

April 24, 1991

NIGERIA

BEHIND THE WALL

The Civil Liberties Organisation Releases A Damning Report on Prison Conditions Nationwide

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In a major report about to be released, the Civil Liberties Organisation (CLO)¹ presents a devastating picture of prison life in Nigeria. The report provides first-hand testimonies to describe all aspects of prison life, from death, torture, ill-treatment, severe overcrowding, and inadequate food to prisoners rights and suggestions for reform. It exposes the fraudulence of the medical care system, which provides only 21 doctors to care for the estimated 60,000 prisoners and 22,000 staff. It supplies convincing evidence that, rather than making any attempt at rehabilitation, a term in a Nigerian prison "usually leaves the ex-prisoner too devastated to be able to live a fully re-integrated life again," as reflected in a recidivism rate of over 50 percent. The report contrasts the terrible conditions with the UN Standard Minimum Rules for the Treatment of Prisoners and demonstrates that the conditions are the result of a combination of lack of concern by leaders of government; rampant corruption by prison officials, whose practices include hiring out prison labor for their own profit; and outdated laws that discourage bail and encourage harsh sentences and inhumane treatment.

Behind the Wall is the culmination of the CLO's extensive work on Nigerian prisons. The organization, which is largely responsible for drawing attention to the deplorable conditions throughout the prison system, has previously published reports on individual prisons, including Ikoyi Prison in 1989 and the Kirikiri Maximum Security Prison in 1990. The CLO also exposed and publicized a secret detention camp on Ita-Okoko Island, off the Nigerian Coast, which resulted in the transfer of all its detainees to regular police cells.

Behind the Wall is based on visits made from June through August 1990, to 56 of Nigeria's 360 prisons and lock-ups at police stations. The CLO interviewed over 300 prisoners. Although prison officials did not allow CLO to conduct their interviews in private, the researchers were nevertheless able to obtain abundant information to compile this report.

PRISON DEATHS

One of the most alarming indicators of the harshness of Nigerian prisons is the high mortality rate. The CLO report notes that mortality figures for the entire prison system, in addition to being difficult to get, are also highly unreliable. Nevertheless, the CLO obtained figures from a number of prisons that indicate a high death rate for prisoners throughout the country. To cite

¹ The Civil Liberties Organisation, an independent human rights organization, was created in 1987 in Lagos. Its objectives are "to promote the principles and practice of fundamental human rights in Nigeria, monitor conditions of human rights and civil liberties in the country, issue reports on the state of these rights and liberties, and provide legal aid where infractions occur." Copies of *Behind the Wall* can be obtained by writing to the Civil Liberties Organisation, 24, Mbonu Ojike Street, Off Alhaji Masha Road, Surulere, Lagos, Nigeria.

some examples from the report:

...Ahoada prison was reported to have a weekly average of 3 [deaths], while the Malumfashi Lock-Up in Katsina State had a weekly average of 1, and the Ado-Ekiti Prison had 2.

For the first six months of the year 1990, Warri Prison in Bendel State recorded 90 deaths, and Agbor Prison had 20. Similarly, a CLO report on the Kirikiri Maximum Security Prison released in March, 1990, showed that in 1989, 49 inmates of that penal house had died, and another of our reports had recorded Ikoyi Prison as having had 78 deaths in 1989....

Etim Etim, a journalist with *The Guardian* newspapers, who was detained for three months at Yola Prison, wrote that the Maitatsine followers, a religious sect who had been detained since their arrest during riots in 1984 "numbered 25 by the time I left -- a considerable drop (mostly by death) from over 100 prisoners brought in four years ago."

The CLO reports that the major cause of prison deaths are: (1) congestion and (2) malnutrition and diseases arising from poor feeding, poor sanitation and the near-total absence of medical care. While prison officials acknowledge the truth of these findings, they do not accept the charge that government policies and prison officials' conduct are largely responsible. A more detailed discussion of the issues surrounding congestion, malnutrition, poor sanitation and lack of medical care follows below.

The CLO also points out that some prison deaths can be directly traced to the hands of prison officials. The report cites two versions of a case of death by beating at Port Harcourt Prison on September 27, 1989. According to one source:

a male convict, Mr. Daniel Ikpabi, was battoned to death and this destructive exercise was glorified euphemistically as disciplinary treatment.

According to this same witness, his was not an isolated case:

It has been a continuous routine spear-headed by some corrupt prison officials, who have overstayed in the station to mark out anybody who always oppose their carting away of prisoners' ration or collecting of money from prisoners as bribe for one post or the other, for elimination whenever they [warders] find the slightest opportunity to do away with such persons's life.

The CLO maintains that such deaths are completely ignored by the government:

No single instance is known to the CLO in which a judicial authority inquired into

the cause of the death of any prison inmate, as required by Principle 34 of the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment. Nor do we know of any in which an autopsy was conducted by a physician to ascertain the cause of death and his report made available to the public.

TORTURE AND ILL-TREATMENT

As the report illustrates, Nigerian standards for disciplinary procedures contrast markedly with international standards. According to the UN Standard Minimum Rules for the Treatment of Prisoners:

Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.

342: The Nigerian standards are quite different, as stated in Nigerian Prisons Standing Order

Corporal punishment (to be inflicted with a light cane) on adult male prisoners shall be inflicted in the following manner:

- ...
b) the prisoner shall be secured to a triangle of the approved pattern ... he shall wear no clothing...**
- ...
d) the strokes shall be inflicted on the prisoner's buttocks....**

Rule 49 of the Prison Regulations empowers prison officials to order a prisoner:

- (i) to be kept in solitary confinement in a refractory or solitary cell for any term not exceeding six days; or**
- (ii) to be kept upon reduced diet ... for any term not exceeding six days; or**
- (iii) to forfeit remission of sentence; or**
- (iv) to be whipped with a cane.**

The CLO notes that the same regulation:

provides that solitary confinement combined with reduced diet may be extended

beyond six days, though not exceeding two weeks...

The report goes on to show that the level of inhuman treatment extends well beyond what is allowed under the Nigerian regulations: solitary confinement, beatings, mechanical restraints, torture, harassment, and threats are all part of prison "discipline."

Solitary confinement cells let in hardly any light and little or no ventilation. In violation of prison regulations, many prisoners are held in solitary confinement for periods of four to five weeks, or even months, far exceeding the prison regulations recommended limits of six days or two weeks.

In some instances, prisoners are not kept in solitary confinement, but are put in "single cells," which were originally designed for one person and measure about 1.5 by 2 meters. Now they generally hold three to five inmates, usually the toughest in the prison. These inmates, called "lions" or "tigers," have the responsibility of disciplining those put in their charge. At the Onitsha prison, solitary cells hold as many as six persons sleeping on the bare floor. According to Idowu Sanusi at Ikoyi Prison:

The single cell is the most serious cell in terms of punishment. When you are taken there, you will be beaten.

Alhaji Wagab Gubio, an inmate at Kano Prison, agreed:

They beat you in the single cell. Two, four of them. They beat you when the warder brings you there. He tells them to beat you. Sometimes they make you take off your pants, to stand naked. Then they beat you until they get tired.

Chains and other restraints are used punitively, also in violation of regulations. In prisons such as Jos, Kaduna, Kano and Sokoto, many inmates were chained in their cells, either alone or together, or to some object. Many were said to be chained for as long as a month or two.

Whipping is apparently frequently used. According to Taiwo Omosonwon, at the Kirikiri Maximum Security Prison: "Warders often beat inmates with all kinds of instruments...." He also noted that they "use inmates to beat up each other."

Other forms of torture include forcing prisoners to sleep naked on a wet blanket and ringing, in which a prisoner's legs are chained to a circular iron device affixed to the ground. Violators of cell rules also may be forced to kneel for long periods; to stand erect with hands up and eyes closed; or to "pick stone," a practice which involves standing with one leg folded backward, throwing a stone about four feet, hopping over to it on one foot, and stooping to pick it up, sometimes as many as 500 times.

Another punitive tactic is to change a prisoner's cell, which can effectively destroy an inmate's survival networks. According to Idowu Sanusi:

They change people (from one cell to another) when allegations which are normally fake are made against detainees by fellow inmates.... When you are moved to another cell, you lose your previous contacts, privileges, etc. In the new cell, you start square one again. Inmates often bribe warders to remove a fellow inmate.

As the report explains, a new inmate is quickly initiated into the violence of the cell. Prison may actually be a relief to new arrivals, who have just endured the horror of detention in police cells, where conditions are apparently even worse than in prisons. Usually, a prisoner is initiated into his new life by his cell mates who beat, kick and humiliate him. Sometimes, especially if the prisoner comes from an upper class background, guards will tell the other prisoners to "give him VIP," meaning to beat him more than usual. The initiate often must pay money to the "coffers of the cell," some of which remains with the cell captain, and must relinquish his few other belongings, including shoes, shirts and trousers.

OVERCROWDING

Overcrowding in Nigerian prisons is a leading cause of prison death. Two of the most infamous prisons are also among the most congested. Kirikiri Maximum Security Prison, as of February 1, 1990, had a population of 1,645, even though it was built to hold only 956. As of September 30, 1990, Ikoyi Prison held 2,325 inmates, making its rate of overcrowding 191 percent. Other prisons were even worse. Bauchi Prison was overcrowded by 200 percent, Oyo prison by 273 percent, and Zaria Prison by 438 percent.

According to the UN Standard Minimum Rules for the Treatment of Prisoners:

When prisoners are being allocated to different institutions, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first offender or habitual offender, short sentence or long sentence), or their physical condition (young, adult, sick), their mental condition (normal or abnormal), their sex, age and, in the case of convicted prisoners, the special requirements of their treatment.

- (a) Men and women shall, in principle, be detained separately; this principle shall be departed from only as part of an established treatment program;**
- (b) Untried prisoners shall not be put in contact with convicted prisoners against their will;**
- (c) Young prisoners shall be detained under conditions which protect them**

from harmful influences and which taken account of the needs peculiar to their age.

Segregation of prisoners is also a requirement of Nigerian laws, which dictate that prisoners of each sex:

Shall, as far as prison accommodation renders it practicable, be divided into distinct classes, namely:

- (a) prisoners before trial shall be kept apart from convicted prisoners;**
- (b) juveniles under sixteen years of age, from adults;**
- (c) debtors and other non-criminal prisoners, from criminal prisoners.**

One of the unfortunate side effects of prison congestion is that such segregation does not occur. Juveniles are put into cells with adults. The CLO notes the example of a 15-year-old boy, Chima Egbochukwu, whom the CLO found had been held for 10 months in an over-crowded cell with adult prisoners at the Afikpo Prison, on suspicion of wandering, an offense which was wiped off the books in December 1989. Only one juvenile penal institution exists for offenders who were not less than 16 but under 21 on the day of conviction -- Kakuri Borstal facility -- where the usual congestion rate exceeds 100 percent.

The report emphasizes that Nigerian laws and practices, which regard imprisonment solely as a punitive rather than a rehabilitative measure, serve to encourage prison overcrowding. For example, one regulation provides for *maximum* floor space per prisoner, rather than a minimum, as outlined by the UN Standard Minimum Rules for the Treatment of Prisoners. Nigeria's high rate of imprisonment is also a major contributor to the problem. According to the report, research studies estimate that 73.5 percent of all criminal convictions in Nigeria end in imprisonment. Bail is not regularly granted. The high rate of recidivism, officially 46 percent, but probably between 50 and 60 percent, exacerbates the problem.

Each inmate is allotted only a small area of space. Prisoners' "posts" are distributed according to hierarchy -- the highest ranking prisoners are closest to windows, the next highest have a wall to rest on. The lowest ranking prisoners are next to the toilet, which is often nothing more than a bucket on the floor that gets emptied once a day. Because space is so scarce, prisoners often have to sleep in batches. According to Zakari Ismaila, a convict held in Zaria Prison:

We have three batches in my cell, and I am in Number 2. Other cells have four, even five, where there are many prisoners. When it is time to sleep, we all make space for the first batch. We stand at one end of the cell, or sit. Some of us sleep while

standing, but you do not lie down. Only the first batch lies down. After four hours, they get up, and we lie down to sleep. After four hours, we get up, and the third batch will sleep.

Godwin Uwagbale, who was detained without trial for 955 days at Kirikiri Maximum Security Prison, gave a similar account:

...the southern block known as Block One [measures] 8 ft. by 8 ft. and nothing less than 16 persons [live] in one cell. You sleep for a few hours at night [and] wake up for another person to take his turn. And you don't dare sleep in the day time.

Uwagbale also noted that 16 or more prisoners were held in each "single cell," originally built for solitary confinement.

Beds, which, according to regulations, are to be provided for each prisoner, are impossible to use in such crowded conditions. In every prison visited by the CLO, most of the prisoners slept on the floor. The beds that exist are broken; most have no mattresses. Prisoners improvise with cardboard sheets, called "pali." Blankets, of which each prisoner is supposed to have three, are scarce and are available only to those prisoners able to pay 40 or 50 naira (\$4 or \$5). The CLO heard of several cases in which the money for a blanket was paid, but no blanket was delivered.

CLOTHING AND SANITATION

The UN Standard Minimum Rules are clear on the issue of prison clothing:

Every prisoner who is not allowed to wear his own clothes shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

The UN Rules are similarly clear on questions of sanitation:

All parts of an institution used by prisoners shall be properly maintained and kept scrupulously clean at all times.

The reality is vastly different in Nigeria. According to the CLO report, only about 10 percent of inmates have adequate clothing. The vast majority are either half-naked or clothed in rags.

Many prisoners claimed that they rarely bathed more than once a week. Inmates must buy their own soap and disinfectant, which only a few prisoners can afford. Water supplies are far from adequate. In some prisons, prisoners are given only water to drink, and must buy water for washing, which most have no money for. Inmates must generally bathe in their cells. Washing of clothes is a luxury that, according to the CLO, "only the very rich, the very lucky, or the very foolish

can afford."

Washing the cells is almost unheard of. As noted above, toilets are generally either holes in the floor or buckets, which get emptied only once a day. Cells are infested with flies, roaches, rats, mice and other vermin.

FOOD

According to the UN rules, prisoners shall be served food:

...which is suitably prepared and presented, and which satisfies in quality and quantity and standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and, as far as possible, any requirement based on philosophical and religious beliefs...Drinking water shall be available to every prisoner.

Despite Nigerian regulations that "every prisoner shall be allowed a sufficient quantity of plain and wholesome food," the CLO emphasizes that "Food is the most precious commodity in Nigerian prisons," and provides a wealth of detail to illustrate its point that:

Throughout the country, prisoners are forced to eat food that is nutritionally unbalanced, quantitatively insufficient and prepared under most unhygienic conditions.

Most prisoners are fed the required three meals a day, although there were exceptions at some prisons, where meals were served only twice. Despite the general regularity of meals, however, the quality of meals falls far short of nutritional balance. Prison fare is mostly carbohydrate, with very limited amounts of protein, only overcooked vegetables and no fruit. Prisoners able to afford it can obtain better food from the *bukas* (eating houses) that sprout up around every prison. Ironically, meals at the *bukas* are often made with ingredients stolen from prison supplies.

The CLO notes that in 1990, the government raised the daily feeding allocation from 3.5 to 5 naira (35 to 50 cents) per inmate. For children in Borstal Training School, the allocation is 6 naira (60 cents). However, the amount is still woefully inadequate, as, according to the CLO, 5 naira can hardly buy one good meal, let alone three.

The testimonies given by prisoners to the CLO best convey the desperation of inmates to obtain food. Rabi Lawan described the situation at Sokoto Prison:

There is no food. People fight over food. Every day, a prisoner hides some food and another man eats it before he returns. A prisoner, a man like me, will let another

man sodomize him for food.

Idowu Sanusi presented a similar picture from Ikoyi Prison:

When a prisoner comes in with food -- food they get from the refuse-bins -- the anwunruanwus (i.e., the seemingly terminally-ill prisoners) fight for it, and even if it falls on the ground they still eat it.

Anonymous inmates from all over the country concur:

The soup is like a gutter-water, without oil or salt. -- Ikoyi Prison

The food is bad, very, very bad. -- Kano Prison

For three days when I first came here I refused to eat. The food smelled like shit. But I fainted twice on the fourth day and I forced myself to eat. But I vomited everything. -- Jos Prison

The soup we eat in jail gives sickness. -- Kirikiri Maximum Security Prison

Inmates eat in their filthy, vermin-infested cells, using only their hands, which are generally not clean, given the lack of sanitation facilities. Cutlery is strictly forbidden, and those who possess it are punished. The CLO cites as an example an inmate at Jibiya Lockup in Katsina State who was beaten and locked up in isolation "for possessing a three-pronged fork." As noted above, each inmate receives only a limited amount of water a day, an average of one liter, which must be used for drinking and washing, and, understandably, drinking takes precedence.

As described below, matters are made even worse by guards who help themselves to the prisoners' meager allotment and the shady business practices of prison food contractors who collude with the guards in food theft.

MEDICAL CARE

Medical care is almost nonexistent. There are only 21 doctors in the Prisons Service to serve the nearly 60,000 prisoners and 22,000 staff. Many prisons are without a doctor; others only have one part-time. Skin diseases, including rashes, ring-worm, scabies and herpes, are the most common ailments. There is also a high incidence of malaria, throat and lung infections, tuberculosis, diarrhea, dysentery, ulcers and diseases of malnutrition, including beri-beri, a painful nerve condition caused by a lack of vitamin B. A number of prisoners at Ikoyi prison reportedly suffered from leprosy.

Some prison facilities included "clinics"; however, these were mostly empty shells. On average, one clinic bed was available for every 153 inmates. Hardly any drugs and no ambulances were available. Inmates frequently must pay their own transportation costs to hospital, which few can afford. According to the report:

In most prisons and lock ups, inmates who are ill are kept in the same congested cells as other prisoners, no matter how ill they may be or how contagious or infectious their illnesses may be.

While these problems are often attributed by the authorities to lack of finances, the CLO also reported hearing accounts of medical malpractice, such as the misprescription of drugs, which cannot be passed off as the result of meager resources. According to the report:

In many prisons, each ward has its own "hospital day," a day in the week on which its ill ... are taken to "hospital." ... On getting to the clinic, the prisoners are ordered to squat on the ground, in many cases, outside in the sun... [The doctors] scribble prescriptions which consist in most cases mostly of pain-killers or tranquilizers.

Rabiu Barde, an inmate, described the general practice of the clinic at Kaduna Prison:

As soon as you enter, (the doctor) starts to write, even before you say anything. He only wants to get done and go where he makes money. Before you have said anything, he has put a sheet of paper in your hand, and says "Next!" ...The nurses, ah, I do not know what to say! They shout at you when you go to them; they frown like soldiers, they abuse you -- because we are in prison.

Jude "Askia" gave a similar story from Jos Prison:

I do not know what Panadol has to do with bad eyes. I told the doctor I had bad eyes, he gave me Panadol. Someone else goes [complaining of diarrhea], they give him Panadol. What work does Panadol do in [curing] diarrhea?

The report also noted that the outcome may not be any better when doctors make responsible recommendations for diet or medicine, because in many instances, prison staff ignore doctors' orders. Often, prisoners must buy their own drugs, which are deposited with officials. In many prisons (for example, Kirikiri, Ikoyi, Jos and Kaduna), prisoners reported that clinic officers then appropriated the drugs for themselves.

AWAITING TRIAL PERSONS (ATPs)

Conditions for ordinary prisoners, terrible as they are, are significantly worse for detainees who are awaiting trial. ATPs usually number as many as convicted prisoners,

sometimes more. In June 1990, the then Minister of Internal Affairs, Commodore Lamba Gwom, acknowledged that ATPs "account for well over 67% of the inmates of our prisons, thus constituting a critical factor in prison congestion." According to the CLO, an ATP's term normally lasts a period of two or three years, obviously at great cost to the state. Numerous cases of very long-term ATPs abound. The CLO cited the example of 33-year-old Lafiya Zira, an ATP who a detainee named Etim Etim met during his detention at Yola Prison:

He had spent 19 years in prison custody -- four years in Mubi Prison, three in Jimeta Prison and 12 years in Yola Prison where I met him -- still awaiting trial!

Zira had seen a magistrate on only three occasions in those 19 years.

The CLO discovered a stark example of the poor conditions endured by ATPs at Ikom Prison, where the solitary cells were still under construction at the time of the CLO survey, and "unruly" convicts were transferred to ATP cells as a disciplinary measure. At Warri Prison in Bendel State, 90 inmates died in the first six months of 1990. Of this number, 85 were ATPs.

Reasons for the mistreatment of the ATPs include prison congestion, inefficiency of police investigation, and excessive and indiscriminate use of imprisonment by the courts. However, the most important factor is the hostility of the guards towards the ATPs. According to the report:

They are treated most roughly and when food is not enough to go 'round, they are usually those who have to go hungry. In Jos Prison, convict inmates explained that most convicts and warders see the ATPs as "parasites" who "come to reduce food, the space and every other thing."

Overcrowding is worse for ATPs than for convicted prisoners. At Onitsha Prison, each of the 10 ATP wards held an average of 59 inmates although they were only built to hold between 23 and 26. At prisons including Birnin-Kebbi, Funtua, Gumel, Kafanchan, the ATPs were let out of their cells only two or three times a week. The CLO heard many accounts stating that ATPs are often handcuffed or chained in their cell.

ATPs have to provide their own clothing, which according to the CLO:

ensures that most of them wear tattered clothes and, in the case of a small number of them, no clothes at all, except a blanket, a jute sacking or a dirty underwear full of holes.

The report notes that the reason for their predicament is tied to their long terms awaiting trial, during which visits from family members bringing clothes, money and other basics drops off dramatically. As stated in the report, "At Calabar, Obubra, Ahoada, Nsukka and Agodi prisons ... prisoners use blankets infested with bed-bugs and lice to wrap themselves and, at night, as mats."

CONTACT WITH THE OUTSIDE WORLD

Visitors to prisons are usually required to pay a "mobilization fee" before they can see an inmate. Conjugal visits are forbidden. As with other rights, the visitation rights of ATPs are susceptible to abuse, and an ATP who angers a guard may not be allowed to see any visitors, including his lawyer.

All the prisoners but the ATPs are "opened," i.e., let out of their cells, twice a day. The ATPs are let out in many prisons only once daily, and in many others, not at all. While the convicts use the time outside of their cells to get air, the CLO notes that "the ATPs often spend it ravaging for food or for water to wash themselves."

Only a handful of prisons have games and sports facilities. Even where they are available, convicts are sometimes the only ones who can use them. The same is true with reading. Of the meager supply of reading materials available to prisoners, often only convicts, not ATPs, are allowed to read at all. No prisons visited by the CLO had tools, machines or other materials for vocational training.

STAFF CONDITIONS AND CORRUPTION

The prison salary structure is classified information, and the CLO was not able to obtain a copy of it. Nevertheless, the CLO was able to learn that a sergeant earns only about 250 naira (\$25) per month as basic salary. Combined with the various allowances, monthly take-home package is only about 400 naira (\$40). Lower ranking warders earn less. Those above the rank of sergeant do not earn much more, at least not anything comparable with what their equivalents in other uniformed services earn.

According to the CLO, the Nigerian government apparently considers prisons and prison staff to be of such low priority that they can be virtually ignored. The report then explains the effects of such an attitude:

Beset by myriads of structural problems, the prison service has become a place only for those who can find no job elsewhere or who have found a lucrative niche in the pyramid of robbery that exists in the prisons.

Prisons often support elaborate systems of theft and corruption, created in an attempt to ease the harsh lives of guards. According to the CLO's findings, a "steal-hoard-sell" process affects nearly all of the prisoners' meager supplies, including food, bedding, and drugs. The report cites a letter by an inmate of the Port Harcourt Federal Prison to the Director of Prisons that

describes the business practices of one particularly creative prison official:

...the food actually meant for the prisoners [is] carted away by [a top ranking officer, whose name was withheld] and his angels of destruction [two lower ranking officers, names withheld].

...This officer and his wife are using the fish meant for prisoners to operate their fishroll snacks business...

The same prisoner noted that food was not the only commodity in short supply:

...some of the basic amenities or accessories supplied by the Government for the inmates do not get to them. Shampoo, toothpaste, izal (disinfectant), toilet tissue, etc., are supplied but never shared to the inmates since the advent of the officer referred to above...

Could you believe that a table tennis board bought by an inmate (for the inmates) has been converted into a private property by the officer referred to above?...

According to the same letter, even education is affected. The top ranking officer cited above allegedly stole the money given to him by five students to pay their examination fees, which, in the words of the letter, left the students "totally confused, disillusioned, perplexed and intimidated."

Guards also rent out prison labor, keeping the money for themselves. In Kano, Kirikiri, Jos and Kaduna Prisons among many others, it was widely reported that guards often hire prisoners out to work on construction or agricultural projects outside the prison. The pay varies from prison to prison – for example, at Wukari and Sokoto, it is 5 naira (50 cents) per day per prisoner, at Jos about 6 naira (60 cents).

Higher ranks of prison officials apparently cheat the lower ranks. Guards in virtually all the prisons complained that they had not received their vacation allowances since 1988.

JUSTICE AND PRISONERS' RIGHTS

As one anonymous highly placed prison official, quoted in the CLO report, noted:

The treatment of offenders in Nigeria, to say the least, requires modernisation In Nigeria, only the punitive aspect of imprisonment with hard labor was contained both in the Prison Ordinance, 1916 and the Prisons Act, 1972.²

² F.I. Onyebuchi, Esq., "Restructuring the Prison System in Nigeria," in *Law Reform*, Journal of the Nigerian Law Reform

The issue of prisoners' rights is, predictably, not high on the government agenda. The Prison Regulations have not been revised since 1955. The contents of the Prisons' Standing Orders, made under the repealed Prisons Ordinance of 1960 (in 1961) are known only to the highest echelons of the prison hierarchy. The CLO learned that the Prisons Headquarters in Abuja has only one copy of the Prisons Standing Orders, which was not available to the public.

According to the CLO, two legal and judicial systems co-exist in prison, one official and generally dormant, and the other unofficial but generally accepted and more active. Judicial powers are in the hands of any one or more of a group of prison officials, and the prisoner can only appeal this decision to an official "visitor" to the prison. This near absence of the right of appeal for the accused prisoner means that, in practice, there are no checks on the possible misuse of these powers by officials. In prison disciplinary proceedings, which are virtually nonexistent, proceedings are held in secret, there is hardly any right of appeal, and prisoners do not have the benefit of legal advice. Prison "justice" is often a simple matter of a guard's immediate reaction to a complaint about a prisoner. A prisoner at Gumel Prison in Kano State explained the system to the CLO in the following way: "The warders hear reports from their friends that you have done this or done that. They just come and punish you. They don't ask you questions."

Inmates are entitled to complain to the chief justice or magistrates when they make official visits to the prisons. These official visitors have certain narrowly defined powers to release prisoners who have not been brought to trial. However, the regulations do not stipulate the frequency of official visits, and in fact they rarely occur. Idowu Sanusi reported that at the Ikoyi Prison:

The Chief Justice or Magistrates often visit the prison maybe (once) every six months. When they visit, they are normally afraid to come very close to the doors of the cells because of the heat that flies out of the cell. Inmates do not have opportunity to lay their complaints. When we complain at all, the normal reply of the Chief Justice is: "I will see what I can do."...

At the majority of prisons and lock-ups, official visits never take place. The CLO heard numerous allegations that, in order to capitalize on the infrequency of these visits, prison officials demanded bribes from prisoners before presenting them for an audience with the visitor. In any case, even if an inmate manages to gain the attention of a visitor, prison regulations do not state that a visitor has the power to overturn the judgment of a prison official.

The CLO adds that, excepting the rare occasions of such official visits, the only avenue for prisoner complaints is through the guard to the prison superintendent, which in practice means

Commission, No. 3, November 1983.

that complaints rarely reach the top.

In violation of international standards, prisoners who are accused of violating prison discipline are presumed guilty until they are proved innocent. According to Rule 348 of the Prisons Standing Orders, prisoners who are charged with an offense "will not be permitted to return to labor or to their normal cell/ward but shall be located in punishment cells until adjudicated upon."

Perhaps the most rampant violation of prisoners' right to fair hearing is the non-availability of the relevant prison rules to the prisoners. The CLO notes that none of the prisons they visited had a program to acquaint the largely illiterate prison population either with their rights or the prison rules. Nevertheless, prisoners are aware of "rules" within cells. Idowu Sanusi gave the CLO samples of cell rules from Ikoyi Prison:

First law: Provost (i.e., the cell boss) order is final.
Another law: No killing of lice inside cell. You have to go to the toilet to kill it.
Another law: No information should be given to anybody outside the cell as to what happens inside cell.
Another law: You should not go to CJ (i.e., "Chief Justice"), IG (i.e., "Inspector General") or Provost corner without permit.
Another law: During prayers no noise.
Another law: No interference in officers' matter.
Another law: No go to another man's post.

CONCLUSION

The CLO notes that there are some signs of hope that the government might be taking a greater interest in prisoner welfare. In August 1990, the Nigerian government inaugurated a 10-man Committee on Prison Reforms headed by Hon. Just. Buba Ardo, a former Supreme Court justice, and presently Chief Judge of Gongola State. The Committee has announced a three-pronged plan, which will involve:

- (1) Studying laws and policies relating to prisoners and making recommendations for improvements;**
- (2) Examining sentencing options and making relevant recommendations;**
- (3) Examining prison conditions and recommending ways to improve them.**

The CLO stresses, however, the need to realize that this is not the first such committee to study prison conditions. Other such groups have been similarly created, and later their

recommendations have been abandoned and forgotten. A "Draft Prisons Bill" was submitted by the National Law Reform Commission in 1983, which proposed a composite structure of prison laws. This initiative was aborted by the December 1983 coup, and has not since been revived. In brief, the bill contained the following components, which deserve reconsideration:

- (1) A Prisons Act to regulate the structure, functions and objectives of the prisons;
- (2) A Prisons Service Commission Act to govern the terms and conditions of service of prisons staff, and
- (3) A Prisons (After-care Services) Act to take care of after-care rehabilitation of discharged prisoners.

Early in 1990, the president declared a general amnesty for certain categories of prisoners who had served three-quarters of their sentence. However, at least at Port Harcourt Prison, the presidential amnesty was flouted with impunity. The CLO received a report from an inmate there who said that many prisoners who served the requisite three-quarters of their terms and should have been released were left behind. Others who were not eligible were released. It is apparent from reports such as this, that the prisoners' abysmal situation will not change fundamentally until government leaders make a concerted effort to insist on an end to the abusive and corrupt practices of prison officials.

RECOMMENDATIONS

Behind the Wall concludes with a detailed discussion of recommendations for improving the conditions of imprisonment in Nigeria, which are briefly summarized below. Africa Watch endorses these suggestions, and recommends that donor governments and donor agencies place greater emphasis on the need to improve prison conditions in Nigeria. They should recommend that the Nigerian government implement the suggestions of the Civil Liberties Organisation, which include:

- * **Classifying prisoners according to age, offense and status of sentence;**
- * **Improving the following physical aspects of the prison systems, according to international standards:**
 - (1) **Update the infrastructure and physical facilities used by prisoners;**
 - (2) **Modernize sanitary facilities;**
 - (3) **Expand avenues for labor and recreation;**
- * **Ensuring that there is adequate food, water, medical supplies and clothing for the prisoners, as outlined in international standards;**
- * **Instituting more efficient management techniques to rid the prison system of rampant corruption;**

- * **Developing a support and counseling system for ex-convicts and released detainees, which presently does not exist;**
- * **Repealing crimes in the statute books which do not affect the security of the population, facilitate the use of out-of-court settlements, and make incarceration an option of last resort.**
- * **Making greater use of bail, which will require a redrafting of the relevant laws to create a unequivocal presumption of entitlement to bail.**
- * **Radically reforming Decree 19 of 1977, which empowers the Chief Justice of the Federation and State Chief Judges to hear prisoner complaints and to release prisoners in certain strictly defined circumstances. The reformed law should also grant powers to release prisoners to either retired judges of superior courts or to other State Judges.**
- * **Removing the Prisons Service from the supervision of the Ministry of Internal Affairs and placed under the care of the Ministry of Justice.**
- * **Reconsidering the 1983 "Draft Prisons Bill" submitted by the National Law Reform Commission, described above.**

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- * **"Post-Coup Crackdown Continues -- Press, Lawyers, Government Critics Targeted," June 14, 1990**
- * **"42 Executed After Unfair Trial," July 30, 1990**
- * **"27 New Executions for Coup Attempt," September 20, 1990**

Africa Watch is a non-governmental organization created in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Chairman is William Carmichael and Alice Brown is Vice-Chair. Its Executive Director is Rakiya Omaar; its Associate Director is Alex de Waal; Richard Carver is Research Consultant; Janet Fleischman and Karen Sorensen are Research Associates; and Ben Penglase and Jo Graham are Associates.

Africa Watch is part of Human Rights Watch, an organization that also comprises Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L Bernstein and the Vice-Chairman is Adrian DeWind. Aryeh Neier is Executive Director of Human Rights Watch, the Deputy Director is Kenneth Roth, Holly Burkhalter is Washington Director, and Susan Osnos is Press Director.

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