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THE CORROBORATIVE EVIDENCE OF AN ACCOMPLICE – AN APPRAISAL

The issue of whether corroboration is required for accomplice evidence is far from being settled. There appears to be a recurrent concept in English jurisprudence, especially in criminal trial on the need to accord accused persons fairness both in principle and practice in the trial of offence alleged against them. The duty imposed on courts of law to evenly hold the scale of justice between the accused persons and his accuser it is fundamental nature, which cannot be, impaired under any disguise whatsoever. The illuminating dictum of CHUKWUDIFU OPUTA JCS in *GODWIN JOSIAH V STATE*¹¹ is worth quoted in extenso.

"I am reminded that it is not only the accused who demand or desire justice, the victim sent to his death prematurely in some cases and always unjustly, demand and deserves that justice."

PER OPUTA JSC

"And justice is not a one way traffic. It is not justice for the appellant only. Justice is not even only a two way

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¹¹ (1985) 1 NWLR (pt. 1) 27

traffic. It is really a three way traffic –Justice for the Appellant accused of a heinous crime of murder, justice for the victim, the murdered man, the deceased "whose blood is crying to heaven for vengeance and finally justice for the society at large – the society whose social norms and values had been desecrated and broken by the criminal act complaint of".

The law relating to the doctrine of corroborative evidence is one of the devices meant to ensure that accused persons are afforded fair trial before the courts and jurists.

The word corroboration is not defined by the Evidence Act¹². However, the word corroboration means the confirmation or support or additional confirming evidence needed to convict an accused person.

Corroboration in the context of the law of evidence would concern corroborative evidence.

It is an evidence which shows or tends to show that the story of the accomplice that the accused committed the crime is true not merely that the crime has been committed but the it was committed by the accused. Although it stands to reason that if several

¹² Cap 112 Laws of Federation of Nigeria 1990

a complicated affair difficult for a jury to understand and a fertile source of appeal. This rules place "in the hands of counsel a set of juggle formulars with which to practice upon the change of obtaining a new trial".

However, the law must resolve the fundamental question of whether the court should ever be permitted to act, for the purpose of convicting or giving judgement in favour of a party; upon the uncorroborated evidence of a single witness or document, tendered alone and unsupported in proof of that party's case or whether conversely, there is any need to insist upon corroboration of evidence so that the unsupported evidence of single witness or document will always be sufficient if accepted by the court, or whether there are certain cases in which corroboration of the evidence of a single witness or document should be required before a case can be found to be proved.

A complete disregard for the desirability of corroboration may indicate a lack of sensitivity to the inherent unreliability of certain types of evidence and may render some decisions unsafe. On the other hand, a rigid insistence upon corroboration may unnecessarily damn many perfectly sound cases which may have the misfortune of being witnessed by only one person.