



NIGERIA

VICTIMS OF CORRUPTION: DAMAGE REPARATION AND LEGAL STANDING

INTERNATIONAL DATABASE 2022

SOURCE: AFRICAN CENTER FOR
GOVERNANCE, ASSET RECOVERY AND
SUSTAINABLE DEVELOPMENT

VICTIMS OF CORRUPTION WORKING GROUP



Disclaimer

The UNCAC Coalition accepts no liability for the correctness, completeness, or reliability of the information shared in the International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption.

The UNCAC Coalition assumes no responsibility for any direct or indirect loss suffered by users or third parties in connection with the use of the database. Any reliance you place on such information is, therefore, strictly at your own risk.

The information contained in the database is crowdsourced through an open-call questionnaire from experts, organisations, and the general public. We make no representations or warranties of any kind, express or implied, about the completeness, accuracy, or reliability of the database or the information or related graphics contained on the International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption website page and related documents for any purpose.

The International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption is an initiative of the UNCAC Coalition Working Group on Victims of Corruption.

<https://uncaccoalition.org/victims-of-corruption-working-group/>

NIGERIA

SOURCE: African Center for Governance, Asset Recovery and Sustainable Development

1. Legal Standing	2
1.1 Legal standing for civil society organisations and/or citizens in corruption-related cases	2
1.2 Type of Cases	2
1.3 Legal basis under which citizens have legal standing	2
1.4 Citizens and/or civil society's intervention in corruption cases in other capacities (e.g. third party contributors, expert input, etc)	2
1.5 State's entitlement to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens	3
1.6 Legal standing of any foreign government or foreign-based non-governmental institution to bring corruption cases on behalf of this country's citizens	3
2. Cases	3
2.1 Existence of corruption-related cases brought to Court by civil society organisations, journalists, or citizens.	3
3. Collective Damage	3
3.1 Legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field (environmental damages, human rights, corruption, among others)	3
3.2 Procedures for advancing class-actions	4
4. The Role of the victims of corruption	4
4.1 Definition of victims of corruption or common definition used by the courts in this country	4
4. 2 Cases that recognize the role of victims	5

4.3 Corruption-related court cases (criminal, civil, administrative) that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense	5
4.4 Innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases	6
5. Available Information	6
5.1 Information published by enforcement authorities (including control agencies) about corruption enforcement actions	6
5.2 Feasible access to information on ongoing or concluded cases	6
5.3 Ways for citizens or civil society organisations to gather information on whether corruption cases are being investigated or trialed.	6
6. Supplementary information	7
6.1 Main identified barriers that prevent CSOs, citizens, and journalists from standing as victims of corruption cases.	7
6.2 Other aspects, issues, provisions, or practices linked to the role, recognition, and compensation of victims of corruption.	7

1. Legal Standing

1.1 Legal standing for civil society organisations and/or citizens in corruption-related cases

Civil society organisations and individual citizens have legal standing in corruption-related cases.

1.2 Type of Cases

- Civil
- Constitutional protection

1.3 Legal basis under which citizens have legal standing

Civil: Individuals, citizens, civil society organizations who feel affected by the corruption of the government officials may seek compensation for harm caused through a class action or through the enforcement of fundamental human rights

Constitutional protection: [Chapters 2 and 4 \(Section 44\) of the 1999 Constitution \(2018 amendment\)](#) protects the right of citizens to certain fundamental rights and protects right to property. However, property can be taken away if used to commit crime and for purposes of compensation to victims of crime.

Description of the country:

Nigeria enacted a comprehensive Proceeds of Crime Act in May 2022. Section 70 (b) and (c) allow the President to use recovered funds to compensate sub-national states and any person where they have suffered pecuniary loss because of conduct that led to the confiscation of assets.

1.4 Citizens and/or civil society's intervention in corruption cases in other capacities (e.g. third party contributors, expert input, etc)

Citizens and/or civil society can intervene as victims through civil action and by enforcement of human rights - [Chapters 2 and 4 \(Section 44\) of the 1999 Constitution \(2018 amendment\)](#).

1.5 State's entitlement to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens

Citizens can be represented as the government of Nigeria has done repeatedly by intervening in actions filed in the United States, United Kingdom, Switzerland, and Bailiwick of Jersey - <https://justice.gov.ng/category/asset-recovery/>

1.6 Legal standing of any foreign government or foreign-based non-governmental institution to bring corruption cases on behalf of this country's citizens

Foreign states can register foreign judgments in Nigeria under the Mutual Assistance in Criminal Matters Act, 2018. Under the Proceeds of Crime Act in May 2022, Section 70 (e), the President can compensate any foreign country or foreign entity as required under the treaty, asset sharing agreement, or mutual legal assistance laws.

2. Cases

2.1 Existence of corruption-related cases brought to Court by civil society organisations, journalists, or citizens.

There are cases of corruption-related cases brought to Court by civil society organisations, journalists, or citizens.

3. Collective Damage

3.1 Legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field (environmental damages, human rights, corruption, among others)

The human rights law ([National Human Rights Act, 2010](#)) allows for claim for compensation for damages. Such claims could include environmental, human rights abuse, or violation of fundamental human rights.

Claim by the Ogoni against Shell (oil company) for environmental damages
<https://www.thecable.ng/shell-agrees-to-pay-ogoni-people-n45bn-compensation-11-years-after-judgment>

Claim against FRN by the victims of the 1967-1970 civil war and for mines planted in the Southeast during the Civil War (judgment of the Economic Community of West Africa (ECOWAS) Court of Justice – Suit Reference - ECW/CCJ/APP/06/12)
<https://www.vanguardngr.com/2017/10/fg-pay-n88bn-compensation-victims-biafra-war/>

The Apo 6 case in which the court ruled against the violent killing of innocent Nigerians – the Government complied with the ruling of the court and paid compensation to the families.
<https://www.thecable.ng/families-of-apo-six-petition-fct-judicial-panel-seek-n200m-compensation>

3.2 Procedures for advancing class-actions

There are procedures set out in Chapter 4 of the 1999 Constitution (2018 amendment) and under the National Human Rights Act 2010 (amendment) for compensation of victims of human rights violation.

4. The Role of the victims of corruption

4.1 Definition of victims of corruption or common definition used by the courts in this country

Victim is defined in the [“Violence Against Persons \(Prohibition\) Act, 2015](#) “ as a person or group of persons who have suffered harm individually or collectively, owing to the perpetration of a crime.” The Act extends the definition to the immediate family of a victim, including dependants, wards, and guardians.

Therefore it is right to assume that victims of corruption can be deemed to have suffered harm when a crime of corruption is proven

In addition to Nigerian laws, Nigeria is obligated to comply with ECOWAS decisions, conventions, and treaties as well as African Union Charter on Human People's Rights and African Union Convention for the Prevention and Combatting of Corruption. In this regard, CSOS have sought judicial interpretation and ECOWAS courts have ruled that Nigeria is under obligation to provide for free education and to ensure that embezzled funds are recovered to fill the gap in education funding. This decision is made further to the case filed by a Nigeria CSO, Social-Economic and Accountability Project (SERAP)

https://www.chr.up.ac.za/images/researchunits/bhr/files/extractive_industries_data_base/nigeria/national_case_law/SERAP%20v%20Nigeria.pdf

The case was also reported by the Open Society Initiative. Although the CSO could not intervene for the victims, it was able to use the result of the actions of the anti-corruption investigation in the ECOWAS court to persuade the government to recover funds stolen from the education sector to fund the gap in education funding.

<https://www.justiceinitiative.org/uploads/7e3c503b-8749-4929-b432-920a22776e1a/legal-remedies-8-mumuni-20161014.pdf>

4. 2 Cases that recognize the role of victims

See above

4. 3 Corruption-related court cases (criminal, civil, administrative) that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense

See above

4.4 Innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases

N/A

5. Available Information

5.1 Information published by enforcement authorities (including control agencies) about corruption enforcement actions

Information is published by enforcement authorities. Type of information available on the websites of the anti-corruption agencies:

- The initiation of investigations
- The conclusion of investigations whether the investigated person has been acquitted or not
- The enactment of sanctions
- Initiation of settlement negotiations
- Settlements
- The grounds for sanctioning or acquitting (the case)

The Economic and Financial Crimes Commission website -

<https://www.efcc.gov.ng/>

The Independent Corrupt Practices and other Related Offences Commission

<https://icpc.gov.ng/>

The Federal Ministry of Justice <https://justice.gov.ng/>

5.2 Feasible access to information on ongoing or concluded cases

N/A

5.3 Ways for citizens or civil society organisations to gather information on whether corruption cases are being investigated or trialed.

The following websites are useful and can be accessed by citizens and international organizations:

- The Economic and Financial Crimes Commission website - <https://www.efcc.gov.ng/>
- The Independent Corrupt Practices and other Related Offences Commission <https://icpc.gov.ng/>
- The Federal Ministry of Justice <https://justice.gov.ng/>

6. Supplementary information

6.1 Main identified barriers that prevent CSOs, citizens, and journalists from standing as victims of corruption cases.

Corruption cases are often presented as a criminal action. In Nigeria, only the state, through its agencies or legally appointed attorneys, can prosecute a criminal offense, and this makes it difficult for civil society organizations to prosecute a criminal action against corrupt individuals, but they can file civil actions for compensation.

With the new Proceeds of Crime Act, 2022, the state can file non-conviction-based confiscation proceedings against stolen assets through civil action.

6.2 Other aspects, issues, provisions, or practices linked to the role, recognition, and compensation of victims of corruption.

As discussed above, Non-state actors, civil society organizations and citizens may come by way of class action to seek compensation for harm caused because of corruption through a civil suit or through the enforcement of fundamental human rights as enshrined in the Constitution. The government may choose to pay compensation to any individual who can prove that he has suffered harm because of corruption under the Proceeds of Crime Act, 2022.