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Colonial Systems of Control

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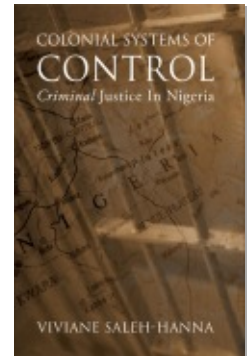
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CHAPTER 7

MY STORY

Chris Affor

On April 24, 1994, I heard a knock on my office door. Before I could even say “come in,” two men entered. One of them was my boss; I tried to read the expression on his face, but it was blank, and I knew right away that I did not like the air around either his looks or the looks of the man standing next to him. That man was following closely behind my boss, not allowing any distance. Initially that did not have any meaning to me. My boss’s voice echoed, “Mr. Chris, I don’t know what it’s all about. I just can’t understand the message. This is a police officer, and he would like to see you at the station. You better go with him for a better explanation. I don’t get mixed up with such stuff, don’t expect me around.” Then he continued, “Constable, this is Mr. Chris; he stands a better chance of giving whatever explanation you need.” With two strides he was out of the office.

The constable said politely, “Sir, your attention is needed at the station for a little briefing on a certain matter that requires your attention. You only need to come with your car, just to make things easier for the both of us. I promise to give you a helping hand where necessary. I am waiting.”

I had no prior experience with police stations. Neither could I remember or think of anything in my life that would give them reason to want or need to speak with me. I raised my head to speak to the constable, but no words emerged. Like most people in Nigeria, I was terrified of the police. That fear is especially

escalated among those who do not have massive life savings. I allowed the policeman to drive my car in order to regain my composure. He parked the car in a parking lot I had never seen before. I looked at the inscription on the wall of the building; it was bold enough to convince a fool: Barbeach Police Station. The words I had wanted to say were no longer available or necessary. I had entered their turf. I swallowed my words and without even a gesture followed him inside.

Four men were called out from the police cell. We were arranged in a single row before the station officer. I recognized one of the men as the man who had sold me my car, Segim Oladokim. He was my neighbour about two years ago. I lived in a building that had four flats [apartments]. The man who sold me the car occupied the two flats upstairs, while the two flats downstairs were occupied by my work colleague Ademola, Mr. Williams, and me. Oladokim had five cars in our parking lot, among which he placed one for sale. We agreed on the price, and documents were handed over to me after settlement. Two days later Oladokim himself brought certified papers on “change of ownership” and handed them to me. All the while I had nothing on my mind, no doubts about the legitimacy of this sale—it did not occur to me to raise any suspicion. He was a good man, managing a big business, but at the time I didn’t know his secret.

It dawned on me as these men confessed that the car that Oladokim had sold to me was not only stolen but also sold to me under the pretense of doctored documents. The car was connected to a criminal case investigation in Alagbon, Lagos State, of robbery and murder. After being tortured for some time, the men had confessed to this robbery.

I spent two weeks in the police cell, unaware that these were days of grace given to me to find whatever [monetary] “settlement” I could for a job well done by the police. It was unfortunate, but I didn’t understand the smallest signals and secrets of this procedure and the affairs in which I found myself. My level of understanding at the time had no reference to how

the criminal justice system is run in this country. I got to know about it at court, through a tip offered to me by one of the police officers (that, if I had found “settlement” for the police officers, I would not be on my way to jail), but at that point it was too late. Naively, I expected to be released, believing that my role in their murder and robbery case had been cleared before the police through the “confessions” made by the robbers, leaving me with little or no statement to make: their “confessions” had, as far as I knew, answered all their questions. If wishes were horses, I would have collected an “award” for innocence. I never knew then that my journey was just about to begin.

On May 8, 1994, I was taken to court. That morning the police officer in charge of my case called on me and said, “My hands are tied, the case is the sensitive type.¹ I have to charge and take you to court to defend your case. You better make necessary preparations for your bail. We shall be at the court in the shortest time.” I brightened, believing the case was over. I was ready to “pay” the police constable some money to show my appreciation; he had refused to accept any money from my wife. I did not know then that the offer made by my wife was too small and that he considered it an insult; thus, he had already decided to “deal with me.” He never knew I was poor. He had concluded from the size of my office and from his personal scale of assessments given my appearance that I was not. How I wish I was as big as that empty office and as powerful as the misconceptions that led to my misfortune.

The story changed in court. I heard the judge say “that you, Mr. Chris Affor, on the 17th of May, ‘robbed’ one Mr. Anerson Ebere of Mob Odade Street, Agege Lagos, a 505 Peugeot Saloon car valued at ‘N500,000.’ You are hereby to be remanded at Kirikiri medium prison without bail under section... of the Constitution of the Federal Republic of Nigeria awaiting DPP [Directorate of Public Prosecution] advice.” This essentially meant that I would be sent to prison on a “holding charge” to await trial, and that I would wait until the DPP brought me to court for trial. I turned to look for the policeman who once promised to give me a helping

hand if necessary. He was nowhere to be found. I have no words to describe the type of rings [shackles] they hooked upon my hands and legs. The weight alone is enough to frustrate a beast.

In my head I could not understand what was going on. What shall I say to my people? Will they hear that their son is now a robber? The stigma associated with that in Nigeria is too much to carry. Whom shall I call for explanations? Who will listen to my voice? Is it possible to believe me instead of the police and the judge? Who is the liar – the police, or the judge, or the man found with the stolen car? Possibly, they will know the truth later. Who will convince them? The police? Who will solicit on my behalf? Will they believe him? I must be a dreamer if I believe I can easily be vindicated. The evidence appears so obvious in this court of law, but no one is ready to decode the real facts. How I wish the ground could have opened and swallowed me up just to satisfy the intensity of my desire for a hiding place; even the world is too small to contain me. I was absolutely devastated. My job? My wife and kids? All gone? Is there a God in heaven? Why should he fail to intervene in this case? Possibly he is not aware. But he knows all things. Why must my case escape his eyes? Possibly it is my fault. But what is the fault? Too many questions – and not a single answer.

From that moment on, nothing else seems to have stayed in my memory for long. I noticed it was drizzling outside; after that my memory is absolutely blank. The only thing I can recollect was when I was guided by two strong hands through a mighty gate made with some rugged type of iron, part of which was used to construct the railway. I heard myself answering certain questions absentmindedly, and I later found out they were the correct answers. The police here seem to have forgotten how to smile, staring as if they have nowhere to go, and they also seem to have forgotten what it means to be decent in appearance. The world immediately began to feel very different, a place where too many things occur that are absolutely unnecessary.

My wife immediately arranged for a lawyer. She received assistance from the policeman in charge of my case, the same

man who had arrested me and promised to help me, also the same man who had promised to release me from prison within a month. According to that police officer and the lawyer he had helped us to find, my robbery charge was pending, and a "holding conviction" by the judge made it possible for them to keep me in prison as long as need be. That "conviction," I am told, was later determined unconstitutional by the Court of Appeal. The lawyer was paid, and hopes for release were high. To cut a very long story short, we found out that the lawyer was a duper, conspiring with the police to extract money from people in prison, abandoning cases early, and claiming he had been "trying his best," eventually forcing people either to pay him more money or to begin looking for another lawyer out of frustration. He abandoned my case after it went through the Court of Appeal, so my release proceedings were left without representation. I ran out of money, so my only option was to begin looking for another lawyer after my wife gathered up more funds.

The second lawyer we hired could not produce results because he did not possess a passing idea on the series of protocols and procedures made in a holding charge by the Nigerian judiciary, despite the fact that it had been deemed unconstitutional by the Court of Appeal. He was what we call "a baby lawyer": we knew him to be a lawyer, but quickly learned that lawyers have credentials regarding the type of cases they can handle. He was not a criminal lawyer and did not disclose this information at the time of consultation. I know now that he is a divorce lawyer and never knew how to produce results in criminal justice proceedings. At this point I had spent three years in prison, still believing stories from lawyers, and their words of assurance and reassurance, all to no avail. I eventually understood that I needed to find a different path.

My wife and I decided to consult a Nigerian human rights activist as a result of our lack of funds. His response to our lack of money was "Goodbye." To cut that long story short as well, the DPP had not "looked" at my case for eight years. The judge

refused to make any efforts in my case, claiming that it was illegal for him to interfere with the activities of the DPP even though it had failed to perform its “duty” for eight years. It is illegal to interfere in the activities of the DPP, even as a judge, after eight years as a matter of protocol? But the same protocol failed to recognize as illegal my detention without trial. Who is to blame, the man in detention or the chains of judicial impropriety? Who is to bear the brunt of this inactivity that receives the blessings of government protocol?

A detailed look into the actions of the Nigerian criminal justice system brings to light incredibly ironic occurrences. Right now I have been in prison for ten years without trial. “Visiting judges” come into the prison to listen to the complaints of prisoners, especially those awaiting trial for ten years or more. This exercise is performed four times a year and includes official visits by chief judges for the state. They come into the prison, promise to look into the “affairs of the awaiting-trial inmates,” once in a while they release a few people, and then they leave. Too many of us have been awaiting trial for more than ten years; too many of us continue to wait for a trial or for a judge to have mercy during a visit and let us go.

We have come to learn that the presence of these judges is only one among a series of government protocols. It has nothing to do with release. Can you imagine judges inside these prison yards, parading themselves around in the presence of absolute injustice? And not seeing the irony of their actions because they are so wrapped up in the name of government protocol? They claim to “sympathize” with prisoners weeping for want of justice and suffering from illegal detentions signed by *those same judges*. How can they reconcile my situation and sympathize with me when my detention warrant has been declared unconstitutional? Is the judiciary divided? Do they not communicate with each other? Where is the supremacy of the Court of Appeal over lower courts? Why does the penal hierarchy enforce only itself inside the prison while failing to keep its police officers from brutal behaviours and its courts from imposing unjust sanctions?

I believe that the lower courts, the high courts, the Court of Appeal, and the Supreme Court are all under the same judiciary. What brought about the differences in their applications of the law? If judges are helpless in the presence of absolute injustice, then what chance do I, a prisoner, have of ever getting out of this prison?

I strongly believe that, if judges wanted to access authority to redeem the filthy judicial situation and its misuse of the prison system, they would know precisely how to obtain such power. They say that their hands are tied, and they say that in the presence of prisoners awaiting trial? Whose hands are tied? Besides, if the hands of judges are tied, judges who are still sitting in the seats of judgment, who are still being endowed with the power to interpret and apply the law, then is the law itself tied? Who shall restore justice?

It is important that the actions of these judicial powers be brought to light before one can determine measures to restore authority and reinstate absolute independence worthy of a constituted judiciary of a nation. And this "investigation" needs to occur before international penal reformers come here to "help" us build a more efficient system of justice. Does a more efficient system give judges more power? How can we trust them, in light of how they have misused their power already, not to implement a more brutal system? It is irrelevant to talk about the existing incremental impropriety, because when things have fallen apart this badly the centre can do nothing to hold things together. Little wonders come forth when one sees the Court of Appeal declaring certain rules unconstitutional while the higher court and the lower court, the police, and the prisons continue to implement a holding charge. My "learned friends," where is your knowledge?

I do not know when I have ever been as extensively discouraged or depressed as I have been with my experiences of the failure of justice in this country. It is frustrating to meet up with the predator's objective and the perpetrator's mandate. Prison has no particular agenda for implementing anything

good. It is meant for dumping and wasting natural potentials and human resources, purposefully built to deprive the poor of the right of real success and in fear of possible future rivals for power in society. Prison retains that social mantle of authority and kingship that allows for a very limited and predetermined number of heads to wear the crown.

This system does not have an agenda for reformation or rehabilitation. It is a system of practical exploitation and subjugation through constant pressure. The threat under law has a hidden purpose, and that is to subdue the poor by reducing them to a state of irresponsibility and slavery. As prisoners fight for their rights and their needs, those who wear the crown continue to ignore us.

The public has become too willing to accept as true anything the people in authority claim to be true. What they do not know in detail is that prison life is dreadful and would frighten a lion. Nothing is normal here. Nothing makes sense here. What a confused world. The meals are tasteless. The food is constantly undercooked and permanently cold, and portions seem to have a way of reducing themselves constantly. We don't eat food, we swallow food like pills with our eyes closed. We have no choice; it is our only source of survival. We eat what we hate and enjoy what we dislike, all in the name of survival. If I were a criminal, all this might be a reminder of the magnitude of my actions. My situation, along with those of thousands of awaiting-trial prisoners, is unique. We have come to see how this system is deliberately cruel and openly oppressive. How can I live without past reflection? How can I not think that this raw distribution of injustice can be deadly if the raw desire for vengeance is not properly checked? How can I, or anyone for that matter, begin to look for rehabilitation within the realm of a revenge-based system?

Criminal justice in Nigeria is not concerned with guilt or innocence. In this system the police are experts at "getting confessions" out of individuals and continue to do so to improve their own careers as efficient officers. Receiving injustice from

the seat of justice, from discredited social and justice systems, is not only corrupt but has also left too many citizens in this African motherland in colonial prisons. We are here through the measures of the Constitution that is meant to protect us. It is the same Constitution that legalized colonization and the slave trade. How does a constitution-based system relate to Africa? It never has had, and most likely never will have, our best interests in mind.

I long to see the day when the law shall avenge the poor and bring justice upon the ruling class, which for too long has subdued and subjugated the less privileged to a state of social, economic, and psychological breakdown. Their political ambitions are not rivalled by those of the lower class, and never will be as long as they continue throwing us into prison with the help of *their* laws and *their* institutions of “justice.”

If you go around the prison, a little personal survey will tell you that the man you see is either a poor man or the son of a poor man. The wealthy are not here. All the so-called accused rich people we see in the media who have been arrested for fraud and brutality have rarely been seen inside Nigeria’s prisons. The law has a way out for them. It is a selective distribution of justice, always in favour of certain classes of people: “corporate criminals” with “corporate immunity” by “corporate law” for the “corporate class.”

An illustration of what I am trying to express about Nigeria today is found in the Kirikiri maximum security prison in Lagos State, the number one prison in Nigeria, they say. As of today, despite a series of celebrated criminal cases in the media, and despite the newspaper headlines reporting fraud, duping, drug-dealing, and political and economic corruption, this prison holds six “political” detainees from the Abacha [military dictator] era for human rights violations. Where are the others? They say that in theory “nobody is above the law.” They also say that there is “equality before the law.” But *practical justice* continues to exonerate the rich. And if the lower courts fail to keep the rich out of prison, the higher courts can exert their power and release

them. If the higher courts delay a rich man's freedom, then the Court of Appeal will restore that freedom almost immediately, without preambles or delays. Before you can finish saying "Where is the man?" he will be back in his luxurious family home feasting on fresh fish pepper soup. Their cases are often discharged and they are acquitted for "want of substantial evidence" and "lack of proof." Justice in this country is for "just us" – just the poor in prison and never the rich accessing the power of higher courts. This system values money over human life and dignity, exonerating corporate criminals and condemning powerless individuals to years of jail time.

The solution to this problem of discredited justice is still far from being defined. Do we now sit back and rely on the corporate and politically powerful class to reform their own system? They know that the imbalance of power is exploitative. The privileged person who is not vulnerable to justice might think that prisons give the government power to curtail crime and make their society safer. I agree: it makes *their* society safer by safeguarding a small rich population, keeping just that population less vulnerable to competition for power. To remain safe, they must continue to subjugate the poor in a perpetual state of slavery.

The irony for me is that all these conditions come with "civilization." The same system that was brought to us by "civilized" British colonialists represents one of the more brutal aspects of life in Nigeria. I still wonder how long I will be held behind these walls. I still wonder about my future. I wonder what this system is really doing and where it is all going. And sometimes I find myself wondering what this system is maintaining and why.

NOTES

- 1 "Sensitive" in Nigeria because armed robbery is the worst crime a person can commit or be accused of committing. Armed robbers are viewed as one of the most immediate and lethal problems in the country.