

# NIGERIAN PRISON'S RISING POPULATION

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**In this report, Kingsley Nwezeh looks at the evolution of the Nigerian Prison Service and the numerous challenges confronting it since inception which had remained largely unsolved**

Nigeria ran a dual prison system for over 50 years until the consolidation of federal and local prisons in 1968. Then the Nigerian Prison Service was a department under the Ministry of Internal Affairs with headquarters in Lagos. It was headed by a director responsible for the administration of nearly 400 facilities including regular prisons, special penal institutions and lock ups.

Prison facilities, however, came under federal control in 1975 with each state having its headquarters under the supervision of assistant directors of prisons. The prisons, depending on size and type was headed by chief superintendents, superintendents or assistant superintendents.

## **Functions/Structure**

The Nigerian Prisons Service derives its operational powers from CAP 366 Laws of the Federation of Nigeria 1990 to among other things take into lawful custody all those certified to be so kept by courts of competent jurisdiction; produce suspects in courts as and when due; identify the causes of their anti-social dispositions; set in motion mechanisms for their treatment and training for eventual reintegration into society as normal law abiding citizens on discharge; and administer prisons farms and industries for this purpose and in the process generate revenue for the government.

The Prisons Service in Nigeria is exclusively a Federal Government concern as no State for now has the power in law to operate or maintain prisons.

Presently, a total of 145 convict prisons, 83 satellite prison camps, 12 major farm centers, nine

cottage industries, nine subsidiary farms and 124 market gardens exist in Nigeria. Others include three borstal institution, one open prison camp one staff college and four training schools.

According to the Nigerian Prisons Service, the conventional convict prisons are designed as remand for both the convicted and awaiting trial inmates. There are two major types of convict prisons operational in Nigeria today namely — the maximum and the medium security prisons. The maximum security prisons take into custody all classes of prisoners including condemned convicts; lifers, long term prisoners etcetera

The medium security prison on the other hand also takes into custody both remand inmates and convicts. However, short term convicts constitute the bulk of the inmates that should ordinarily be found in the medium prisons.

The satellite prisons can be described as intermediate prison camps set up mainly in areas with courts that are far from the main prisons. They serve the purpose of providing Remand Centers especially for those whose cases are going on in courts within the areas. When convicted, long term prisoners could be moved to appropriate convict prisons to service their terms

The farm centers are agricultural prison camps set up primarily to train inmates in Agro-based vocations so that when they are discharged they will have agro-based skills to depend upon. The convicts are expected in addition to be taught to appreciate the dignity of labour. The farm centers are large mechanised farms that are located in the food-producing areas of the different geopolitical regions of the country.

Subsidiary farms and market gardens are agricultural extension projects usually attached to some State Prisons Headquarters for the same purpose as state above. They are made up of vegetable-producing market gardens, poultry and piggery farms etc. Apart from training inmates in all these agro-based vocations, these endeavours are expected to yield revenue to the State.

The borstal institutions are for the remand and treatment of juvenile offenders. At the moment, the Prisons Service has only three (3) of such in Kaduna Ilorin in the North and Abeokuta in the South.

Plans are underway to build more to take care of the cases of juveniles who are increasing in numbers and who because of their age should not be mixed with adult prisoners and should not be deserving of different treatment methods from those of the adults.

For the purposes of staff development, the Nigeria Prisons runs four Training Institutions. This is the Prison Staff College, Kaduna, which trains new officers and retrains serving ones. The Service also has three training schools for the training and retraining of junior staff.

### **Prison Population**

In 1989, the staff strength of the service was 18,000, a decrease from the 23,000 in 1983. By 1976, the average daily prison population was 26,000, a 25 per cent increase from 1975.

In 1989, Nigeria's prison population was about 54,000. Lagos State was said to have accounted for the largest number then 6,400. Anambra, Kaduna and Borno had 4,000 each while Ondo, Kwara and Ondo had less than 1000 each. By 1989, the prison population had reached 58,000.

Admission of inmates increased to 130,000 in 1980 and 206,000 in 1984. The offences then ranged from theft, assault, traffic violations and unlawful possessions which all accounted for 53 per cent of prison admissions between 1982 and 1984. Admission to prisons in Lagos, Borno, Kano, Plateau and Adamawa as well as Benue exceeded 10,000 in 1983. The figure, did not however, reflect the geographical distribution of crimes as more than 10,000 prisoners were from Anambra, Borno, Cross River, Adamawa Imo, Kano, Kaduna and Sokoto.

The age bracket of inmates was between 26 and 50 and constituted the largest category of prisoners ranging between 53 and 78 per cent between 1980 and 1984. In the same year, only 32 per cent of prisoners admitted were convicted, 3/4th served terms of less than two years while 59 per cent were first time offenders.

In 1989, about 2,000 aliens from West African countries were held in Kaduna Prisons for illegal mining of emerald.

### **State of Prisons**

The Nigerian Prison system was supposed to exist with the full compliment of legal, vocational, educational, religious and social services but the situation has remained pathetic. There is the absence of classification of prisoners as in young and old, pre-trial detainees, first time offenders and suspects who committed minor offences as they shared the prison facilities with dangerous criminals or second time offenders

Recently, the Comptroller-General of Nigerian Prisons Service, Olusola Ogundipe, said some of the 47, 682 prison inmates across the nation's prisons had spent 17 years in detention without trial.

Speaking at a one-day quarterly roundtable on prison reform, Ogundipe stated that as at July 31, 2010, the total prisoners' population was 47, 628. Out of the number, only 13,000 or 23 per cent were convicted persons while 34,328 or 77 per cent are awaiting trial.

“It may interest you to know that up to 50 per cent of these ATPs have been on remand for between 5 and 17 years without their cases being concluded.

“Ikoyi prison has an original capacity for 800 persons. Today, the population is 1,900. Out of this number, only 24 prisoners are convicts. Port Harcourt Prison has an installed capacity for 804 persons. Today, the prison locks up 2, 924 persons out of which only 117 persons are convicts.

According to him, Awka Prisons with an installed capacity for 238 persons presently accommodates 486 inmates out of which 21 are convicts.

“You can see now see that these problems not only stretch the facilities to a breaking point. They make managing prisons today unbearable and the reform of prisoners very difficult. The preponderance of ATPs in our prisons is an aberration that has become a permanent feature of our prisons. “This frustrates crime prevention and control efforts. It tends to shift focus from the fact that prison is essentially for the treatment of convicted persons, geared at making them useful citizens upon discharge”, he said.

The prisons boss also harped on the need to expand the prisons like other arms of the criminal

justice system as the situation had led to one prison servicing many judicial divisions. He gave an instance of Kuje Prison in Abuja which serves 30 judicial divisions including Abaji.

### **Reducing Prison Population**

Successive Nigerian governments had used the occasion of anniversaries or festivals to grant periodic amnesties to reduce the population of inmates.

“Apparently unable to deal with the prison crisis systematically, the government resorted to periodic amnesties to reduce the inmate population, usually on the occasion of a regime anniversary or a national holiday. General Buhari freed 2,500 prisoners, including 144 political detainees, in early 1985; the Armed Forces Ruling Council (AFRC) then directed state governors to release old, sick, underaged, and handicapped prisoners on independence day in 1989; and the government granted general amnesty in 1990 to more than 5,000 inmates who had served three-fourths of their sentences, been jailed for minor offences with terms that did not exceed one year, or who had served at least ten years of a life sentence.

“The criminal justice system was so backlogged that at least three-fifths of the country's prison population consisted of pre-trial detainees rather than convicts. Reform and rehabilitation programmes were nominal, and the prisons were aptly dubbed "colleges for criminals" or "breeding grounds for crime." For example, in the late 1980s the majority of the 2,000 inmates awaiting trial at Ikoyi spent nine years in detention for minor offenses which, on conviction, would have carried prison terms of less than two years. The egregious conditions at the Kirikiri maximum-security facility were highlighted when Chief Ebenezer Babatope's 1989 prison memoir, *Inside Kirikiri*, was published. In mid-1990 the government was considering an advisory committee recommendation to separate detainees from prisoners.

“Most prisons had no toilet facilities, and cells lacked water. Medical facilities were severely limited; food, which represented 80 percent of annual prison expenditures, was inadequate, despite a prison agricultural programme designed to produce local foodstuffs for the commercial market. Malnutrition and disease were therefore rampant. In March 1990, the minister of justice said the prisoners' feeding allowance had been increased from N1.5 to N5 and that health and other problems were being studied.

“Maltreatment of inmates was common, abuse frequent, and torture occasional. In May 1987 at Benin prison, armed police killed twenty-four inmates rioting over food supplies, and in 1988 a "secret" ten-year-old detention camp on Ita Oko Island, off Lagos, was exposed and closed. Nearly 300 prisoners died of "natural causes" in 1984, and 79 committed suicide, a dramatic increase from the average of 12 suicides per year between 1980 and 1983. Ikoyi alone recorded more than 300 deaths in 1988, and 42 deaths in the first three months of 1989. In June 1989, the Civil Liberties Organisation filed a suit on behalf of 1,000 detainees held without trial at Ikoyi, charging the government with mistreatment and urging that the 113-year-old prison be closed.

In a bid to contain the trend, however, the Comptroller-General of Nigerian Prison Service, Ogundipe, organized a roundtable dialogue aimed at finding solutions to the challenges faced by the service. It was designed to provide a forum for joint action of all concerned with prison regimes with an essential focus to contribute to policy and practice.

According a background information provided by the service, “too often, gaps still remain between policy and practical implementation. In the past, advocacy for prison reforms by the Nigerian Prison Service led the Federal Government to set up a prison reform and decongestion committee. The report of the committee has been the subject of high level ministerial discussion and awaits full implementation”.