

From Hell to Hell: The Travails of Ex-prisoners in Nigeria

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ABSTRACT

It is paradoxical that the difference between prison life and living in the 'free' Nigeria society of today is fast closing up as the inmate in some instances feel better off in prison than outside prison. Ex-prisoners moves from a life of hell typical by overcrowded cells, poor feeding, poor healthcare, maltreatment by prison officers, life full of denials to another life outside the prison walls that tend to have some similarities with what they had gone through in prison. Since the society decide to shut the doors of positive living against the ex-prisoners then they feel justified to force the doors open even it has to do it by returning to the same crime that took them to prison in the first instance.

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INTRODUCTION

It is common knowledge that the Nigerian Prisons is in dire straits taking into account a statistical overview of the situation today. While the prison capacity is about 43815 we are currently an inmate population of about 38721 persons out of which about 25029 percent are awaiting trial persons (ATPs). Over the years, the Nigerian prison has made several attempts at working out a legislation that would complete the circle of criminal justice administration which as of now has only taken care of arrest, prosecution and conviction. It has inadvertently left out reformation rehabilitation and reintegration of persons interned to fit into the society on discharge².

This paper focuses on the crises and plights of the ex-prisoner; its challenges to penal reform, prison management, justice sector and socioeconomic development. The paper has as its objectives to increase awareness on human right instruments on the treatment and preparation of inmates for reintegration, to establish a common understanding of the plight of ex-prisoners and their special needs, and finally to analyze the above two issues with the view of formulating plans of action and intervention.

Essentially, a part from lifers and those on death row, every other inmate will one day become an ex-prisoner. While in prison, they are supposedly being prepared to come back to the society reformed and duly equipped to contribute to the development of the society. This mandate is the ultimate justification for imprisonment: to protect the society from crime. Going by the United Nations standard minimum treatment, the period of imprisonment should be used as far as possible to ensure that upon returning to society, the inmate would be both willing and able to live a law abiding and self supporting life³. From the beginning of the prisoner's sentence, consideration shall be given to his future after release care and he shall be encouraged and assisted to maintain or establish relations with

¹ Paper presented at the 11th International Conference on Penal Abolition (ICOPA XI), held in Tasmania, Australia, February 9-11, 2006

² Address By The Acting Controller General Of Prisons Mr. O U Kalu During The Stakeholders' Summit On The Reform Of Criminal Justice Administration In Nigeria On Tuesday 9th August 2005

³ Osaze Lanre, Prisoners in the Shadows, A report on Women and Children in Five Nigerian Prisons, Civil Liberties Organisation, 1993, pg. 1

persons or agencies outside the institution as may promote the best interest of his family and his own social rehabilitation ⁴

THE HELL IN PRISON

As a matter of fact, the above role of the prison system is far from being realized. This failure is evident in the many crises of the ex-prisoner. Such crises include: homeless on release, unemployment, social discrimination etc. These are best appreciated when considered alongside those issues surrounding imprisonment, the condition of detention and its impact on the one hand and the general attitude of the society towards them upon release on the other hand. In relation to the former, attention will be paid on those issues that create incentives inimical to proper reformation and rehabilitation; how well the prison system have prepared the inmate for the challenges in the outside world, how well they have succeeded in enhancing his reintegration in the society, and general after release care.

In this regard, focus shall be on those issues that bedevil the detention system, these are issues that on the long run negatively affect the victim. Such systems are characterized by over crowding cells, long periods of awaiting trial (justice delayed), poor skill acquisition programs, poor facilities, and loss of contact with relations, torture and other practices that undermine human development and self actualization. It is in these issues that we find the first hell where the ex-prisoner is coming from.

According to Aaron Barak, ‘though the prisoner has committed a crime and has been punished accordingly, his liberty has been taken away, but his human essence still remains. Prison wall separates the prisoner from freedom. But the prison wall must not come between the prisoner and human dignity’⁵. Taking some of the above listed crises of the prison system into consideration, one understands that they collectively contribute in undermining the ability of the ex-prisoner to cope, or even meet the basic necessities of life. By implication, what we have on ground is a situation whereby the inmate is not only separated from his freedom, but his human dignity and every other thing needed to aid his rehabilitation and social reintegration.

Analytically, some of these factors are interwoven. Long period of remand leads to congestion, congestion on the long run creates a situation whereby limited infrastructures and facilities meant for a given number of inmates are overstretched to accommodate the great demand. In the end, what we have is a prison system that suffers from lack of humanity, where the penal

⁴ Standard minimum rule, rule 80

⁵ Aaron Barak, *New Approaches to the Management of Prisons in the 21st Century*, A speech at the opening ceremony of the Tzalmon prison, Israel

philosophies of rehabilitation and reformation do not feature prominently. The prison that have the statutory function of reforming inmates and preparing them for a crime free life on completion of imprisonment ends up as a system lacking 'both deterrent and reformative values'. According to a renowned criminologist, Professor Adeyemi, the prison system has become very costly to the economy, psychologically and emotionally destructive, socially damaging, culturally abhorrent and penologically disastrous.

With respect to Nigerian prisons, it is evident that congestion has remained as high as hundred and fifty percent, often resulting in disease and death amongst prisoners.⁶ ' . This issue has been a great challenge to the prison system in the country. Speaking at a summit on the reform of criminal justice administration in the country, the Comptroller general of prisons noted that contrary to prisons catering for convicts, they now use 90 percent of the allocation to cater for people on remand. According to him, the prison capacity is about 43,815. He disclosed that Ikoyi prisons have capacity for only 800 persons, but that out of the over 2,200 inmates, only 60 persons were actually convicts. He said 'the story is the same for Port Harcourt which had a total of 2,013, whereas it has capacity of just 804 inmates'.

Still on overcrowding in prisons, the chairman senate committee on internal affairs, in a separate but similar report from their recent prison tour round the country noted that by the time of their visit, prison that was meant for 805 inmates was housing almost 3000 inmates. According to him, "you can imagine a prison cell supposed to harbor 10-15 people or 20 maximum, harboring 80, 90, and even hundred."⁷ From these scenarios, one can measure the impact of this condition on the mentality, and welfare of the prisoners.

In addition, overcrowding in prison often leads to indiscriminate combination of prisoners, a situation whereby in the bid to accommodate everybody, juvenile inmates will have to be put together with adults, minor offenders with deviants and hardened criminals. In spite of the fact that most states in the federation have various versions of children and young person legislation, the flow of children and young persons into adult prison is yet to stop. Regrettably, this process leads to recidivism, indoctrination of minor offenders: they come out more hardened, worse than they were before being taken to the prison.

A combination of some of this and other problems compound the health condition of inmates in Nigeria's prisons; making the jail houses horror

⁶ Osaze Lanre Nosaze, *Clear And Present Danger: The State Of Human Rights And Governance Year 2004*, Civil Liberties Organization, Pg. 261

⁷ Human Rights, *I Shed Tears at Ikoyi Prisons*, National Human Rights Commission of Nigeria, January-March 2005. vol. 5, no 1, pg. 9-10.

chambers where only the luckiest survive to tell the gory story. It is a situation where inmates regularly die from preventable ailments such as scabies, malaria, and dysentery⁸. Other issues related to the treatment of the prisoners include: torture mental and psychological, and inadequate training/educational facilities. These collectively make the life of the ex-prisoner incomplete on release. A good example is that case of the young man who was severely beaten and tortured in the cell, to the extent that he sustained injuries in his genitals that eventually made him sexually impotent on release from prison.

Recalling his first encounter with the horror of torture in detention, Famuyiwa noted that in the process of carrying out assignment to prepare a report on a young detainee, he saw what to his mind was inappropriate and secondly lamentably within the prison walls: As I was lead to the cell, I saw a warder repeatedly slapping him (the detainee) in the face and spurring verbal assaults at him. A food vendor contracted to serve the prisoners told me that brutal attacks on detainees occurred frequently⁹

Torture is still a routine practice in detention centers. Its memories have long lasting damaging effect on the ex-prisoner. In a survey by PRAWA, where the negative effects of torture a classified into *affective, cognitive, motivational and neurovegetative*, it is discovered that practices such as torture can hinder the effective reintegration of the ex-prisoner in the society. It negative effects are characterized by depression, pessimism, anxiety, paralysis of the will, diminished drive, diminished concentration, suicidal thoughts etc. These observably have further led to traumatic effects, complications and other complexes that are inimical to social reintegration.

Similarly but more pathetic is the case whereby inmates are denied prompt medical attention. Worthy of note at this point is what has been described as a ground breaking development in prisoner right in the country. ‘An inmate in Agodi Prison in Ibadan in February took the comptroller General of prison and the Oyo State Attorney General to court for unlawfully denying him medical treatment. The police had shot him Mr. Felix Awosike in the leg during his arrest in November 2002.’¹⁰ The issue is that the gunshots were still untreated fifteen months after his arrest.

Comparatively, these cases in the context of this discussion put the inmate through a ‘form of anguish or excessive pain..., a situation

⁸ Prison Watch, *Health Conditions In Nigeria's Prisons*, Civil Liberties Organization, July- September 2004, pg. 4

⁹ Famuyiwa O. O, *Management Of Torture, Awareness Manual for Professionals*, Prisoners Rehabilitation And Welfare Action, PRAWA, 2001, pg 5

¹⁰, The Guardian, *Punishing The Boundaries*, Friday, February 20, 2004 page 13

where his mental orientation is very much disturbed that he cannot think and do things rationally as the rational human being that he is'¹¹. In all, the inmate is released; he becomes an ex-prisoner, a result of which makes him a subject to social stigmatization.

SOCIAL STIGMA AND THE LURE OF RE-OFFENDING

Given the gory nature of life in prison, it may appear paradoxical if one says that the inmate is lucky in some aspect that the ex-prisoner. At least, he is sure of staying under a roof, and daily bread. The cases below (from one of the beneficiaries of PRAWA's rehabilitation Care and Support Program) will be helpful for a better appreciation of the dilemma of the experisoners.

Case A

I was arrested and convicted in 1989. I was sentence to 27 years imprisonment. I was later granted presidential pardon after 13 years and 3 months in 1989. On my release, I was given ₦40 (twice less than a dollar). I did not know where to go to. The only thing I had was my clothes. The money was not enough to take me to the next bus station. I have lost contacts with everyone I knew outside the prison walls. I was confused, hungry and homeless; I felt like going back to the prison.

Case B

I was released 3 years ago from prison. For two years I was jobless. I lost all of the job opportunities I had because I was an ex-prisoner. I was seen as a social misfit, an unreliable person. Even my present job is being threatened. I am continually being tempted to rely on my former company; those that made me commit the crime that initially took me to prison. All my resolution to turn a new leaf is continually being threatened by my status as an ex-prisoner.

The above two cases as critical as they appear are regrettably one in number of cases that ex-prisoners go through. He is tempted to start by alternating petty begging with petty thieving. Essentially, the problem arising from overcrowding is often ineffectively addressed through massive prison decongestion programs. This is because the programs do not pay attention to rehabilitation and reintegration. In a recent prison decongestion program in the country, it was discovered that most beneficiaries of the program re-imprisoned for committing fresh crimes: recidivism. They could not cope

¹¹ Niki Tobi, *keynote address at the public presentation of torture report by Access to Justice*, Dec. 2005, (pg. 4)

with the provision of essential survival needs of life. The ‘label’ ex-prisoners make them ‘unemployable’. The strong forces of extreme hunger, poverty and unemployment make them to innovate possible solutions that may eventually take them back to jail. Some of them even consider going back to jail where they will be at least insulated from societal stigma.

In a report by a United Nations office on drug and crime (UNODC) fact finding mission in Nigeria on Post-release opportunities: There is little or no provision in Nigeria for the effective reintegration of prisoners into society. With few resources available to improve even the conditions of imprisonment, prison officials concede that there are limited opportunities to provide for the welfare of prisoners upon their release. The prospects for employment of released convicts, who are in any event prevented from taking a job in the public sector if they have a criminal record, are daunting. While there is no data on the number of prisoners who return to crime or who appear in prison again, prison officials agree that there are some “regular customers”.¹²

A survey of the factors that make one become a ‘regular customer’ reveals that the major justification provided by the victims is lack of adequate after care. For them, the recourse to criminality is not necessarily an indication of incorrigibility or deviancy, but a response to the failure of the prison system and the government to provide adequate rehabilitation and aftercare services. The ex-prisoner is practically thrown back into the society unreformed and unequipped for reintegration. The distressing aspect of it is that when he or she demonstrates strong will to transcend the limitations occasioned by his status, he is faced with rejection. The ex-prisoner who may have made a personal resolution to avoid his initial crime partners is often only able to find promising company and acceptance in those he is trying to avoid, and so the cycle continues.

In what may look like a ray of hope in Nigeria, ex-prisoners facing, stigmatization, discrimination and rejection may soon heave a sign of relief: ‘the national Assembly is contemplating the provision of an act that will allow an ex-convict to go to court and make a change of name so that he/she is not discriminated against’¹³. However, this proposal is yet to receive serious attention.

¹² *Assisting the process of prison reform in Nigeria*, Report of the UNODC fact finding mission, 7-13 September 2005, Criminal Justice Reform Unit, Rule of Law Section, Human Security Branch, September 2005, Vienna

¹³ Human Rights, *Plights of Ex-Convicts to Receive Legislative Attention*, January-March 2005. vol. 5, no 1, pg. 18

CONCLUSION

In conclusion, it is regrettable that more prisons, and longer prison terms have not reduced the crime rate in the society. The imprisonment of convicts without effectively preparing them for the challenges of re-integration on release will create a conducive atmosphere for re-offending .The successful reintegration of ex prisoners into the society is a very critical challenge. It is true that the ex-prisoner has endangered the society by committing a crime, but if the society's response to them does not restore or redeem them, what has been gained? Returning those who are incarcerated back into the society as productive citizens is very important. The cycle of ex-offenders released from the prison unprepared for re-integration into the society and again resorting to crime must be stopped. Those who by virtue of personal choice do not resort to crime live the rest of their life battling with the lure of re-offending, in frustration and totally disillusioned. In this regard, the proposed release of 25,000 inmates by the current president of the Federal Republic of Nigeria in December 2005 should take into consolidation the foregoing or else it will be a mere waste of time and effort as the inmates will be back to prison in no distant time if nothing is done about the current situation.