

LEGAL FRAMEWORK OF WITNESS PROTECTION MEASURES DURING CRIMINAL TRIAL IN NIGERIA AND EMERGING PRACTICES*

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ABSTRACT

Witnesses whether a justice collaborator, victim – witness, innocent bystander, or an expert witness, are integral to any successful criminal justice system. This is because the entire process of investigating and prosecuting offenses depend largely on the information and testimony of reliable and truthful witnesses. Now, where witnesses don't feel safe and secured they are less likely to assist the prosecution. However, where they are protected and secured, they are more susceptible to cooperate with the justice sector in bringing perpetrators of crime to justice. Witness protection is no doubt an essential tool in the fight against domestic and international crime especially corruption and other organized crimes and the lack of it undermines the quality of justice, sought to achieve. It is therefore good practice for any criminal justice system to provide assistance and support measures to victims and other witnesses. Since 2009, Nigeria has been struggling to pass a comprehensive witness protection bill into law but to no avail. However, in 2013 and 2015, major legislations provided for the protection of victims and witnesses only during criminal trials. Such protection does not apply to before trial neither does it extend to after trial. This paper emphasizes the importance of protective measures for witnesses during criminal trials in the absence of a comprehensive witness protection framework. This paper also identifies emerging practices from other jurisdictions that could be adopted to suit the Nigerian context.

Keywords: Witness Protection, Corruption, Nigeria, Criminal Justice.

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