, the paper explored the possibility of awarding compensation to a crime victim absent a specific request for such compensation, and found that in the absence of material on which the court's discretion may be exercised, such discretion is not exercisable. Consequently, where the crime victim fails to approach the court in any known mode to request compensation for the crime, the court may not grant such compensation. Nevertheless, it is clear that as a general principle, courts may make consequential and ancillary orders for purposes of carrying their decisions and determinations into execution. The question now is whether in the absence of a specific and definite application for compensation, the court may, as a consequential order, make such an order for compensation to the crime victim?

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[75] *Alake v. State* [1991] 7 NWLR Part 205, 567.

[76] *Ojiako v Ewuru* [1995] 9 NWLR Part 420, 460.

[77] *Onyiah v Oniah* [1985] 3 NWLR Part 11, 1; in *Igwe v Kalu* [1990] 5 NWLR Part 149, 155 in an action for special damages for trespass to land, plaintiff called witness to give evidence of value of sand, stone and gravel excavated and removed by defendants. The judge stated in his judgment that he will not accept value stated by the witness but will proceed to fix value himself. This he did unilaterally. The Court of Appeal held that the trial judge abandoned his role as an umpire, and went into the arena of the dispute on the side of one of parties.

[78] *State v Bassey* [1994] 9 NWLR Part 367, 130.

[79] *UBA Ltd v Stahlbau GmbH*, [1989] 3 NWLR Part 110, 374.

[80] *Agbolohun v Balogun* [1990] 2 NWLR Part 134, 576.

The courts, in exercise of jurisdiction vested on them by law, in every cause or matter, have power to grant, either absolutely or on such terms and conditions as they thinks just, all such remedies as any of the parties may be entitled to in respect of any legal or equitable claim properly brought forward by them in the cause or matter so that, as far as possible, all matters in controversy between the parties may be completely and finally determined and all multiplicity of legal proceedings concerning any of those matters avoided.[81] This rule enables courts to grant requisite consequential orders for purposes of finally determining matters in controversy.[82] Inherent jurisdiction to make consequential orders permits courts to ensure proper administration of justice.[83] By the very nature of the term '*consequential*', any consequential order must be one giving effect to the judgment. In its ordinary dictionary meaning, the word *'consequential'* means *'following as a result, or inference; following or resulting indirectly'*.[84] A consequential order is one which flows directly and naturally from the decision or order of court made on the issues in litigation and inevitably consequent upon it.[85] A consequential order is not merely incidental to a decision. It must be giving effect to the judgment already given. A proper consequential order need not be claimed, but it must be closely related to the substantive relief claimed.[86] Where the making of such consequential order is necessary to give effect to the judgment of the court, the court may competently make the consequential order even if it was not specifically sought as a relief from the court.[87]

Clearly, from the foregoing, a trial court which finds an offender guilty of rape,[88] inflicting physical injury,[89] or perpetrating violent acts as a state agent on a victim,[90] is entitled to award compensation to the crime victim. Competence of the court to compensate the crime victim is not dependent on an application to that effect being filed in court. The court may, even in the absence of such an application, in exercise of its inherent powers, as a consequential order

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[81] Federal High Court Act,1973 s.11; High Court Act, Abuja s.27; High Court Law, Lagos State s.14. [O. 4 r. 3 of Court of Appeal Rules, 2016 provides that the Court shall have power to give any judgment or make any order that ought to have been given or made and to make such further or other orders as the case may require.

[82] *Sadiq v Bundi* [1991] 8 NWLR Part 210, 443.

[83] *Erisi v Idika* [1987] 4 NWLR Part 66, 503.

[84] *Obayagbona v Obazee* (1972) 5 SC 247 cited in *Apostolic Church v Olowoleni* [1990] 6 NWLR Part 158, 154; *Maduabu v. Ray* [2006] All FWLR Part 300, 1671; *Ray v. Maduabu* [2006] All FWLR Part 310, 1637.

[85] *Akapo v Hakeem-Habeeb,* [1992] 6 NWLR Part 247, 266; *Gbadamosi v Alete,* [1993] 2 NWLR Part 273, 113; *Royal Petroleum Co. Ltd. v FBN Ltd,* [1997] 6 NWLR Part 510, 584; in *Adekanye v Comptroller, Nigeria Prisons Service*, [1999] 14 NWLR Part 637, 115, it was held that when court exhausts powers vested on it by enabling law by giving judgment, it can no longer exercise other powers except as provided by law or rules of court. A court which has finally delivered a judgment, does not and ought not to possess jurisdiction to re-write, vary or modify its judgment when the judgment has been finally written. However, orders made in a final judgment may require intervention of same court by further orders to ensure convenient implementation of order made in the judgment. Court must ensure, within its powers and jurisdiction, that there is no failure of justice or that it does not give its order in vain. When a court intervenes for this purpose, the court exercises not just its express jurisdiction, but also its inherent jurisdiction.

[86] *Idrisu v COP*., [2009] All FWLR Part 450, 720; in *Oduwole v Aina*, [2001] 17 NWLR Part 741, 1, it was held that a High Court has inherent powers to make orders even if they are not sought by parties where such orders are '*incidental*' to prayers sought. However, a consequential order must flow directly and naturally from decision or order of court made on the issues in litigation and consequent upon it. Thus, where the court refuses primary or principal relief sought, an incidental relief cannot stand because there would be no principal order on which such incidental order can lean. See also *Akinbobola v Plisson Fisko Nigeria Ltd* [1991] 1 NWLR Part 167, 270; *Okon v Administrator-General (Cross River State)* [1992] 6 NWLR Part 248, 473; *Inakoju v Adeleke* [2007] All FWLR Part 353, 3; *FAAN v Greenstone Ltd*. [2010] All FWLR Part 500, 741; *NIDB Ltd. v Sofresid Softdrinks Ltd.* [1992] 5 NWLR Part 242, 471; *Adeniyi v Fabiyi*, [1992] 5 NWLR Part 242, 489.

[87] *Garba v University of Maiduguri*, [1986] 1 NWLR Part 18, 550.

[88] s. 1(3) (n 32).

[89] s. 2(5) (ibid).

[90] s. 24(5) (ibid).

make the necessary order for payment of such compensation. However, this is as far as it goes. While the court may competently, under its inherent powers, order payment of compensation, inherent powers of the court do not extend to the court, unilaterally, reaching a decision on the amount that should be paid as compensation. In this regard, the court must still have regard and recourse to evidence and proven facts of the financial measure of any loss claimed by the crime victim. It would be judicial error for the court, under its inherent jurisdiction, to *suo motu* award any sums to the crime victim as compensation if evidence of the quantum or approximation of the financial measure of any such loss is not presented. Consequently, award of compensation by the court to a crime victim under its inherent powers is still subject to proof of facts by the crime victim of the specifics and particulars of financial loss suffered by him/her.

6. Conclusion

While CVC's are important innovations in the criminal justice system, the emphasis should remain on the apprehension, prosecution and punishment of the offender. Most crime victims, if put to an election would prefer the punishment of their violator to being compensated for the violation. It is impossible to appreciate or enjoy the compensation if their violator is free and at large. Consequently, the implementation of a CVC programme should not be at the expense of an efficient and effective criminal justice system. It should be complimentary to it.