



**KEYNOTE ADDRESS BY THE PRESIDENT OF THE NIGERIAN BAR  
ASSOCIATION, OKEY WALI SAN AT THE FORMAL OPENING OF THE KATSINA  
BRANCH LAW WEEK ON THE 16<sup>TH</sup> DAY OF JANUARY, 2014**

**PROTOCOL**

Your Excellency, the governor of Katsina State Governor Ibrahim Shema, Your Excellency, the Deputy Governor of Katsina State, the honourable the Attorney General & Commissioner for Justice, Katsina State, My Lord the Chief Judge of Katsina State, Judges of the High Court in Katsina state, and the Chairman of the occasion, My Lord Honourable Justice Umar Abdulahi, CON; Chairman, Katsina Branch of the NBA, Senior Advocates of Nigeria and eminent Bar Leaders here present, Distinguished noble colleagues, Ladies and Gentlemen of the Media, Distinguished Ladies and Gentlemen.

**PREFACE**

I want to thank the Katsina Branch of the Nigerian Bar Association for inviting me to this gathering, *Katsina Branch Law Week*, and also for giving me the opportunity to deliver an address on the topic “*Prison Decongestion: A Panacea for Smooth Delivery System*”.

One of the veritable components of a justice system is the Prison Service. A good prison system ensures efficient and effective justice delivery

The Nigerian Prison system is an example of the chronic ailment afflicting our criminal justice system. Our prisons have over the years been a source of concern due to overcrowding. This has frequently led to poor health conditions, including out breaks of epidemics.

The vision and mission document of the Nigerian Prison service is a road map for prisons in Nigeria. The vision of the Nigerian Prison Service is:

*“To create a Prison service in Nigeria that is able to contribute to meeting the challenges of ensuring a secure and peaceful Nigerian society through the implementation of human penal programmes. To establish a credible prison service, which through excellent penal practice, seeks lasting change*

*in offenders attitudes, values and behaviours and ensures successful re-integration into society”*

Your Excellencies, My Lords, distinguished ladies and gentlemen, it is important to note that several years of neglect by successive governments, poor working conditions, inadequate training and motivation coupled with chronic inmate congestion, have ensured that the vision of the Nigerian Prisons Service has remained a mirage.

Most of the prisons buildings are dilapidated and therein infrastructure is on the verge of collapse. In some cases, it has in fact collapsed. Few renovations have been done and equally fewer new prison facilities have been built to replace the existing dilapidated buildings that are in very many instances not fit for human incarceration. At present, the most pressing problem in the prison system is the level of overcrowding, caused by the majority of prisoners awaiting trial. Out of the total prison population of about 55,000, a total of 36,000 are awaiting trial persons. The reasons for the high number of awaiting trial prisoners are complex and relate to the inefficiency in the linkages of the roles and responsibilities of all justice sector institutions tasked with the administration of Criminal justice.

It is unfortunate and regrettable that the now frequent jail breaks and break in by terrorists, leading to the escape of several detained terrorist suspects have not compelled a radical review of the state of our prison system. It has become crystal clear that the inadequacy of our prison facilities is not simply an infrastructure issue but a very serious matter of national security.

There have been various committees set up to investigate the remote and immediate circumstances that led to these jail breaks. It is disheartening when it is realised that there have been no fewer than four reports from these committees on the state of prisons in Nigeria since 1999. Each report clearly stated that keeping thousands of persons in our prisons without trial is exacting a heavy financial and human toll on our justice delivery system and constituted a growing security threat.

I believe that the prison remains an important section against persons/criminals from whom society is genuinely at risk.

Therefore the Nigerian Bar Association calls for an urgent review of the general state of the Prisons in Nigeria including designating functional maximum security prisons.

However, the NBA commends some notable interventions by the High command of the Nigerian Prisons Service. The initiative to establish a professional cadre of prisons law officers is undoubtedly one of the most significant interventions of the prisons service in recent times. It comes at a time when government and non-government justice sector institutions are agreed on the need for improved co-ordination, co-operation and sharing of information between all those who work in prisons.

But the appointment of prisons legal officers will not solve all the problems in prisons or resolve the issue of remanding persons over night. It is expected that this initiative will at the very least achieve coherent exchange of information between the Nigerian Prison service, government and non-governmental institutions like the Human Rights Commission, the Legal Aid Council and other CSO's that work in prisons.

Over the years , a number of reform measures have been suggested . These are:

- The Review of the Prisons Act;
- Removal of the Prisons Service from the Ministry of interior;
- The need for an independent oversight body;
- The need for reforms in the ranking structure of the Nigerian Prisons Service; and
- The inclusion of the Controller-General of Prison as a member of the Security council.

Perhaps, the most urgent and important of the reform measures of the prison system in Nigeria, is the Prisons Act Amendment Bill that is currently pending at the National Assembly. This Bill has been pending at the National Assembly for years now without conclusion. As at the last time the NBA checked, the Bill was at the committee stage in both chambers being harmonised, having passed through public hearings before both chambers.

The NBA will through its Legislative Advocacy Committee, intensify its advocacy drive to ensure speedy passage of the Prison Act Amendment Bill into law before the end of the third quarter of this year.

Another Bill, which will help in solving the problem of Prison congestion is the Administration of Criminal Justice Bill. This Bill is still moving at a very slow pace in the National Assembly. The NBA is concerned that the Administration of Criminal Justice Bill is still pending in the National Assembly without much progress. The NBA uses this medium and opportunity to call on the National

Assembly to expedite action on the speedy passage of the Administration of Justice Bill into Law.

Apart from the Prison Act Amendment Bill and Administration of Criminal justice Bill, another piece of legislation, which will go a very long way in ensuring result-oriented prison decongestion programme is the Re-activation of the Administration of Justice Commission Act. The Commission was established by the Administration of Justice Commission Act 1991, Cap A3 Laws of the Federation of Nigeria, 2004. It is charged with the duty of supervising and monitoring activities of key institutions of the Justice Sector, including the Prisons. The same Law provides for establishment of Administration of Justice Committees at the state level to perform the same duty.

I therefore call on My Lord, the Chief Judge of Katsina State, to re-activate the Administration of Justice Committee in Katsina State.

### **CONCLUSION**

It goes without saying that prison decongestion is key to effective and efficient justice delivery system, and to ensure a successful decongestion of prisons, all the key stakeholders and justice sector institutions need to work together in collaboration. On the part of the NBA, we shall develop programmes and policies that will facilitate speedy prison decongestion. At this juncture, I thank the Katsina branch again not only for the organization of the Law week, but also for giving me the opportunity to address some of these issues bordering on the administration of justice. I call on all of us as stakeholders to join hands to make this justice system work.

Thank you for listening and I wish you fruitful deliberations and resolutions after the Law week.

**Okey Wali, SAN**  
**President, Nigerian Bar Association**  
**16<sup>th</sup> January, 2014**