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# THE LAW AND PRACTICE OF PROTECTION OF IDENTITIES OF VICTIMS OF SEXUAL OFFENCES IN NIGERIA: LESSONS FROM FRN V. PROF. NDIFON[1]*

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## Abstract

*Sexual offence prosecutions raise profound questions about the balance between the principle of open justice and the imperative of protecting victims from stigma, retraumatisation and social harm. While Nigerian law recognises the necessity of safeguarding the identities of victims of sexual offences, gaps persist between judicial principle and practical execution. This article examined the legal framework governing victim anonymity in Nigeria, with particular emphasis on the decision of the Federal High Court in Federal Republic of Nigeria v. Prof. Cyril Ndifon. Employing a doctrinal research methodology, the article analysed the legal foundations for protecting the identities of victims of sexual offences in Nigeria. It evaluated the judicial reasoning adopted in FRN v. Ndifon and assessed whether the anonymity measures applied in that case achieved their protective purpose. The article critically interrogated the shortcomings in the implementation of anonymity in the case and further demonstrated that partial disclosure of identifying information, even where a victim's name is formally concealed, undermines the objectives of victim*

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*protection. It found that the Ndifon judgment, though progressive in principle, reveals gaps in judicial practice that threaten victim-centred justice. The article concluded that strengthening anonymity protection in sexual offences proceedings is a contemporary legal issue, requiring legislative reforms, clearer judicial guidelines/monitoring mechanisms, and heightened institutional responsibility to align Nigeria's framework with global victim-centered justice principles.*

**Keywords**: Victim identity protection, Sexual offences, FRN v Prof Ndifon, Judicial anonymity, Victim-centered justice, Rape shield laws

## 1.0 INTRODUCTION

The efficiency and effectiveness of the administration of criminal justice in Nigeria have been hamstrung by many factors. One of the core factors is the guarantee of the protection of the actors in the criminal justice ecosystem. The most vulnerable of the actors are the victims and witnesses of crimes. Their protection and safety, crucial to the successful prosecution of any crime, has hardly received any meaningful attention under the law. As a result, many heinous crimes could not be successfully prosecuted because witnesses refused to testify.[2] The effects of such unsuccessful prosecution of criminal cases on the society in terms of safety and economic losses can better be imagined. In a bid to cure this malady, the Witness Protection and Management Bill (WPMA) were signed into law in 2022. Sadly however, the hopes and expectation of victims and witnesses of sexual offences were dashed, as the Act

[2] Andrew Karmen, (2003). Crime Victims: An Introduction to Victimology, Wadsworth Publishing, ISBN 978-0-534-61632-8.

conspicuously omitted sexual offences from the list[3] of offences whose witnesses can benefit from the protective mechanisms of the new law.

Sexual offences present a distinctive challenge within criminal justice systems, particularly in societies where cultural norms, moral conservatism, and entrenched gender stereotypes amplify the vulnerability of complainants. In Nigeria, victims of sexual offences often face stigma, reputational harm, and social exclusion that persist long after the conclusion of judicial proceedings. [4] These realities contribute significantly to underreporting and attrition in sexual offence prosecutions. The protection of victims' identities is therefore not a peripheral procedural concern but a central component of access to justice. Where victims reasonably anticipate public exposure, harassment, or social condemnation, the criminal process itself becomes a source of secondary victimization.[5]

The omission of sexual offences from the list of the protective shields of the WPMA is therefore not only a legislative indiscretion, but a regrettable demonstration of ignorance of the effects of sexual crimes against the victims. This is so because, the consequences of sexual offences on victims are psychologically severe and emotionally disorienting. Some commentators[6] argue that the injuries inflicted on the victims of sexual harassment are even more severe than those inflicted on victims of armed robbery. This is because the actual scene of crime is the woman's body

[3] s.17, Witness Protection and Management Act, 2022.
[4] UNODC, *Handbook on Justice for Victims* (UNODC 1999).
[5] UN Women, *Handbook on Effective Prosecution Responses to Violence against Women and Girls* (UN Women, 2014).
[6] Peter Akhimie Akhihiero, "Protecting the Rights of Victims in Trials for Sexual Offences" A Paper Presented at the Workshop Organized by Glow (Global Leadership Of Women), An Initiative of the International Association of Women Judges (IAWJ) held on Thursday, 30th April, 2015 at the Bishop Kelly Pastoral Centre, G.R.A, Benin City.

with a great impact on her mind and self-worth. When such victims bravely come forward and their identity is not protected, they suffer shame and another level of harassment either from sympathizers of the sexual offender, or from opinionated members of the public. To avoid all of this, the victims' sense of devaluation and dehumanization posits that they rather blot out the ugly experiences from their memories, rather than come to court to testify, where they could be secondary victimization. This underscores why sexual offences remain widely underreported in Nigeria. This lack of robust legal mechanisms for protection of the identities of victims and witnesses of sexual offences exacerbates the crisis the criminal jurisprudence of sexual offences in Nigeria.

The 2023 prosecution and conviction of the former Dean of the Faculty of Law, University of Calabar, Prof. Cyril Osim Ndifon, in *Federal Republic of Nigeria v. Professor Cyril Osim Ndifon & 1or*[7] brought national attention to issues surrounding the treatment and protection of complainants in sexual-offence cases, particularly regarding the scope, justification, and execution of anonymity orders in Nigerian courts. This case highlighted both gaps and possibilities within Nigeria's legal framework regarding victim anonymity, safety, and dignity.

The Federal High Court, sitting in Abuja, on the 17th day of November, 2025 delivered judgement in the above-mentioned case (*Federal Republic of Nigeria v. Professor Cyril Osim Ndifon & 1or*) which judgement has been widely described as a landmark decision in one of the most publicized criminal trials involving a Professor of Law/Dean of faculty, and a sexually violated student. In a well-considered judgement, the court convicted Prof. Ndifon for sexual offences. Expectedly, the case has

[7] Charge number *FHC/ABJ/CR/511/2023*

elicited commentaries from the public, focused primarily on the criminality and public interest aspects. However, this paper seeks to interrogate the privacy issues embedded in both the charge and the subsequent judgment vis-à-vis the legal framework for the protection of the identities of victims of sexual offences in Nigeria. The interrogation of the privacy considerations raises critical questions about the preservation of personal data and witness identities in Nigerian criminal proceedings.

## 2.0 OPEN JUSTICE AND ITS CONSTITUTIONAL LIMITS

The principle of open justice is deeply embedded in Nigerian constitutional law. Section 36(3) and (4) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) mandates that criminal proceedings be conducted in public. [8] This requirement promotes transparency, accountability, and public confidence in the administration of justice, values repeatedly affirmed by Nigerian courts.[9]

However, the Constitution does not treat openness as absolute. Section 36(4)(a) expressly authorises courts to exclude the public or restrict publicity in the interest of morality, public order, or the welfare of persons involved in proceedings. Victims of sexual offences clearly fall within this protective exception. Properly interpreted, the Constitution itself provides an internal mechanism for judicial measures aimed at shielding victims from degrading or harmful exposure and balancing public justice witht e protection of vulnerable persons.

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[8] Constitution of the Federal Republic of Nigeria 1999 (as amended) s. 36 (3)-(4)
[9] Edibo v. State (2007) 12 NWLR (PT 10510 306 (SC)

## 3.0 SEXUAL OFFENCES IN THE NIGERIAN CRIMINAL JURISPRUDENCE

The term "sexual offences" is a generic term which covers a class of sexual conduct prohibited by the law. The categories of sexual offences are not closed and the laws vary from State to State in Nigeria. While we cannot exhaust the list of sexual offences in this presentation, we will identify some of them to enable us highlight the focal issues of the paper.

### 3.1 Rape

When a man has sexual intercourse with a woman or a girl without her consent, or if the consent is obtained by force, or threat or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or in the case of a married woman by impersonating her husband, he is guilty of the offence of rape and is liable to the punishment of imprisonment for life with or without whipping.[10]

To constitute rape, there must be evidence of unlawful carnal knowledge. Rape is established upon proof of penetration.[11] The slightest penetration will be sufficient; neither rupture of the hymen nor the emission of semen need be proved.[12]

A male person under the age of 12 years is presumed incapable of having carnal knowledge,[13] and this presumption is irrebuttable. In other words, it

[10] ss. 357 and 358, Criminal Code Act, LFN, 2004
[11] See Section 6 of the Criminal Code, L.F.N 2004
[12] R. v. Marsden (1891) 2 Q.B. 149 at 150; Jegede v. The State (2001) 7 SCNJ 135, 141
[13] See Section 30 of the Code.

is not permissible to lead evidence to show that an accused though under the age of twelve years was actually capable of committing the offence.[14]

It has been a moot point whether a husband can be guilty of the rape of his wife. In some matrimonial cases, some women have made allegations of violent sexual behaviour on the part of their husbands. Some claim that they have been raped severally on their matrimonial beds. They even sometimes have medical evidence to prove their allegations. While such conduct may amount to cruelty and intolerable behaviour to prove the irretrievable collapse of the marriage, it is unlikely to establish the offence of rape. This is in view of the definition of unlawful carnal knowledge under Section 6 of the Criminal Code as "carnal connection which takes place otherwise than between husband and wife". From this provision, it would appear that a husband cannot be guilty of rape of his wife. However, he can be guilty of other bodily assaults like wounding[15] or causing grievous harm.[16]

### 3.2 Defilement

Any person who has unlawful carnal knowledge of a girl under the age of thirteen years is guilty of the offence of defilement and is liable to imprisonment for life, with or without whipping.[17]

The evidence to establish the offence of defilement is the same as in rape except that with defilement, it is immaterial whether the act was done with or without the consent of the victim. It is an absolute prohibition. The policy rationale is that a girl under the age of thirteen years is too young

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[14] See R. v. Philips (1839) C & P. 736.
[15] Criminal Code, s. 332
[16] Criminal Code, s. 355
[17] Criminal Code, s. 218

for anyone to have carnal knowledge of her. Her consent becomes inconsequential and it is deemed to have been vitiated by her immaturity.

To sustain a conviction for defilement, there must be proof that the girl was under the age of thirteen at the time when the offence was committed. Proof may be by any legal means such as the certificate of birth or the **viva voce** testimony of her parents. Furthermore, a person cannot be convicted of the offence of defilement upon the uncorroborated testimony of one witness.[18]

Any person who – (1) has or attempts to have unlawful carnal knowledge of a girl being of or above thirteen years and under the age of sixteen years; or (2) knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her; is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without whipping.[19]

Any person who unlawfully and indecently deals with a girl under the age of sixteen years is guilty of a misdemeanour and is liable to imprisonment for two years, with or without whipping. The term "deal with" includes doing any act which, if done without consent, would constitute an assault.[20]

## 4.0 STATUTORY FRAMEWORK FOR PROTECTION OF VICTIMS' IDENTITIES

Nigeria does not yet have a single, unified "Victim Anonymity Act," expressly prohibiting the publication of identities of victims of sexual offences. This absence is doctrinally significant. However, several legal

[18] ibid
[19] Criminal Code, s. 221.
[20] Criminal Code, s. 22

instruments, constitutional, statutory, procedural, and policy-based, create a patchwork of protections. The provisions of this blend include confidentiality, in-camera hearings, witness protection, privacy, data protection, and child safeguarding.

### 4.1 Constitutional Framework

The 1999 Constitution of the Federal Republic of Nigeria (as amended) is the fountain of all Nigerian law and the strongest normative foundation for victim anonymity in Nigeria. While it does not specifically mention sexual offence victims, several rights indirectly guarantee their protection. Section 34 provides for the right to the dignity of the human person and Section 36 (4)(a) prohibits inhuman or degrading treatment. Sexual offences inherently violate dignity and exposing the victim to ridicule is degrading to their person. So, when read together, both sections provide a constitutional basis for restricting disclosure of victims in sexual offence proceedings. The state has a duty to protect victims from further degrading treatment and secondary victimization through exposure, intimidation, or public shaming.

Section 37 of the Constitution also guarantees the right to privacy. No doubt, victims' personal information, medical records, and identities fall under constitutional privacy protections. Thus, the entire framework above authorises courts to prioritize the welfare and dignity of victims without undermining the accused right to fair hearing and courts may interpret this to justify anonymous proceedings or sealed court records.

### 4.2 The Administration of Criminal Justice Act (ACJA) 2015

The ACJA in S.232 (4) created five categories of offences that the provisions on witness protection are applicable to. These are sexual

offences under S. 231; terrorism, economic and financial crimes, human trafficking and other related offences which are made the subject of witness protection by an Act of the National Assembly.

In addition to specifying the classes of cases to which witness protection protocols may apply, the ACJA in S. 232 (1) and (2) provides that where witness protection is applicable, proceedings may not be held in open court and the names, addresses, telephone numbers and identity of the victims and witnesses must not be disclosed in any report of the proceedings. Sub (2) in particular provides thus:

> The names, addresses, telephone numbers and identity of the victims of such offences or witnesses shall not be disclosed in any record or report of the proceedings and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets.

Thus, although the Act does not exhaustively enumerate anonymity mechanisms, it provides sufficient procedural latitude for courts to fashion victim-centred safeguards consistent with constitutional values.

The plank of the law as provided above is what is referred to as *pseudonymization*. It is a data security technique whereby personal information is processed so that it cannot be attributed to a specific individual without the use of additional information. In other words, pseudonymization replaces direct identifiers such as names, telephone numbers, email addresses, or national identification numbers with coded references, aliases, or keys, so that the individual's identity is protected unless someone has access to the additional information that links the code to the real person. In such situations, a combination of alphabets may be used to designate the witnesses.

The summary of Sections 231-233 of the Act deals with witness protection and identity shielding. The court may exercise its discretion to use of pseudonyms, voice alteration or facial masking, testimony via video link or non-disclosure of the witness's address. This section empowers the courts, although discretionary, to protect victims from secondary victimization.

The conflictual position of the ACJA is that section 232 (3) makes the protection of the victim and/or witness discretionary to court, while the provisions of section 232(5) make the disclosure of the pseudonymization an offence and liable on conviction to a minimum term of one year imprisonment. Beside the protection being at the discretion of the court and the non-guarantee that both victims and witnesses will be granted anonymity, implementation varies by state, as the provisions can only apply in federal courts or states that have domesticated the Act.

### 4.3 Violence Against Persons (Prohibition) Act (VAPPA) 2015

The Violence Against Persons (Prohibition) Act (VAPP) 2015 VAPPA is a substantive criminal law applicable throughout the FCT, and in states that have domesticated it. In recognition of the likelihood that victims or prospective victims may be reluctant to report offences under the Act due to fear of secondary victimisation, particularly within the workplace, the legislature expressly provides that no complainant shall be expelled, suspended, disengaged, or subjected to any form of sanction solely for complying with or invoking the provisions of the Act.[21] This safeguard is intended to encourage reporting by insulating complainants from retaliatory actions.

[21]VAPP Act, s. 38 (1) (e)

The Act further seeks to protect the identities and dignity of victims. To this end, it regulates the number and categories of persons permitted to be present during trial proceedings,[22] authorises courts to conduct hearings in camera or to exclude members of the public where necessary, to preserve dignity,[23] and prohibits the publication of specified information relating to such proceedings.[24] These measures are designed to prevent undue exposure and to uphold the privacy and dignity of victims and other parties involved.

Section 38 of VAPPA is anchored on the protection of victims' identities and records. All information concerning victims of violence is confidential. This includes personal data, addresses, photographs and any details that could reveal identity. Officials who leak this information commit an offence.

Additionally, the Act makes comprehensive provision for the issuance of protection orders.[25] A protection order is defined as a formal legal instrument, issued and signed by a Judge, which restrains an individual or state actor from engaging in further abusive conduct against a victim.[26]
Section 39 guarantees protection orders. Victims of sexual violence may apply for protective orders to prevent harassment by the accused, intimidation and contact that may expose their identity further.

Section 40 provides for medical and psycho-social support. This includes trauma counselling and medical confidentiality, part of holistic victim

[22] ibid. s. 38(3)
[23] ibid. s. 38(4)
[24] ibid. s. 39
[25] ibid. ss. 28-36
[26] ibid. s. 46

protection. This provision is particularly commendable as it offers immediate relief by curbing ongoing abuse, especially within private settings, while also underscoring the Act's dual preventive and protective objectives.

However, VAPPA is limited by the fact that it does not automatically ensure anonymity in court. More worrisome is that its application is limited to the Federal Capital Territory unless adopted by states and even then, implementation is uneven across states.

### 4.4 Child Rights Act (CRA) 2003 and State Child Rights Laws

In cases involving children, the CRA provides the strongest anonymity guarantees. Under section 11 of the Child Rights Act 2003, the dignity of the child is guaranteed. No child is to be subjected to physical, mental or emotional injury, abuse, or subjected to degrading treatment; or to attacks upon his honor or reputation.[27]

Furthermore, Section 205 specifically prohibits the publication of child victims' identities. By this section, the right of the child to privacy specified in section 8 of the Act shall be respected at all stages of child justice administration in order to avoid harm being caused to the child by undue publicity or by the process of labeling. Section 205(2) provides that no information that may lead to the identification of a child offender shall be published and by (3)(a-c), records of a child offender shall be kept strictly confidential and closed to third parties; made accessible only to persons directly concerned with the disposition of the case at hand or other duly authorised persons; and not be used in adult proceedings

[27] Child Rights Act, 2003, s. 11(a)-(c)

subsequent cases involving the same child offender.[28] By the provision above, no media outlet or individual may publish the name, address, photograph, school or any detail that may reveal the child's identity.. The courts must exclude the public, unaccredited media and persons not directly connected to the case.

The Child's Right Law is limited by its specificity, as it is not a law of general application, but limited to children. Nigeria's obligations under the Convention on the Rights of the Child further reinforce the principle that identity protection is integral to the best interests and welfare of vulnerable persons.[29]

### 4.5 Evidence Act 2011

Section 227 and 228 of the Evidence Act 2011 empower courts to forbid indecent, scandalous, or offensive questions about a victim's prior sexual history or reputation, shielding them from humiliation during trials.

The Evidence Act also complements procedural protections; sections 175 and 209 on vulnerable witnesses provide that courts may adopt flexible methods to protect vulnerable witnesses (including sexual-offence victims). Section 306 (Power to Protect Witnesses), is similar to ACJA provisions, and provides that judges can adopt protective measures in sensitive cases.

Other sector-specific provisions are to be found in some enactments like the Economic and Financial Crimes Commission (Establishment) Act 2004, Trafficking in Persons (Prohibition), Enforcement and Administration Act, Independent Corrupt Practices and Other Related

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[28] Ibid. s. 205(3) (a-c)
[29] Convention on the Rights of the Child (1989) 1577 UNTS 3.

Offences Commission Act, Cybercrimes Act, Nigeria Data Protection Act 2023, etc.

## 5.0 A PEEP INTO OTHER JURISDICTIONS ON THE LEGAL FRAMEWORK ON VICTIM ANONYMITY AND PROTECTION IN SEXUAL OFFENCE CASES

### 5.1 United Kingdom

The United Kingdom (UK) is widely regarded as a global model for victim anonymity and protection in sexual-offence cases. The Sexual Offenses (Amendment) Act 1992 as it relates to victims' anonymity and protection applies in England, Wales and Northern Ireland. This legal framework provides mandatory and life-long anonymity to victims.

Section 1 of the Sexual Offenses (Amendment) Act 1992, on anonymity of complainants' grants automatic, lifelong anonymity to anyone who alleges they are a victim of a sexual offence. The section prohibits publication of any matter likely to identify the complainant. This includes the publication of third-party or jigsaw identification. The Act also prohibits publishing of multiple harmless-seeming details that, when combined can lead to the identification of the victim. The prohibition covers such ambit as name or address, school or place of work, images and any information leading to identification. The prohibition take s effect from the moment allegation of a sexual offence is made to the police, whether or not the suspect is charged. The case outcome, even acquittal or dropped investigation does not vitiate the prohibitions.

The sexual offences covered by the Act include rape, sexual assault, child sexual offences, trafficking for sexual exploitation, etc. The list relies on the list in Sexual Offences Act 2003 and related legislation. Section 5 of

the Sexual Offences (Amendment) ACT 1992 prescribes the penalties for breach to include fines and possibilities of civil actions for damages.

## 5.2 South Africa

South Africa has one of the most sexual offences victim-protective systems in Africa. The proactive system is contained in the South African Criminal Procedure Act 51 of 1977 (CPA) and related statutes.

Section 154 (3) of the CPA prohibits the publishing of identifying information relating to witnesses and complainants in sexual offence cases, unless the court orders otherwise. Publication includes names, photographs, address, school, workplace or community identifiers. In fact, there is a complete prohibition of any details that could lead to jigsaw identification. This covers all complainants in sexual offence cases. The protection applies to when a complaint has been made, even before charges are laid, during investigation, trial, sentencing and afterward. The outcome of the case does not invalidate the protective shield around the complainant.

The power of the court to lift anonymity is limited to public interest, consent of the complainant or other compelling reasons that exist. The case of *CPS & ors v Media 24*[30] confirms that adult's victim anonymity continues till death, while child victim is retained into adulthood, unless the victim personally consents to identification an adult.

Section 153 makes provision for closed court or what can be referred to as in-camera hearings for sexual offences. Sexual offence cases may (and in

[30] [2019] ZACC 46

most instances must) be held in closed court to protect complainants' privacy.

Section 170A provides special measures for vulnerable witnesses, including child victims of sexual offences. The emphasis is that sexual offence complainants, who are children are viewed as vulnerable witnesses and so entitled to maximum protection.

The sexual Offence Amendment Act 2007, while not specifically created creating anonymity provisions, however, strengthens protection by granting post-trauma support and medico-legal assistance. It ensures victim-friendly rooms for statement taking, intermediary services and mandating police duties that respect victim privacy.

A breach of Section 154 (3) of the CPA constitutes a criminal offence, contempt of court and may ground civil liability. While an adult can waive this right of anonymity by giving an informed written consent, child victims cannot, while still being children.
This paper gleans from the legal frameworks above that anonymity should be automatic, not discretionary, breaches should be criminal offences and special measures should be standardized nationwide.

## 6.0 THE PRACTICE AND LAW OF PSEUDONYMIZATION IN NIGERIA

Pseudonymization in Nigeria serves as a key data privacy technique under the Nigeria Data Protection Act (NDPA) 2023. It is a data security method which implies substituting identifiers to prevent re-attribution without additional information, and extends to judicial practice for protecting vulnerable parties like sexual offence victims. In court proceedings, courts

apply it discretionarily to balance public justice with privacy, as seen in *FRN v. Prof. Ndifon* where the victim was labeled "MISS TKJ".

Section 65 of the NDPA defines pseudonymization as processing personal data so it cannot be attributed to an individual without separate additional information, subject to safeguards. In other words, it is a technique that replaces direct identifiers such as names, email addresses, telephone numbers, etc, with coded references, so that individual's identity is protected. NDPA mandates lawful, fair processing[31] with bases like consent or legal obligation, promoting pseudonymization alongside encryption for security.

### 6.1 Judicial Practice

Pseudonymization, or the use of initials/pseudonyms to obscure identities, appears routinely in Nigerian sexual offence cases, especially involving minors or vulnerable victims, though often inconsistently and without statutory mandate. Courts apply it judicially under ACJA 2015 and dignity rights, as in election witness statements and press releases.

#### a. Rape Cases with Minors

In *Ibrahim Yusuf v State*[32], *Dauda Malam Mato v State*[33], and *Rabi'u Usman v State*[34], the Court of Appeal (2022) withheld names of victims, four sisters under 7 years and a 10-year-old hawker. using phrases like "names withheld" and "prosecutrix (names withheld)" for the child rape cases under Jigawa's Penal Code Amendment Law 2014.

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[31] s. 24 Nigeria Data Protection Act (NDPA) 2023
[32] CA/KN/21/C/2021
[33] CA/KN/19C/2021
[34] CA/KN/20C/2021

*In FRN v Prof. Ndifon* (2025), the victim was pseudonymized as "MISS TKJ," though phone details were disclosed. Press reports and judgments often use "Victim A/B" or initials, e.g., in NAPTIP cases like *FRN v Chidiebere*[35].

**b. Other Notable Instances**

Election petition tribunals routinely anonymize witness names with initials in affidavits to protect identities, a practice endorsed by appellate courts.

**c. Civil and Defamation Contexts**

*Dr. Jeremiah Abalaka v Prof. Ibironke Akinsete*[36] highlighted privacy breaches in judgments, advocating pseudonyms and redaction for sensitive data. The apex court implicitly endorsed redaction of sensitive personal data in judgments to prevent privacy breaches, criticizing unredacted publication that exposed reputations.

As seen above, Nigerian courts use pseudonyms ad hoc in sensitive cases, such as sexual offences, to protect dignity (Constitution Section 34), but inconsistencies arise, e.g., in the Ndifon case, the court redacted the victim's name but included her phone number, risking re-identification. Unlike anonymous trials, pseudonymization preserves data utility for proceedings while reducing risks, though public access to judgments limits full protection.

### 6.1.1 Lessons from FRN v Professor Ndifon

[35] 2024 conviction
[36] Supreme Court, 2023

The case of *Federal Republic of Nigeria v Professor Cyril Osim Ndifon and Sunny Anyanwu*[37] is a messy case, where the first accused person, a Professor of Law and a former Dean of the Faculty of Law, University of Calabar, was convicted for using his office to sexually harass students of the University. He was sentenced to five (5) years in prison. The 2nd accused was charged for trying to influence a key prosecution witness/victim of the harassment and though he was discharged and acquitted, he was severely cautioned.

The attention of this paper is focused on the attempted pseudonymization of the victims by the court as contained in both the charge and judgment. In the afore mentioned case, the Judge, Omotosho J, delivered one of the most explicit Nigerian judicial statements on the necessity of protecting the identity of victims of sexual offences. Before proceeding to the merits of the case, the Court ordered that the alleged victim, PW2, must not be addressed or recorded by her real name and must be referred to as "TKJ" throughout the proceedings and in all records, including media reports.[38] The Court justified this order by reference to the social realities confronting victims of sexual offences in Nigeria, noting that exposure of the victim's real identity could cause enduring stigma capable of undermining her professional and personal future. The Court expressly recognised the conservative nature of Nigerian society and its tendency to stigmatise women linked to sexual allegations, irrespective of culpability.

Justice Omotosho's reasoning was notably comparative. The Court referred to section 228A(1) of the Indian Penal Code, which criminalises the publication of any matter capable of identifying victims of sexual

[37] FHC/ABJ/CR/511/2023

[38] FRN v Prof Cyril Ndifon (FHC, unreported, Omotosho J, pp. 42-45).

offences.[39] Reference was also made to the United Kingdom's Sexual Offences (Amendment) Act 1976, which confers lifelong anonymity on victims of sexual offences,[40] and South Africa's Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007, which similarly protects victims and minors during criminal proceedings.[41] In the absence of a single Nigerian statute comprehensively addressing witness anonymity, the Court anchored its decision on section 34(1) of the Constitution, which guarantees the dignity of the human person and prohibits inhuman or degrading treatment. The Court reasoned, correctly, that exposing the identity of a sexual offence victim may amount to degrading treatment, particularly within a hostile social environment. Invoking Lord Denning's dictum *in Packer v. Packer*,[42] the Court asserted its duty to ensure that the law evolves in response to societal needs. It declared the anonymity order to be one in rem, binding on all persons and continuing even after the delivery of judgment.[43]

The practice of the protection of the identities of the victims as captured in *FRN v Ndifon and 1 other*[44] raise weighty issues worthy of interrogation by this paper. Beginning with the charge, while counts 1 and 2 simply state her initials as 'TKJ', Counts 3 and 4 states her initials and go further to state her telephone number as follows:

*Count 3*

[39] Indian Penal Code 1860 s 228A(1).
[40] Sexual Offences (Amendment) Act 1976 (UK).
[41] Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (South Africa).
[42] Packer v Packer [1953] 2 All ER 127 (CA).
[43] FRN v Ndifon (n 36).
[44] ibid

*That You Barrister Sunny Anyanwu (M) sometime in the month of November, 2023 or thereabout, at Abuja within the jurisdiction of this Honourable Court, during the pendency of charge number FHC/ABJ/CR/511/2023 between Federal Republic of Nigeria and Professor Cyril Osim Ndifon (the 1st Defendant) before this Honourable Court and on the prompting of Professor Cyril Osim Ndifon (1st Defendant) called one of the prosecution witnesses, TJK on her mobile telephone number:* ***0702…….*** [45] *and threatened her not to honour the invitation of the Independent Corrupt Practices and Other Related Offences Commission in respect of the criminal investigation against Professor Cyril Osim Ndifon (1st Defendant), which conduct you knew was intended to perverse the course of justice and you thereby committed an offence contrary to and punishable under Section 182 of the Penal Code Cap. 532 Laws of the Federal Capital Territory, Abuja, 2006,*

*Count 4*

*That you Professor Cyril Osim Ndifon (M) and Barrister Sunny Anyanwu (M) sometime in the month of November, 2023 or thereabout, at Abuja within the jurisdiction of this Honourable Court did conspire among yourselves to call TJK on her mobile telephone number:* ***0702…,*** [46] *a prosecution Witness in charge number FHC/ABJ/CR/511/2023 between Federal Republic of Nigeria and Professor Cyril Osim Ndifon during the pendency of the said criminal charge and threatened her not to honour the invitation of the*

[45] The full telephone number of the victim was supplied.
[46] ibid

> *Independent Corrupt Practices and Other Related Offences Commission in respect of the criminal investigation against Professor Cyril Osim Ndifon which conduct you both knew was intended to perverse the cause of justice and you thereby committed an offence contrary to and punishable under Section 182 of the Penal Code Cap 532 Laws of the Federal Capital Territory, Abuja, 2006.*

Apparently, in a bid to protect the identity of the victim and witness in the case under review, the *FRN V. Ndifon* charge replaced the real name of the principal witness with the pseudonym "Miss TJK". The prosecution and the court are to be commended for their attempt to protect the principal witness. This approach is in concordance with ACJA in S. 232 (1) and (2) which require that where witness protection is applicable, proceedings may not be held in open court and the names, addresses, telephone numbers and identity of the victims and witnesses must not be disclosed in any report of the proceedings. By masking the principal witness's identity, the prosecution demonstrated a conscious effort to adhere to privacy principles while fulfilling its duty to pursue justice.

### 6.1.2 The Paradox of Protection: A Critical Appraisal

Despite the commendable efforts of the prosecution and the doctrinal strength and progressive intent of the Court's reasoning in the masking of the identity of the principal witness, the execution of the anonymity order reveals a serious and consequential flaw. Although the victim's name was is pseudonymized in all the counts and replaced with the initials "TKJ," those initials coincided with her real initials. More significantly, Counts 3 and 4 expose certain critical identity identifiers like the victim's full mobile telephone numbers and the judgment also made repeated

references to same, which undermine privacy protections. In today's digital age, phone numbers are highly sensitive personal identifiers, often linked to social media profiles, banking information, and other private data. Revealing the telephone number therefore partially negates the privacy safeguards afforded by pseudonymization, exposing the witness to potential intrusion, harassment, or identity compromise.

Following the delivery of judgment, the victim reportedly received abusive and harassing calls, thereby suffering renewed harm directly traceable to judicial disclosure.[47] A situation where the prosecution and the court have by intention, expressed concern for privacy but, in practice, engaged in actions that compromise it, is the clearest example of privacy paradox. It constitutes a fundamental failure of effective anonymity. In this case, while the name of the witness is concealed, her phone number is openly disclosed. Identity protection extends beyond the concealment of names alone. Any information capable of enabling identification, contact, or targeting of a victim, including telephone numbers and other personal data, forms part of the victim's identity.[48] By disclosing such information, the Court inadvertently undermined its own protective order. The error is not merely technical. It illustrates the danger of treating anonymity as a formalistic or symbolic exercise rather than as a substantive safeguard. Partial anonymity is, in practical terms, no anonymity at all.

Besides, the judgment depicts discrimination in identity protection across victims. While the principal witness's name was 'pseudonymized', though

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[47] ThisDayLive, Olusegun Adeniyi, 'Merchants of Death on The Prowl' (20th November, 2025) <https://www.thisdaylive.com/2025/11/20/merchants-of-death-on-the-prowl/> accessed 11th January, 2026.

[48] Andrew Ashworth and Jeremy Horder, *Principles of Criminal Law* (9th edn, OUP 2019).

her phone number was disclosed, the other victims of the Professor's unbridled libido, in this case, the 20-year-old who in 2015 accused Prof. Ndifon of rape, though not before the Honourable Court, did not receive any form of protection whatsoever. Her full name was mentioned several times. This inconsistency portrays a deeper malaise in the legal frameworks that governs the protection of victims and witnesses in sexual offences in our criminal jurisprudence. It shows that privacy protections in court proceedings are often piecemeal and dependent on discretionary decisions rather than being mandatory and uniformly applied. This is unlike in the jurisdictions we have considered above, where every victim or witness of sexual offence cases is entitled to mandatory and comprehensive privacy protections and support system.

*FRN v Professor Ndifon and 1 other*, sets a precedent and offers valuable lessons for the actors in the Nigerian criminal justice ecosystem and the legislature. Ultimately, the case demonstrates both the potential and the limitations of privacy measures in Nigerian criminal proceedings. While the pseudonymization of the principal witness's name represents progress, the partial disclosure of other identifiers and omission to protect other witnesses illustrates that there is still work to be done.

It may be argued that restrictions on disclosure could prejudice the accused's right to fair hearing under section 36 of the Constitution. [20] This argument misconceives the scope of fair trial rights. Fair hearing guarantees the accused adequate opportunity to know and challenge the case against them, not unrestricted public exposure of a victim's identity. [21]

So long as the defence has access to all information necessary for preparation and cross-examination, there is no constitutional justification

for public disclosure of victim identifiers. Excessive disclosure serves no legitimate forensic purpose and may actively frustrate justice by deterring victims from reporting sexual offences.

### 6.2 Institutional Responsibility and Victim-Centred Justice

The lessons from *FRN v. Ndifon* extend beyond the judiciary. Investigating authorities, prosecutors, court officials, and the media share a collective responsibility to protect victims of sexual offences. Confidentiality obligations must apply to all actors who come into contact with sensitive information, including judges themselves.[49]

At the same time, anonymity must not be weaponised to silence complainants. Victims retain the right to speak about their experiences, seek support, obtain legal advice, and pursue advocacy without fear of reprisal.[23] Protection and agency must coexist within a justice system committed to dignity and fairness.

## 7.0 RECOMMENDATIONS

To bridge the gap between principle and practice, the following reforms are imperative:

i. Institutional Support: There is need to codify pseudonymization protocols in court rules for automatic use in sexual offence cases, including full identifier redaction and sealed linkage data. Issuance of binding judicial practice directions by courts clarifying that anonymity extends to all identifying data, including contact details is needed. Practice directions must insist on the integration of

[49] UN Women, n. 5

NDPA compliance in judgments via training and oversight by the Nigeria Data Protection Commission.

ii. Adoption of internal confidentiality review protocols for judgment in sexual offence cases before release to prevent inadvertent disclosure of protected information to journalists/the public. Courts should also adopt proactive measures like automatic in-camera trials under ACJA Sections 232(4) and 234(4) and sealed records to prevent secondary victimization.

iii. Institutionalisation of trauma-informed and victim-centered approaches training for judges, law enforcement and prosecutors.

iv. Policy and Awareness: There is need to launch nationwide trainings and public campaigns to reduce stigma and boost reporting. Implementation must also be monitored via an independent oversight body reporting annually to the National Assembly.

v. Uniform domestication and application of victim protection laws across all states of the federation. In particular, the Violence Against Persons (Prohibition) Act (VAPP) 2015 should be extended to all states through uniform adoption, with penalties for media breaches of victim privacy and provisions for victim impact statements in sentencing.

vi. Legislative reform should consider introducing anonymity provisions comparable to those in India and UK, explicitly barring evidence of victims' prior sexual history nationwide and expressly mandating anonymity for all sexual offence complainants. A clear codification of enforceable rape-shield law as obtainable in Section 276 of the Mandatory Anonymity (Criminal Code of Canada) will protect victims from invasive questioning about past sexual history.

## 8.0 CONCLUSION

The *FRN v Prof. Ndifon* judgment presents a mixed but instructive picture of witness privacy in Nigerian courts. It stands as both a milestone and a cautionary tale in Nigeria's sexual offence jurisprudence. It affirms, in strong terms, the constitutional and moral necessity of protecting victims' identities while simultaneously demonstrating how lapses in implementation can undermine that protection. Pseudonymization of the principal witness's identity demonstrates a conscious effort to comply with privacy principles, aligning with emerging statutory obligations under the NDPA. However, it remains reversible if linkage data leaks, amplified by data merging or small datasets, and where it lacks dedicated judicial guidelines beyond NDPA's data focus. FRN v. Ndifon illustrates benefits for victim testimony but exposes gaps like partial redaction and uneven application across victims. It reveals that while pseudonymization protects from stigma it lacks uniformity as full names and numbers sometimes appear, risking re-identification. Selective protection and the disclosure of other sensitive personal data reveal gaps in the application of these principles. As Nigeria continues to evolve its data protection and privacy landscape, it is imperative that judicial processes integrate comprehensive privacy safeguards, ensuring that all victims and witnesses can participate in the justice system without fear of unnecessary exposure. *FRN v Prof. Ndifon* offers both a benchmark and a lesson for achieving this balance.

Justice for victims requires more than eloquent judicial pronouncements. It demands meticulous attention to the real-world consequences of disclosure. Until anonymity is treated as a comprehensive and enforceable

safeguard rather than a symbolic gesture, the promise of victim-centred justice in Nigeria will remain incomplete.