

**REPORT ON PRISON VISITS BY THE FCT JUDICIARY TO KEFFI, SULEJA  
AND KUJE PRISONS.  
DATES: 20<sup>TH</sup> SEPTEMBER, 28<sup>TH</sup> SEPTEMBER AND 3<sup>RD</sup> OCTOBER 2017**

## **Background**

The Rule of Law and Empowerment Initiative also known as Partners West Africa Nigeria (PWAN) was invited by the Office of the Honorable Chief Judge (CJ), High Court of the Federal Capital Territory (FCT) to be a part of the visits to the Keffi, Suleja and Kuje prisons.

His Lordship, during the visit, was to exercise the powers conferred on him as Chief Judge under the Criminal Justice (Release from Custody) (Special Provisions) Act to review cases of inmates with a view to taking appropriate actions, which may include release of awaiting trial inmates who have served more than the time prescribed for the offence they were charged. He would also consider cases on medical and humanitarian grounds as well as any other grounds the Hon. Chief Judge determines that a release would be justified.

The entourage departed the FCT High Court at 8:30am on each day.

### **Keffi Prison Visit- Wednesday 20<sup>th</sup> September 2017**

The Chief Judge of FCT, Hon Justice I.U Bello on the 20<sup>th</sup> September 2017, visited the Nigerian Prison Services in Keffi, Nasarawa State. In attendance were the Prison Comptroller Keffi Prisons, 5 Judges, Magistrates, Nigerian Bar Association Chairman-Gwagwalada Branch, other members of the Bar, Partners West Africa-Nigeria, Prisoners Rehabilitation and Welfare Action (PRAWA), media personnel and inmates. The following are the highlights of the visit:

- The 160- inmate prison currently has 606 inmates in custody, with 30% from the FCT.
- 27 of the inmates to be considered for release were from the FCT jurisdiction; with the major issue being non- endorsement of warrants by their assigned courts. The Hon. Chief Judge directed that all inmates affected by this issue be taken to court the following day- 21<sup>st</sup> September 2017.
- The Hon. Chief Judge did the following:
  - Directed Judges and Magistrates not to choose what prison location a suspect is to be remanded in, but rather order that the person is detained, while prison officials choose the detention unit to allow them consider availability of accommodation.



- Informed all that he has issued a circular establishing the Nyanya/ Karu judicial division. This is to relieve the stress of prison officials bringing inmates all the way to courts in Abuja.
- Expressed displeasure at remand orders that have no return date, causing inmates to be detained indefinitely, and the prosecution to relax. He instructed all Judges/ Magistrates to always issue return dates for inmates.
- Asked the police to provide a copy of the list of cases that have been sent to the Department of Public Prosecution (DPP) at the Federal Ministry of Justice.
- Assigned some cases to specific courts for accelerated hearing. He also assigned dates for some cases that had no return dates.
- Directed the Director of Litigation to get all signatures of Magistrates and Judges and send to all the prisons that keep custody of FCT detainees.
- Instructed Judges to stop giving bail conditions that are unattainable e.g civil servants being asked to submit property in Maitama.
- Congratulated the Attorney General of the Federation for putting in place an effective case management system.
- The Hon. Chief Judge urged prison authority to put in place certain systems that can detect in house molestation. This will allow prison officials record behavioral patterns of the inmates towards one another, and address the issues.

#### Notable Cases

In one of the cases determined, it was discovered that an order of the court was granted to remand 4 persons involved in the case, and 3 of them were released, with only one of the suspects having been detained in prison custody for 2 years. The Judge stated that if there was no arraignment within one week, he will grant the suspect bail. The Judge also released a female inmate who had 6 days left on her sentence.

#### **Suleja Prison Visit- Thursday 28<sup>th</sup> September 2017**

The Hon. Chief Judge on the 28<sup>th</sup> September 2017 visited the Nigerian Prisons Service in Suleja Niger state. It was discovered that the prison currently housed 417 inmates, 219 of which are awaiting trial, as at 25<sup>th</sup> of September 2017. The Chief Judge stated that this visit, he would be concentrating on inmates that are aged, those who have overstayed sentencing or have not been to court at all with the possibility of considering them for release. He was able to release 2 inmates in the first session for the following reasons:

- The first inmate, one Ubong Timothy was released because the court assigned his case had not been sitting thus he had not been tried. He had however already been in prison custody for 2 years, 4 months while the maximum sentence for his offence (Sec 79/322- Criminal breach of trust and cheating) is 3 years.



- The second inmate, one Chinyere Ekanem, was released because she has been held in custody for more than 2 years, which is longer than the maximum sentence for her offence (Dud cheque).

Of the cases considered, 20 inmates were still in prison custody due to their inability to pay the fines given to them by their respective courts. PWAN was able to pay fines of 3 inmates, while PRAWA paid for 3, and the Legal Aid Council paid for a few more.

It was observed by the Hon. Chief Judge that some Magistrates and Area Court Judges were in the habit of writing incorrect sentences. The major example highlighted during this visit was the sentencing to a number of inmates to ‘sentencing in lieu of fines’. The correct term should be ‘fine in lieu of sentencing’. *He also cautioned a particular magistrate, who refused to grant the release of a suspect, who had met his bail conditions, because the prosecutor did not appear in court to sign the bail form.* He informed all Judges and Magistrates present that they have authority to release a suspect that has met all bail conditions, whether or not the prosecutor is present to sign the bail form.

#### Notable cases

The Judge was able to release 3 female inmates for the following reasons:

- *One of the inmates had been brought in by police officers, and was accused of attacking someone with acid. However, since she had been brought in and assigned a court, the police prosecutors had not gone to court to prosecute the case*
- *Another inmate who had been accused of theft by her father had been remanded in prison custody for a while. The Judge had earlier ordered that the Federation of International lawyers (FIDA) assist with meeting her bail conditions so she can be released. It was however later discovered that she was only 16 years old, and was not supposed to be in prison custody at all. He asked FIDA to get her back to her mother in Lagos.*

### **Kuje Prison Visit- Tuesday 3<sup>rd</sup> October 2017**

The Chief Judge of FCT, Hon Justice I.U Bello on the 3<sup>rd</sup> of October 2017, visited the Nigerian Prison Services Farm in Gwagwalada, the Kuje High Court and the Kuje Prison.

The Comptroller General of the Nigerian Prison Service informed those present that the produce from their farm serves as a source for the feeding of the inmates at Kuje Prison; the inmates are brought to work on the farms. The Chief Judge noted that he was previously unaware of the existence of the farm until a recent meeting with the



Comptroller General. He stated that the Administration of Criminal Justice Act provides for community sentencing; this implies that those convicted for minor offences will engage in various community services, thereby decongesting the prisons. The existence of the farm will serve as a good place for those sentenced to community service to carry out their sentences.

The present constraint to enforcing the community sentence initiative is the unavailability of probation officers. However in the interim, organizations like the Sultan Maccido Foundation have volunteered to serve as probation officers pending appointments by the State.

*Proceeding from the farm, the Chief Judge went to the Kuje High Court to commission it as the headquarters for criminal trial in the FCT. The rationale for this is the proximity of the court to the prison. In the past some inmates could not be taken to court on time because of transportation constraints – but the Kuje High court being the headquarters for criminal trial, will eliminate, to an extent, the delay in the administration of justice. He further cautioned that no judge or magistrate has a court to himself, in the event that a judge is absent from his court, a judge that is available should hear the cases directed to that court.*

*Finally, at the Kuje Prison, the Chief Judge reviewed some of the cases of the inmates. Inmates that had not been able to see a judge, he directed that their cases be heard; some whose cases were to be heard later in the year, he gave them earlier dates. The Chief Judge released a couple of inmates based on age and on health grounds.*

#### Notable cases

The Hon. Chief Judge was dissatisfied with the fact that 2 minors (13year olds) were put in the same prison as adults; they were released as a result. Some NGOs undertook to pay for inmates who had fines as an alternative to their sentence.

#### **Next Steps**

PWAN in order to assist with decongestion of the prisons, offered to pay fines and compensation for the following inmates:

S/N	NAME OF INMATE	CASE NO & OFFENCE	PRISON REMANDED	ASSIGNED COURT	FINE/ COMPENSATION
1	Habibu Hashiru	CR/208/17	Kuje	G1AC ACO LUGBE	N35,000
2	Monday Bitrus	CR/94/17	Kuje	UAC KUJE	Fine- N18,000 Compensation- N30,000
3	Yakubu Goshi	CR/171/17,	Suleja	UAC ZUBA	N10,000



		Sec 218			
4	Emmanuel John	CR/325/17, Sec 287	Suleja	G1AC KUBWA	N20,000
5	Shuaibu Yahaya	CR/433/17, Sec 348 &287	Suleja	G1AC ZUBA	N20,000
6	Sani Yusuf	CR/181/2017	Keffi	G1AC GARKI KADO	N15,000
7	Nasir Ramian Garba	CR/213/2018	Keffi	G1AC KADO	N2,000

### **Conclusion**

PWAN was able to make payments and release two inmates in Kuje prisons. *Inmates in Suleja prisons had already been released prior to our arrival at the prisons, reason being that the order of release by the Chief Judge is always effected one week after, with or without the payment of the fine.* We handed over the release order, and receipt of payment of the fine to the prison officials.

The Psychology department of the Kuje prisons has informed PWAN that they are currently seeking for support in the rehabilitation of prisoners with drug and substance abuse.

The Prison officials of the Keffi prisons provided inaccurate information, and was reluctant to provide details of other inmates that we could pay fines for. One of the inmates in Keffi could not be released as he was being held on two counts, one of which had no option of fine. The second inmate had already been granted bail.