

Report from the Prison Decongestion Unit

The Prison Decongestion Programme is an interventionist programme that was designed to deal with the problem of the ever increasing number of awaiting trial persons in our prisons nationwide. It was conceived following a study Report on Prison Conditions conducted in 2005. To address the problems identified in the Report, a Committee known as the National Working Group on Prison Reforms was constituted with a broad mandate of visiting all the prisons in the country, assessing the conditions of the inmates at the facilities and making appropriate recommendations as to how best to reform and decongest the prisons.

At the time of the Report, statistics showed that approximately 800/o of inmates in Nigerian prisons were 'Awaiting Trial Persons' (ATPs). The 2005 Report also made some key findings. The most significant was that there were over 40,000ATPs in the prisons, most of who were standing trial for the offences of Armed Robbery and Culpable Homicide. The realization that these worrisome statistics were indicative of the gross violation of the rights of these inmates and that the situation created a huge dent on Nigeria's human rights profile, informed the decision of government that proactive steps should be taken to ameliorate the situation.

In December 2005, the then Honourable Attorney-General of the Federation (HAGF) originated a Memorandum to the Federal Executive Council (FEC), seeking Council's approval to carry out some specific activities and interventions targeted at the immediate reduction of ATPs in Nigerian prisons. It was the FEC approval of 4th January, 2006 that marked the formal commencement of the Prisons Decongestion Programme.

The Prison Decongestion Unit basically monitored all prisons reform program of the Ministry, coordinated prisons visits and payment of fines for convicts with minor offences, assignment of cases to external counsels, vetting of counsels reports, verification of counsels' reports and payments for the assigned briefs.

Initially, the focus of the program was on decongesting the prisons, which was the major concern of the Nigerian Criminal Justice System. However, in 2010, realizing that despite the financial investment by the Nigerian Government in the program, not much had been achieved. The Federal Ministry of Justice (FMOJ) then realign the program to pay greater attention to true reforms of the prisons and shifting emphasis from retaining the services of external solicitors for awaiting trial inmates only to the three Rs viz Reformation, Rehabilitation and Reintegration.

Overview of Activities

Organised a Round Table on Non-Custodial Sentencing, Alternative Dispute Resolution (ADR) and Restorative Justice Practices.

Introduced new criteria to be met by external solicitors as a prerequisite for payments. i. e. verification of second and third/final reports submitted to ascertain from the various courts and prisons nationwide, the authenticity of documents allegedly issued by them and filed by the solicitors in their progress/completion reports; This exercise has largely reduced the number of fake reports submitted external solicitors. On this, there is a black list that is maintained for such reports and the fate suffered by all such firms is a cancellation of the briefs and all others related briefs given to them by the Ministry.

Payments of fines for inmates convicted of minor offences with option of fine but, unable to pay. This has to some extent helped the program by reducing the number of persons imprisoned; and

In furtherance of the presentation of an Executive Memo to the Federal Executive Council (FEC) by the Ministry of Interior to address the situation of prisons in Nigeria including the condition of the inmates and the general state of Prisons, following the Federal Ministry of Justice was subsequently directed by the FEC to:

- Establish a Case Management System to integrate with the existing prison information Management System Covering Lagos, Enugu and FCT;
- To conduct a review of cases of inmates awaiting trial for upwards of five (5) years and of inmates eligible for prerogative of mercy with relevant authorities;
- Look into cases of condemned convicts on death row for over ten (10) years with the view to getting relevant authorities to commute the sentences to life imprisonment;
- Liaise with the National Assembly for early passage of the Nigeria Prisons Correctional service Bill and the Police, as well as the courts to address institutional challenges which aggravate the phenomenon of prison congestion and

The Honourable Attorney-General and Minister of Justice was also directed to consult with State Attorneys-General to develop the law on decongestion of prisons.

In carrying out Council's directive the following measures amongst others have been, and are being undertaken:



FMOJ is currently working on getting Council's approval for the installation and implementation of a state of the art modern virtual Automated Case Management System(V-ACMS) incorporating an online up-to-date integrated biometrics prisoner's information technology to strengthen the operations of Federal Justice Sector Institutions and eliminate notable bottlenecks in the administration of Criminal Justice in Nigeria

The FMOJ sent an official request to the Nigeria Prisons Service to forward both soft and hard copies of the total number of inmates awaiting trial for upwards of five (5) years and condemned convicts who have been on death row for over ten (10) years;

F-MOJ commenced correspondence and collaboration with the Chief Judges of the States and the FCT to achieve its aim of fast tracking decongestion of prisons in Nigeria;

Developing modalities for a consultation with states Ministries of Justice on appropriate strategies for prison decongestion;

Inauguration of a committee of stakeholders to ensure that the directives of Council are carefully implemented.