

THE NEED FOR JUSTICE SECTOR COORDINATION: ROLE OF STAKEHOLDERS

By

AHMED JA'AFARU

The Controller-General of Prisons

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Introduction

The Criminal Justice System of a country regulates and controls criminal behaviour as it is the machinery through which the accused is processed for justice.

The criminal justice process starts with the Police and other crime fighting agencies responsible for the arrest of criminals; the Ministry of Justice prosecutes the case in Court; the court passes judgement and the criminal is sent to Prison to serve out his term as stipulated in the Court order.

In crime control and prevention, imprisonment constitutes a deterrent force as it sends a clear message to both offenders and potential offenders that the commission of a crime will inevitably lead to loss of personal freedom. Imprisonment incapacitates criminals in custody from further threatening the peace and security of the country. Imprisonment also helps to assuage the feelings of the victims and prevent them from, otherwise, taking the laws into their own hands in order to exact retribution.

As the final stop, the prison is required not only to ensure safe custody but to seek ways to make the offender penitent and equip him with life-sustaining skills. The expectation is that upon discharge from prison, the offender will not return to crime but will use the newly acquired skills to pursue a legitimate source of livelihood.

It is pertinent here to stress that conviction is crucial, if the prison is to carry out its function of reformation effectively. This is so because an awaiting trial person cannot be subjected to the prison regime therapy as he could be discharged and acquitted at the end of the adjudication process. In any case, it is difficult to plan a training regime for someone whose stay in prison is indeterminate. In the developed countries and even in some developing countries, what we have are Remand centres for the remand of suspects awaiting trial, while the Prisons are dedicated for convicts. The prisons are therefore able to plan, design and implement suitable skills training programs to aid the reformation, rehabilitation and reintegration of offenders.

One underlying feature of the Criminal Justice System is the understanding that crimes will occur; that many of those who go to prison will one day re-join the society; and that the condition in which they return to society will determine to a great extent the social wellbeing of the society.

It is essentially for this reason that the prison is regarded by scholars as the barometer for measuring the success or failure of the Criminal Justice System in any country.

In order to maintain rule of law and order, therefore, all the components of the criminal justice system must function effectively in their core areas of competence.

Justice sector coordination is therefore, critical, and in my opinion, the starting point for any meaningful coordination is for actors to understand the peculiarities and challenges of each sub-system of the criminal justice system.

The Mandate of the Nigerian Prisons Service

The Nigerian Prisons Service as an integral part of the Criminal Justice system in Nigeria is mandated under CAP. P29 Laws of the Federation of Nigeria 2004 to perform the following functions:

- i. Take into lawful custody all those certified to be so sent by courts of competent jurisdiction;
- ii. Produce suspects in courts as and when due;
- iii. Identify the causes of their anti-social disposition;
- iv. Establish mechanisms/programmes for their treatment and training for eventual reintegration into the society as law abiding citizens on discharge;
- v. Administer prison farms and industries for this purpose and in the process generate revenue for the government

The Structure of the Nigerian Prisons Service

The Nigerian Prisons Service carries out its functions through the following administrative and operational structures: the Controller-General administers the Prisons through six directorates at the National Headquarters at Abuja, eight Zonal Commands, 36 State Commands, the Federal Capital Territory (FCT) Command and six Training Institutions. The operational structures include: 241 Main Prisons, three Borstal Institutions and twelve Mechanized Farm Centres.

Inmate Population as of 27 February 2017:

-	Awaiting Trials	46,696
-	Convicts	21,563
-	Total	68,259

This shows that only 32% of the prison population as of 27 February, 2017 were convicts, a further breakdown will show that over 1960 or 3% of the total 21,563 convicts are condemned prisoners!

It is instructive to note that huge resources are daily being expended NOT on training and reformation but simply on keeping the large awaiting trial population in secure and humane custody.

The Police

The Nigeria Police Act 2004 LFN empowers the Police to prevent and detect crime; apprehend offenders; preserve law and order; protect life and property; and enforce laws and regulations. The process of criminal justice commences with the police man who detects a crime and apprehends the criminal.

The Ministry of Justice

The office of the Attorney-General, both at the state and Federal Government levels, reviews the reports of the investigating police officers and initiates prosecution in courts.

The Courts

The courts are responsible for interpreting, applying and enforcing the law. Every single detainee in prison custody is in prison sequel to an order from a court of competent jurisdiction.

Engaging Rule of Law Stakeholders on Awaiting Trial Congestion

While we continue to engage the government on the need for sustained funding in order to guarantee safe, secure and improved living conditions for those in prisons; it is imperative that all rule of law stakeholders appreciate the gravity of the problem and understand that overcrowding makes prisons unsafe and unsuitable for any meaningful reformation.

For an appreciation of the magnitude of the problem, please look at the following examples:

- Port Harcourt Prison built to house 804 inmates, as at 27th February, 2017 locks up a total of 3388 out of which only 466 are convicts
- Owerri Prison built to accommodate 800 inmates, as at 27th February, 2017 houses 2085 inmates, out of which only 189 are convicts
- Ikoyi Prison originally built to accommodate 800 inmates, as at 27th February, 2017 holds 2038, out of which only 439 are convicts
- Kano Central prison built for 700 inmates, as at 27th February, 2017 locks 1083 out of which only 833 are convicts

Overcrowding severely limits the capacity of the prison to house prisoners based on appropriate security classification – and the indiscriminate mix of first offenders with hardened criminals leads to criminal contamination and increased recidivism.

Overcrowding limits the capacity of the prison to implement suitable training regimes necessary for the reformation of inmates.

It further limits the capacity of the prison to ensure reasonable access to fresh air and exercise for prisoners, and puts immense pressure on water and sanitation amenities.

It is important to stress that in any prison where access to fresh air is severely limited, where 15 prisoners are housed in a cell meant for five, prisoners will naturally become tense and agitated and will certainly become more favourably disposed towards considering escapes and jail breaks, and when jail breaks occur anywhere, they undermine public confidence in the formal justice sector to guarantee access to justice for all.

In summation, overcrowding diminishes the capacity of the prison to ensure humane treatment and the reformation, rehabilitation and reintegration of the offender back in society at the expiration of his term.

Other challenges facing prison administration in Nigeria including issues of inadequate logistic support, infrastructural decay and poor funding are being addressed at the appropriate quarters.

Some Areas of Friction with the Judiciary

Failure of the courts to keep to time schedules. Due to time rescheduling, court sessions sometimes end very late, thereby endangering the security of inmates and staff.

The grossly inadequate number of vehicles available to each prison for court movements makes it extremely difficult for prisons to produce prisoners in court as and when due (for example, Kuje prison in FCT, services 163 courts with only 5 operational vehicles while Suleja Prison also in FCT command services 112 courts with only 3 operational vehicles). This difficulty is also compounded by frequent case adjournment – turning some prisons into more of remand centres than reformatories.

What can Rule of Law Stakeholders do to alleviate the situation?

I implore our prosecuting agencies to always remember that it is only due process that confers legitimacy on the criminal justice system of any country; that the government expends a lot of resources on maintaining the large Awaiting Trial population; and that prolonged pre-trial detention breeds frustration, discontent and ultimately, prison disturbance.

I wish to implore the Courts to limit the use of pre-trial detention; to reduce the use of imprisonment as instrument of first resort; to encourage the use of alternative dispute resolution mechanisms; to increase the use of non-custodial sanctions; and to increase accessibility to bail for those with limited resources.

I wish to implore the State Governments to start implementing the provision of the Administration of Criminal Justice Act 2015

I will like to appeal to our distinguished learned men to help in alleviating this problem – it is a fact that some lawyers representing some of our inmates awaiting trial for capital offences do deliberately seek long adjournments –which more often than not result in prolonged pre-trial detention, as witnesses lose interest; exhibits disappear; case files are misplaced; and IPOs get transferred.

Conclusion

Finally, I wish to appeal to my Lords and all the stakeholders here present to increase the frequency of visitation to prisons, not only for jail delivery

exercises, but to assess the living conditions of those in custody – I can confirm that there is no fitting word to describe the stench that confronts one when one enters an overcrowded cell populated by men who have access to an average of one hour of fresh air daily!

I thank you for listening.