

Exploring Evidence-Based Analysis of The Plight of Awaiting Trial Inmates in North-Central Nigeria

Eksplorasi Analisa Berbasis Bukti Tentang Situasi Narapidana yang Menunggu Persidangan di Nigeria Utara-Tengah

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Abstract

Inmates awaiting trial are individuals who have not yet received a legal conviction for any crime, yet they remain in police or correctional custody. This study assessed the increasing number of awaiting trial inmates across correctional facilities in North Central Nigeria with evidence from Kwara State. The study obtained primary data through semi-structured interviews, key informant interviews (KII), and focused group discussions (FGD). The panel data from the Nigerian Correctional Service (NCS) and other secondary sources to complemented the information. Structural functionalism was the theoretical framework for the study. The population for the study consists of inmates awaiting trial, top officials of the Nigerian Correctional Service (NCS), senior police officers with prosecutorial experience, and lawyers and magistrates with cognate experience in litigation. The study revealed that the increase in awaiting trial inmates is largely responsible for recorded jailbreaks in the region. It also revealed that prison congestion and the overstretch of physical infrastructure available for convicted inmates results from legal technicalities that make it difficult for bail conditions to be easily met and the nature of crimes committed. The study recommended constitutional reviews to make the surety system less burdensome. This will go a long way toward easing and speeding up the justice delivery system. Budgetary allocations to the statutory bodies in the justice delivery system should be increased to increase the holding capacity of the correctional facilities, the courts and modern court infrastructure, and police stations.

Keywords: Inmates, Awaiting Trial, Correctional Service, Convict, Structural Functionalism

Abstrak

Narapidana yang menunggu persidangan adalah individu yang belum menerima putusan hukum atas kejahatan apa pun, namun tetap berada dalam tahanan polisi atau lembaga pemasyarakatan. Studi ini menilai fenomena peningkatan narapidana yang menunggu persidangan di seluruh fasilitas pemasyarakatan di Nigeria Utara-Tengah dengan bukti dari Negara Bagian Kwara. Studi ini memperoleh data primer melalui wawancara semi-terstruktur, wawancara informan kunci (KII), dan diskusi kelompok terfokus (FGD). Data panel dari Lembaga Pemasyarakatan Nigeria (NCS) dan sumber sekunder lainnya untuk melengkapi informasi. Fungsionalisme struktural adalah kerangka teoritis untuk studi ini. Populasi dalam studi ini terdiri dari narapidana yang menunggu persidangan, pejabat tinggi NCS, perwira polisi senior dengan pengalaman penuntutan, dan pengacara serta hakim dengan pengalaman yang sama dalam litigasi. Studi ini mengungkapkan bahwa peningkatan narapidana yang menunggu persidangan sebagian besar bertanggung jawab atas serentetan pelarian penjara yang tercatat di wilayah tersebut. Penelitian ini juga mengungkap bahwa terbatasnya infrastruktur fisik yang tersedia bagi narapidana diakibatkan oleh teknis hukum yang mempersulit pemenuhan persyaratan jaminan dan sifat kejahatan yang dilakukan. Penelitian ini merekomendasikan tinjauan konstitusional untuk membuat sistem jaminan yang tidak terlalu memberatkan. Hal ini akan membantu mempermudah dan mempercepat sistem pemberian keadilan. Alokasi anggaran untuk badan hukum dalam sistem pemberian keadilan harus ditingkatkan untuk meningkatkan kapasitas penahanan fasilitas pemasyarakatan, pengadilan dan infrastruktur pengadilan modern, serta kantor polisi.

Kata kunci: Narapidana, Menunggu Sidang, Layanan Pemasyarakatan, Narapidana, Fungsionalisme Struktural

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Introduction

The complexities associated with the running of government functions have reduced the extent to which the needs of modern citizens have been met effectively. Just like many countries in the world, Nigeria is not immune from the myriad of challenges oscillating from an economic, political, and social malaise bedeviling the world. These challenges have increased the level and dimensions of crimes and criminality. The high level of unmitigated armed criminality right from Nigeria's civil war, among others, has increased the challenges of administering the processes involved in dispensing justice to the perpetrators of crimes and criminality. While crime is universally common in nations around the world, it is more prominent on the continent of Africa. As Ukoji & Okolie (2016) posited, Africa has the highest manifestation level of violent and non-violent crimes in the world, with South Africa and Nigeria topping the list. The quest for justice around the globe is therefore necessary. Also, the structure in place to administer justice timely commands the same level of attention.

Unfortunately, the number of inmates awaiting trial across the globe has been increasing geometrically and periodically due to the ineffectiveness of the processes in place for the administration of criminal justice in many countries. It is worrisome that inmates still spend up to six months in trials, which ideally were expected to take not less than one or two weeks (Ojo & Okunola, 2014; Orakwe, 2005). According to Ogundipe (2009), the initial architecture of prison facilities did not account for the preponderance of pre-trial detainees in our prisons, which has taken on a permanency for unknown reasons. The situation further exacerbates the problem of housing inmates while awaiting trial with convicted criminals. The challenge of insecurity in Nigeria, which appears to be ongoing, makes this situation even worse. The effective administration of the awaiting inmates' trials is expected for the smooth running of all state correctional facilities. The primary responsibility of the criminal justice system is to apprehend suspects, give judgments, and also pass the required punishment to the accused when convicted of any offense.

The congestion in correctional facilities and its effect on the Nigerian state have had political, administrative, financial, and security implications lately. Administratively, poor welfare administration, overcrowding, prison breaks, fatal riots, congestion, the strain on maintenance costs, stretching the workforce and various other facilities, and also aggravating the security problem in the correctional facilities are in a very bad state due to the large number of inmates awaiting trial (Kehinde et al., 2016).

When focusing on the specific region of Nigeria's north-central region, specifically Kwara State, there are a total of four correctional facilities located in Kwara State. The Oke Kura correctional institution has a maximum capacity of 121 people; however, it now houses 471 inmates. Out of the total number of detainees, 87 are condemned offenders, four are convicted females, 57 are convicted males, 319 are males awaiting trial, and four are females awaiting trial. The Mandala Correctional

Facility has a maximum capacity of 160 individuals, although it now houses 259 people. Among these detainees, there are 79 condemned offenders, three convicted inmates, and 177 individuals who are awaiting trial. The Omu-Aran Facility now has a total of 68 inmates, consisting of 34 sentenced criminals and 34 awaiting trial. In comparison, the Lafiagi facility has a total of 46 inmates, with 40 being condemned criminals and six awaiting trial. (NPS, 2018; NPS, 2019).

The Correctional Service

The Nigerian Correctional Services (NCS) is a crucial department within the Federal Ministry of Interior, led by a Comptroller General of correctional service. The Nigerian jail service was officially rebranded as the Nigeria Correctional Service on August 15, 2019, under the tenure of President Buhari. The Nigerian prison service, governed by Prison Act No. 9 of 1972, includes the reformation and rehabilitation of prisoners as one of its cores aims (NPS, 1979). The Nigerian jail system was formed based on three distinct forms of penal legislation that coexist in the country. The Penal Code, Criminal Procedure Code, Cap. 81 Laws of the Federation of 1990 (CPC), the Criminal Code, Criminal Procedure Act, Cap. 80 Laws of the Federation (CPA), and the Sharia penal legislation in 12 Northern States of Nigeria are exclusively applicable to Muslims (Obioha, 2011).

The correctional service has been an age-long institution present in most traditional administrative systems in Nigeria. In the Yoruba traditional societies, it was called Ogboni House; in the Benin Kingdom, it was referred to as the Ewedo and called Gidan Yari in the traditional Hausa-Fulanis system. In the traditional pre-colonial Nigerian societies, there were prisons in which people who deviated from societal norms, customs, and values were either kept for trial or punished (Aboki, 2007). According to Wikipedia (2014), a jail or correctional facility is an institution where individuals are forcibly confined and deprived of various freedoms by the state as a form of punishment. In the words of Sorensen (2019), he believes that the prison system should be a building for housing offenders or one that benefits society. In the view of Omagbemi and Odunewu (2008), detention facilities are built up and controlled for the safekeeping of those legitimately interned for anticipating trials. According to Conklin (2001), he avers that the continuous aims of imprisonment further propel the assurance of justice grounded on the philosophy of just deserts and the reintegration of inmates into the community after serving the term of their sentence.

In a related view, Nwolise (2010) sees correctional facility organization and administration as a form of social clinic where different specialists in the fields of medical, psychological, social, researchers, clergy, and other key functions work alongside the correctional officers to transform the inmates into a changed, productive, crime-free, and patriotic citizen. Bamgbose (2010) argued that prisons serve as the confined channels of the criminal justice system where newly convicted criminals or individuals awaiting trial are placed. They have the responsibility of ensuring the safekeeping of the end result in the criminal justice process, along with other duties (Nwolise, 2010).

Adebisi & Oyewo (2015) conclude that correctional facilities serve as the stomach of the state to keep the offender from taking action against the laws of the state. Chukwudi (2012) asserted that the main aim of the creation of prison services in Nigeria is to provide rehabilitation and corrections for those who breach the laws or rules of the land. In a different view, prison facilities, according to Oduyela (2003), are separate structures institutionalized to identify peculiar individual inmates' problems and work out solutions to attend to each problem. The jail is widely regarded as the most grim and somber component of Nigeria's criminal justice system (Dambazau, 2007). The correctional service is responsible for securely storing the end result of the criminal judicial procedure (Nwolise, 2010).

The Concept of Awaiting Trial

The concept of awaiting trial is generally subjected to different connotations and meanings, which makes the words as ambiguous and complex as they may simply appear. The word awaiting trial is constantly and interchangeably used with the words "remand prisoners," "awaiting trial detainees," "untried prisoners," "unconvicted prisoners," and "un-sentenced prisoners" (Orjiakor et al., 2017). Notwithstanding, Walmsley (2017) posited that, despite the complexity, pre-trial or remand detention is of great global concern. Un-sentenced prisoners encompass individuals who are not only awaiting trial but consist of prisoners whose trial is still in progress or who have been attested guilty of such a crime but whose judgment is yet to be delivered. The term pre-trial detention, or otherwise remand detention, according to Schonteich (2011), is described as the process or period where individuals are deprived of their fundamental human rights pending when the individual will be proven guilty or not guilty, or a period of appealing.

Awaiting trial also refers to a situation where a person has been traced to have affiliation with a particular alleged crime or offense in which, through this process, they are deprived of liberty as the result of an order from a judicial or similar legal process, but judgment has not been delivered by the court regarding its applicable punishments. Walmsley (2017) went further to define remand as the act of committing an accused person to custody after a preliminary examination. The growing issue of awaiting trial inmates across the globe made the United Nations include the need for a reduction of awaiting trial among goal 16 of the UN Sustainable Development Goals 2015–2030, which aims at promoting peaceful and inclusive societies for sustainable development (United Nations, 2016). Remand detention also refers to those persons who, in connection with an alleged offense or offenses, are deprived of liberty following judicial or other legal processes but have not been definitively sentenced by a court for such a crime (Walmsley, 2017).

Structural-Functional Theory

The French social scientist Emile Durkheim (1858–1917) is credited with establishing the origin of social structure. Durkheim stated that society is composed of interconnected pieces, and this interdependence creates a framework that shapes the behavior of institutions and their members. He perceives society as a distinct entity. In addition, the anthropologists Bronislaw and Radcliffe-Brown were also affected by Durkheim's concept of organicism. Radcliffe-Brown (1881–1955) argues that the application of functionalism to human society relies on drawing a comparison between social and organic life. Bronislaw Malinowski (1884–1947) pioneered the use of structural-functionalism in the field of social studies. He subsequently categorized society into three distinct components: the biological, the social-structural, and the symbolic. Talcott Parsons, a prominent figure in the field, extensively developed the concept of structural functionalism, establishing himself as the leading functionalist of his era. Parson identified four crucial requirements of the structural-functional theory: adaptation, goal attainment, integration, and latency.

Adaption is the relationship between the system and its environment. The components of the criminal justice system are important structures of the social system. This is achieved by creating structural differentiation or specialized institutions to fulfil social duties such as crime investigation, law adjudication, correction, punishment, and retribution for offenders. The ability of these institutions to adapt to social changes in society so as to perform their function as required is termed adaptation. Every society has sets of goals to achieve, which is the primary function of each established institution. The criminal justice system is established to achieve the goals of deterrence, incapacitation, retribution, correction, and reintegration of offenders back into society. Integration is the ability to maintain cordial relationships with other components of the system. The police, the court, and the correctional facility must work hand in hand with each other so as to achieve the goal of the system. Without cooperation, nothing can actually be carried out, as the police, courts, and prison system are interdependent among each other. Latency is the ability to maintain consistency in the system. The police, court, and correctional services need motivation, so they have to maintain their trust and discharge their primary functions effectively. These allow for modification if matters of necessity arise. There is no one best way to tackle issues; however, it depends on the matter at hand. Motivation for workers should be provided, so it has to help maintain consistency.

Method

The research method employed in the study primarily utilized qualitative approaches to gather in-depth insights into the issues faced by awaiting trial inmates (Rubin & Rubin, 2011; Creswell & Poth, 2018; Hariani, 2023; Patton, 2015). The primary data collection was conducted through semi-structured interviews, known as Key Informant Interviews (KII), which involved top officials of the

Nigerian Correctional Service (NCS), senior police officers with prosecutorial experience, and lawyers and magistrates with extensive litigation experience. Additionally, focus group discussions (FGDs) were held with inmates awaiting trial to capture a wide range of perspectives and facilitate interactive discussions that highlighted collective experiences and social dynamics within correctional facilities (Krueger & Casey, 2014). To complement these qualitative methods, the study also incorporated panel data from the NCS, along with secondary sources such as internet resources, academic journals, textbooks, and newspapers (Yin, 2018). These additional data sources provided context and supported the qualitative findings, ensuring a robust and comprehensive analysis. This methodological approach allowed the researchers to explore the complexities and nuances of the awaiting trial inmates' plight, providing a holistic understanding of the issue (Creswell & Poth, 2018).

Result and Discussion

Effect of an Increase in Awaiting Trial Syndrome in Nigeria.

Awaiting trial inmates is on the rise day by day. However, its effects are multifaceted, as they affect the nation, correctional officers, inmates, and host communities. It's glaring that a magnificent number of the prison population is made up of awaiting trial inmates throughout the entire world. In Nigeria, it is important to stress that the entire prison system was not made to accommodate the awaiting trial inmates. In order to verify this assertion, an interview was granted to individuals who had the characteristics of this situation.

One of the respondents, who is a prison warder, narrated the horrible situation and the devastating effect on the awaiting trial inmates. He said the effect is not one-sided but has direct and indirect consequences for many people concerning the correctional management process. Going further, he stated that on the side of prison staff, it has increased their task burden and made their work complex and ambiguous, while on the other side, it has led to the competition of prison facilities, i.e., toilets, bed space, and water, among inmates. Another respondent said the increase in awaiting inmates has posed a serious problem to the prison environment and increased both mental and physical stress for both prison officials and inmates. The living conditions are terrible and harmful to the physical and mental well-being of the inmates. Inmates live in environments with poor sanitation, a lack of good and adequate food, a lack of medical care, incessant overcrowding, poor clothing, and sleeping spaces shared between two or three on the bare cold floors (Alabi & Alabi, 2018). A respondent said that their lives are in danger sometimes, as many of the inmates are not happy and often retaliate by fighting back against the warders. Buttressing this, they posited that, as the inmates' conditions are bad, they fight not to become depressed and equally not to be victims of violence. Oshodi (2010) noted that due to the co-incarceration of those who have committed crimes and those

who are awaiting trial, Nigerian prisons are among the worst in the world.

The conditions of the cells in Nigerian jails are unsanitary and neglected, without access to running water, and plagued by rampant infections. If a prisoner becomes seriously ill and needs specialist treatment that their relatives cannot afford, it is highly probable that the prisoner will not survive (Out & Nnam, 2014). Nigerian inmates are usually given poor rations of food, both in quality and quantity, without taking into consideration their health implications. They are usually served food that is in poor ration, like half-cooked beans, cassava and palm oil, cassava flakes without sugar, and watery soup. A warder said the unbalanced nature of the food provided was with the idea of keeping them weak, so they had to leave in peace.

One of the respondents, who is a court official, lamented that the large number of inmates awaiting inmate's trials in Nigeria has been the main reason behind the congestion of case files in the court. He said many petty issues that were supposed to be settled out of court or granted bail were treated as awaiting trial cases. Echoing the above claims, Grace (2014) believed that the increase in the number of inmates awaiting trial in Nigerian prisons is a major challenge to the criminal justice system, starting with the fact that inmates are kept in prison custody beyond the capacity for which most prisons were built.

Another respondent said that the continuous pilling up of inmates awaiting trial has contributed to the over-stretching of prison facilities, including medical services, toilet facilities, bedding space, food, and clothing. He acclaimed that the available structure and other facilities differ from the established standard stipulated in the UN standard for the treatment of persons in prisons. Confirming this statement, Ajah and Nweke (2017) observed that Nigeria is yet to implement the United Nations minimum standard because all these functional correction-based prerequisites are grossly lacking in Nigerian prisons. One respondent claim that overcrowding of prison facilities by inmates awaiting trial is the genesis of all other problems.

According to the South African prisoner organization for human Rights (SAPOHR), overcrowding was due to an increase in awaiting trial inmates, which in the long run contributed to the spread of infectious diseases such as tuberculosis, HIV/AIDS, chicken pox, etc. They went further and proclaimed that they would sue the government for violating human rights and that conditions in prisons were inhumane and undermined human dignity. Alibi & Alibi (2018) reported a worrying situation. In their study, they affirm that after inmates are released, many of them fall sick and die before they are tried or as they serve their time. Messina et al. (2006) accept these findings and assert that female inmates were significantly more disadvantaged than their male counterparts in terms of psychological functioning as well as experiences of sexual and physical abuse prior to incarceration. Female detainees were more prone to reporting clinically significant symptoms of anxiety, somatic

worries, and trauma-related symptoms. However, trauma-related symptoms were also prevalent among male convicts (Drapalski et al., 2009).

In another respondent's opinion, he avers that the main objective of correctional facilities, which is the corrections of inmates, has been unrealizable due to an increase in awaiting trial. He started that, but the condemned criminals and those awaiting trial lumped up together, which in the long run led to gangsterism and inflicting behaviors. Ahmed (2010) contends that such a circumstance merely serves to further solidify the offenders' criminal tendencies, as they rarely experience any improvement upon their release from prison. While incarcerated, individuals are immersed in a criminal milieu that offers justifications for engaging in unlawful activities. Additionally, prisoners are taught new methods for committing crimes upon their ultimate release, leading to a higher rate of repeat offenders (Adebisi & Oyewo, 2015). The fact that convicted criminals frequently return to society after serving their sentences with a more resolute mindset is a source of concern for those who work in security because it creates difficulties for such individuals. Atere (2002) argued further that the jail system in Nigeria is characterized by abhorrent conditions like torture, starvation, inhumane treatment, overcrowding, illnesses, and untimely deaths. Over the past ten years, correctional institutions and facilities have worsened the deplorable and cruel conditions experienced by convicts in the country (Bautista, 2014).

The majority of respondents dwell on the issue of the increase in the cost of administration. A divisional police officer stated that the major reason behind the increase in the budget or expenses of the government for correctional services was aggravated due to the large number of awaiting trial inmates. Another effect of the increase in awaiting trial inmates is the maintenance cost that the nation has to stomach. More inmates mean that the country will have to increase its budget for the prison service. This means that the state needs to augment some resources from other sectors of the economy and channel them to prisons. A police divisional officer said the major reason behind constant prison breaks is the large number of people awaiting trial. That increase in awaiting trials has continued to cause a high level of insecurity in the country. He said many of the suspects released during prison breaks are usually awaiting trial. The issue of congestion persists in the city, district, and municipal jails, exacerbating various difficulties, including escapes, riots, gang conflicts, illness outbreaks, and occasionally fatalities (Taeza, 2000).

Conclusion

The main idea behind this study is to understand the effect of the large number of awaiting trial inmates in correctional facilities in Kwara State. Based on the research questions, it was discovered that the effect of awaiting trial inmates on the nation is very multifaceted, as it affects the economy,

the inmates, the prison official, host communities, facilities, and the government itself. The following was discovered: inmates spent months and years awaiting trial; the system has failed to realize its primary objectives; poor facilities; biased treatment; corrupt practices; and so forth.

Recommendations

Nigeria should build private cells. This implies two things: firstly, a separate cell should be built for the keeping of inmates awaiting trial, and secondly, private rented cells should also be built for the housing of awaiting trial inmates, as is being applied in Finland (Kossovo private cells). The welfare of stakeholders should be improved to motivate them in the discharge of their functions and also help to reduce corrupt practices in the system.

The prison facilities should be improved in terms of bed space, feeding, clothing, health facilities, and recreation to reduce the rate of lowliness and increase the conduciveness of inmates during their stay to await trial. Government and non-governmental organizations should help provide legal aid to inmates awaiting trial because it was discovered that the majority of the inmates awaiting trial lack legal representation. There should also be an increase in the budgetary allocation for Nigerian correctional services.

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