



PROJECT MUSE®

Colonial Systems of Control

Saleh-Hanna, Viviane

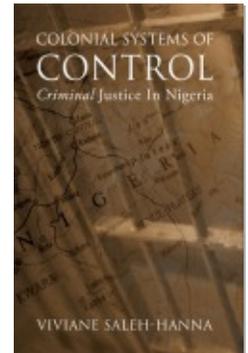
Published by University of Ottawa Press

Saleh-Hanna, Viviane.

Colonial Systems of Control: Criminal Justice in Nigeria.

Ottawa: University of Ottawa Press, 2008.

Project MUSE., <https://muse.jhu.edu/>.



➔ For additional information about this book

<https://muse.jhu.edu/book/4441>

CHAPTER 12

PATRIOTISM: ILLUSION OR REALITY?

Osadolor Eribo

Under a government that imprisons any man unjustly, the true place for a just man is also a prison.

—Henry David Thoreau

The epoch of political instability, chaos, ethnic rivalry, and the continued existence of colonial boundaries defining nations in West Africa gave birth to a period of armed insurgency and war in the West African countries of Liberia and Sierra Leone. This unrest culminated in military peacekeeping operations by many West African countries, and these efforts were spearheaded by Nigeria.

As a patriotic person with the burning desire to ensure that the world can provide dignified life for all, irrespective of class or nationality, I saw it as an honour when I was short-listed by my country's army for military peacekeeping operations in the war-ravaged countries of Liberia and Sierra Leone. These peacekeeping operations can best be described as *peace enforcement* operations, which proved to be worse and more complex than any outright war. During the process of peacekeeping/enforcement, on behalf of defenceless citizens, we were met with stiff resistance from full-fledged combat engagements. As soldiers we saw it as a point of duty to defend innocent and defenceless citizens and their properties. In short, these countries were under severe rebellious torrents.

The atrocities and crimes against humanity that we witnessed were appalling. We saw the burning of people's homes, the looting of properties, the raping of women, child soldiering, and the maiming and cutting off of hands and limbs of defenceless citizens. These actions were perpetrated by the various rebellious factions, who met outright condemnation by the international community and the United Nations. Hence, the ECOMOG Operation, to act as a counter against all odds, worked to restore normalcy, peace, and stability, and to create room for democratic governance as sanctioned by the international community. But little did we, the peacekeeping soldiers, know that we were acting on our own, and at our own risk, not on behalf of the Nigerian government. Time and the events that transpired eventually proved this to us.

We encountered stiff resistance from rebellious factions carrying the same deadly weapons that we carried. The result was massive death tolls and injuries incurred by both parties. I happened to fall into the category of "wounded in action," with a comminuted fracture of the right femur. I still don't know how I managed to be among those who remained alive; I limped away with much pain and grief as a result of this world's apathy toward human life.

Those of us who were injured were taken to Cairo, where the Nigerian army refused, first, to pay us medical severance and, second, to provide us with sufficient medical treatment. On our return to Nigeria, rather than addressing the plight of the wounded ECOMOG soldiers, the state and the army began discrediting our complaints, stating that the soldiers had not channelled their complaints through the army properly. How could we have channelled our complaints through the same institution about which we were complaining? Consequently the soldiers were charged with mutiny, conduct contrary to good order and service, lack of discipline, and disobedience to particular orders. We were found guilty as charged, illustrating the state's and the army's total disregard for fundamental human rights.

The wounded soldiers who were patients at the military hospital, Yaba-Lagos, were all forcefully ejected to face court martials even though they were all in very bad physical states: shattered bones with physical disabilities, nervous breakdowns, battered souls with feelings of having been betrayed by the army. On the day of judgment of the court martial a letter was passed on to the president of the General Court Martial (GCM), who insisted on having copies made available to the other army generals presiding with him. I think the letter itself was the judgment of the case, and only God knows where it originated from – perhaps it came from a very high authority, higher than that of the army. When the president of the GCM was passing his oral judgment on the case he said, “the way and manner I find you guilty is nothing I can explain.” And with that, all twenty-three wounded ECOMOG soldiers were sentenced to life imprisonment by a “kangaroo court.”

Paradoxically, I, a patriotic citizen of his country, a disciplined soldier who has had no reason to be tried by the military for any act of indiscipline or insubordination, automatically found myself in the “inside world,” the lowest ebb of life where mortals are reduced to nothing: the prison. Reasons for my imprisonment: simply for complaining to the appropriate quarters of the state about fraud I encountered in army practices and medical negligence, a complaint that both the state and the army authorities validated.

This was daylight robbery of justice by the state and the army. It was sheer wickedness and barbarism! Soldiers who had paid their dues and served humanity to the best of their abilities, to bring about peace and political stability in neighbouring West African states, were being treated as infidels and worthless beings. Rather than giving God the glory for sparing the lives of the soldiers from the torrents of bullets and shells, they chose to dishonour, chastise, and persecute them, and even try to kill them psychologically by incarcerating them incommunicado. I believe these proceedings were manipulations by the state to cover up the corruption of some influential and powerful people;

hence, the wounded ECOMOG soldiers were used as scapegoats. If not for their injuries as a result of service in Liberia and Sierra Leone, these soldiers would not be where they are today.

Despite the high level of moral decadence that seems to have consumed the world today, it gladdens my heart to know that there are still traces of truth. The inhuman treatment and persecution meted out to the wounded ECOMOG soldiers met stiff opposition from a few notable individuals and human rights activists, who saw the entire process as not just an act of injustice but also a slap on the face of humanity, scuttling the democracy we have all been working so tirelessly for. Notably, Chief Gani Fawehinmi, a human rights activist, challenged the verdict of the GCM in the Court of Appeal in Lagos. With Fawhemi pressing for litigation in the Court of Appeal, and because of pressures and criticisms from human rights organizations, the army and the state had to commute the life imprisonment sentences imposed on the soldiers. This took place in the seventh month after the original verdict was passed. These were the new sentences: fifteen of the soldiers were “awarded” one year in prison, five others were “awarded” three years in prison, and three others were “awarded” five years in prison. These revisions of the original sentences caused the army to relocate the soldiers from the military police cells at Arakan barracks (where they had been held hostage for seven months incommunicado) to the Kirikiri maximum security prison.

As one who had been convicted by the state and sent to prison, supposedly a correctional facility where citizens are to be remoulded into better citizens, I found out, to my greatest surprise, that the prison has failed totally to serve as an instrument of rehabilitation/reformation. I went on a fact-finding mission; it began to dawn on me that I had been kept alive by divine providence just to witness this social blight that is called prison. Contrary to my patriotic beliefs before incarceration, I discovered that the state needs more help than does the average prisoner. The state that created the prison institution has got to be, for lack of better words, absolutely sick in the mind. Prison is vindictive

and violent, an institution that seeks vengeance and punishment. The colonial government that “invented” it and brought it to African soil surely was anything but “civilized.”

Everything about prison is counterproductive and a million steps backward from this present age of *Homo sapiens*. The state claims that my ways are not good enough, that my behaviour is antisocial, so it threw me into prison to be reformed and shown better ways to live my life? At first I decided to be receptive to the good things the state had to offer me. But little did I know that I was at the threshold of doom and death. All that the state/prison system has to offer its prisoners is marijuana, trickery, treachery, deceit, bribery, and corruption, along with a host of other social vices. In seeing this I realized that the state in conjunction with the prison authorities works to massacre the spiritual and psychological makeup of the masses. The plan of the prison system is simple: lock up the prisoners, throw away the keys, allow them to smoke their heads off (but make sure to catch them once in a while to punish and torture them), and render them demented and dispirited without any sense of belonging. The system also renders prisoners docile for the remaining parts of their lives.

My experience as a prisoner was like that of a slave, and it was insulting to my human existence. Rather than being receptive to their “rehabilitation,” I decided to shut the doors of my mind against the invading toxins of the state/prison system. I had to be on guard and put all my survival instincts to use to stay afloat, much like I had to do when I was at war. The vile strategies adopted by the state/prison system in the breakdown of the average prisoner served as a challenge to me to value the life I had prior to incarceration, and I dredged up every ounce of strength I had within me to stay alive.

I speak of the prison system based on the Nigerian context in which I am living. I have not been a witness to the prison systems around the world, but I know that prison is prison no matter how you paint the picture. In the Nigerian context, sixty percent of the prison population are Awaiting Trial Inmates (ATMs), while the

Convicted Inmates (CMs) constitute a fraction of this population. It was revealing for me to learn that the prison system targets the helpless, the hopeless, and the underprivileged in society. Children, particularly boys in this country, are vulnerable to this penal attack. Those whose parents cannot afford to shelter them are being raided in the streets by the police and thrown into prison on trumped-up charges of armed robbery. There is another category of prisoners that I have come to know as ATM lifers, those who have been held hostage awaiting trial for as long as ten to fifteen years.

Prisoners have been stripped of all rights to livelihood, including the right to eat. Food is being siphoned and taken home by members of the prison staff, and at the end of the day prisoners are left with very little to eat. When they go to the hospital to report sickness they are told that there is no medicine available, yet the prison authorities sell medicine to those prisoners who can pay for it. Basically, prisoners exist because of visitors who bring food, medicine, clothing, toiletries, and so on. Meanwhile, prison guards constantly extort money from visitors, and they do so as they stand under the sign at the entrance gate that in boldprint states that "all prison visits are free." Prisoners "pay" to survive inside Nigeria's prisons, and they don't just pay in the loss of their freedom or in the unconstitutional denial of court appearances; they literally pay money to stay alive.

Another disgusting thing about the prison system that struck me is the differential treatment imposed according to class, how the rich and the poor within the confines of the same prison walls live such different lives. Class segregation is the order of the day: the rich flout prison rules and get away with it freely, while the poor are severely dealt with. The rich are entitled to numerous privileges, ranging from self-feeding (getting food from the outside) to having sex with their female visitors in the administrative building. In a nutshell, the rich control not only society but also prison.

Religion also plays a role in how the prison is run. It seems that religion is the only means of rehabilitation and reform available

to prisoners; more so, it is the only option left for prisoners to get themselves busy, and, most importantly, to get relief through the religious visitors and the supplies they provide: All other rehabilitation “programmes” in prison, such as workshops or trade learning centres, are either grounded or ill-equipped. In such conditions prisoners go to church or to mosque from dawn till dusk. The doctrines presented there do not have meaningful effects for a large number of prisoners; they simply go to pass the time and to get access to resources.

My vision for rehabilitation efforts for the average prisoner goes beyond mere teachings of religious doctrines – it is all about giving people an alternative roadmap for life. The key lies in empowerment, not in religious rituals. Rather than implementing workshops and programmes, thereby creating avenues for the acquisition of vocational skills as a way of empowering prisoners, the state is busy building churches and mosques in prison yards. Hence, many prisoners today nurse the ambition of becoming pastors after imprisonment, and I believe that is due to their lack of access to other vocations. When religion becomes the only avenue for livelihood the level of tyranny becomes more problematic. They have hijacked our freedom, and now they have co-opted our spirituality. Of course, I cannot say there is too much “wrong” with society having a lot of clergy, but the unfortunate thing within the context of religion inside Nigerian prisons is that, by the time prisoners are released (if at all), and find their way to those churches that came to see them and provide assistance in prison, they are often treated with a cold shoulder. With nowhere else to go, and having left prison with nothing but faith, prisoners end up feeling disappointed when the church does not provide support in the community. So many have lost hope on so many levels, and so many, feeling dejected and duped, fall back into crime. While in prison they were not empowered; they were “spiritualized.” It is one thing to quote Bible passages to someone asking him or her to refrain from crime; it is another thing for the person to fully believe and accept the passages as solutions to life’s problems.

Ironically, even when some of us are busy trying to find better solutions to this social menace of crime and punishment, the criminal justice system is simply not doing likewise. It is busy frustrating the thinkers and the serious-minded prisoners with a show of full-blown apathy. Its administrators think that they already have the answer. They think that, because they have an institution, the problems are being addressed. I must commend the non-governmental organizations working on prisoners' rights, particularly Prisoners Rehabilitation and Welfare Action (PRAWA), for their attempts to train prison officers about rehabilitation and prisoner empowerment. These efforts have actually gone a long way toward sanitizing the prison environment in terms of physical abuse of prisoners by prison staff – although they had started flogging prisoners again just before I left in 2003.

Much is still expected of the human rights groups, especially prison-focused NGOs such as PRAWA, in terms of sanitization and education of the average prisoner in the Nigerian prison system. While I was in prison my heart bled every time I walked by posters designed by PRAWA for prisoners with messages such as “if your rights have been abused, please report or write to so and so office”; eighty percent of the prisoners around me could not read that message, let alone write to report abuse. The posters are not conspicuously placed, and they are of no importance because the average prisoner has yet to be educated about his rights. So even if his rights are being violated on a daily basis, he may not know it. Worse still, the prison system has socialized its prisoners into believing that writing letters voicing complaint or seeking redress is a crime; in fact, it is the gravest sin a prisoner can commit, so much so that when caught fellow prisoners are ready to lynch the culprit. As a result, while the posters are a great gesture, and while the concept of prison officers behaving humanely while working in an inhumane system is well-intentioned, prisoners either don't know how or don't want to be involved in grievance procedures.

I can still recall an incident that transpired in 2002 when a team of Amnesty International (AI) employees visited Kirikiri

maximum security prison for a fact-finding mission. Normally, when visitors of such calibre visit the prison the authorities, because they have so much to hide, ensure that all prisoners are in lock-up, except for those few inmates working directly with the system. In this instance, while the AI team was walking with the prison warden I saw one of the AI employees having a chat with one of the privileged prisoners who was not in lock-up that day. After the visit I walked up to the prisoner (a lifer) to inquire about the nature of his discussion with the white man. He said, "Oh, he was just trying to know from me about the general condition of the place and whether or not our feeding is good enough." I quickly asked, "And what did you tell him?" He smiled broadly, his eyes filled with light, and he answered, "Oh, of course I told him the food is good, and everything is OK." I was silent for a moment and could not utter a word; I almost choked, for then I knew that his broad smile was that of betrayal, and I too forced a smile and said, "Oh! It's OK. You're right." I had no option but to play it cool with him, for if I had opposed him he would have made the matter known to the prison authorities, and I need not divulge what that could have entailed for me.

The prison system is so complex that, for the masses to devise a catalyst with which to break it down, all hands must be on deck. There needs to be a concerted effort among prisoners, ex-prisoners, and civil society in bringing about an alternative to the present criminal justice system. Unfortunately there tends to be a wide margin between the people concerned. One reason the Nigerian prison system is waxing stronger and stronger as an oppressive mechanism is simply that there are no prisoners' rights groups or programmes in prison. There also tends to be a wide gap between ex-prisoners and current prisoners.

While I was busy resisting my period of penal colonization with non-confrontational and non-violent means, litigation was going on in the Court of Appeal on behalf of the twenty-three wounded and convicted ECOMOG soldiers. On March 18, 2003, the grounds for appeal paid off, as the soldiers were discharged and acquitted of all the charges against them by the GCM. The

decision of the Court of Appeal was unanimous, yet it took eleven days for the prison to enforce the decision of the Court of Appeal by releasing I and two others whose sentences were commuted from life imprisonment to five years imprisonment. Whereas, those (20 others) whose sentences were commuted to one year and five years respectively had already served their terms.

Currently I and my military colleagues remain in a state of distress since nothing seems to be in the works, either by the state or by the army, in terms of our progress. Particularly, our medical predicament is huge, since some of us still need medical attention for injuries sustained during peacekeeping operations. The stigmatization and intimidation we are now faced with, both within and outside the military environment, are massive. Our freedom and our lives are perpetually threatened.

Consequently I now have a contrary view of warfare: no matter how refined the rules may appear, it is an archaic and uncivilized philosophy. I have come to understand that not all ancient philosophies are outdated and that not all modern philosophies are civilized. In these "modern" times we use guns to repel fighting and a repressive penal system to repel crime. It is an act of sheer folly to use violence to repel violence, for violence is violence irrespective of how it is painted, so no person or group of persons, even if they are members of a state, is eligible to be the custodian of violence.

Although the ECOMOG peacekeeping operations incorporated elements of mediation and dialogue, in a bid to reconcile the various warring factions and to bring about normalcy, these efforts were not fully appreciated or sufficiently used. Maximum use of these alternatives to violence would have averted the humanitarian catastrophes that ensued, resulting in too many dead bodies and the irreparable effects of war on those who survive it. "Modern" society is still very capable of conducting witch hunts and evil rituals. The same phenomenon is illustrated in other wars fought in other parts of the world. It is not an element "special" to Africa.

When one makes a critical appraisal of war and the penal system one sees how interwoven they are in terms of the violent

solutions they offer to their respective “dilemmas,” and the devastating effects they have on all whom they touch. Hence, both problems may need to rely on similar solutions if true change is to occur. Such solutions need to be non-violent in both nature and structure.

While I was an inmate at Kirikiri maximum security prison I got to work with Viviane Saleh-Hanna, working under the aegis of Voluntary Service Overseas and placed for two years in West Africa with Prisoners Rehabilitation and Welfare Action (PRAWA). Through her I got to know about transformative justice and penal abolition. Her work in the prison during her time with us in Nigeria was most beneficial through the programmes she initiated in the maximum and medium security prisons. Her dedication and service to humanity have greatly affected my life and inspired me to believe more in myself, a feeling that is shared by so many members of the programmes she brought in through PRAWA. We all love you and miss you greatly! And we hope that more people will become involved with prison work and the penal abolition movement. It has empowered many of us to think for ourselves and to revolutionize our minds, and it has shown us that there are segments of the global population who are working to truly change oppressive mandates.

Given the circumstances that surrounded my incarceration and the experiences I had while imprisoned, I now understand the urgency in opposing this present form of criminal “justice.” The state seeks vengeance on and punishment of the poor, the illiterate, and the underprivileged—people whom the state has failed by subjecting them to these conditions in the first place. Unfortunately the larger society fails to appreciate the fact that many prisoners behind bars are social rebels, people who fight against the oppressive system that does not want to see them exist. Since the Nigerian government and the United Nations can negotiate with rebellious militias, why can’t they extend this practice to the average criminals and offenders in the street? Must these rebels against poverty become rebels who challenge the political power structures, not just the economic ones, before they are asked relevant questions and spoken to like real human

beings? Or is their discerned poverty an excuse to render them helpless and unsophisticated – and thus not worth the effort?

More functional and healthy modes of justice are not about creating an escape route for criminals or about fostering an opportunity for the government to compromise with evil; rather, the concepts of transformative justice and penal abolition provide an avenue through which everybody in society gains equal access to opportunities and rights. I do not believe that hundreds of years ago West Africans had a worse method of solving conflicts in society; frankly, I believe that the methods of conflict resolution of precolonial Africa were far better than the “modern” penal system, and this is why I also believe that ancient philosophies are not less civilized or wrong in our era. It is true that stagnation is the greatest enemy of nature, but for humanity to take a step further and assume the status of Civilization we must put under appraisal the past and the present. We need a change away from the present penal system.

Today’s society seems ever so keen to make the Western penal system the only permanent form of justice. This system is so big and so powerful, so controlling, that for any major changes to come about we must all work together in unison, like one family with diverse members who have different strengths to offer. We must be very careful of the kind of change we wish for and how we go about achieving it, lest we become like the overzealous politician or revolutionary who wants change at all cost, either by rigging the ballot or pointing the gun. The present penal system, compared with traditional African modes of justice, rather than taking humanity a step forward, has proven to be a step backward and a betrayal of civilization. Therefore, whatever the alternative to the penal system may be, it must be devised in line with various traditional sociocultural settings of peoples of the world.

Whether or not we have been abused by war or the present penal system, or overall by government policies, we must not be indifferent to issues affecting humanity in general. Change needs to occur now for the benefit of future generations. Let us replace

indifference with concern and apathy with empathy, so that we can leave behind an inspired legacy for generations to come.

I strongly believe that care, love, empathy, and morality are all encompassed in the phenomenon of patriotism, and that it cannot stand silent in a state where irregularities have gained wide acceptance as a normal way of life. As true Nigerian patriots we cannot fold our hands and stand akimbo to watch while the rich and self-centred people of the world deprive us of our power, and violate our rights to choice and survival. As a virtuous and patriotic citizen of the world, I believe that true patriotism should be viewed, not only as a duty we owe to the countries we are citizens of, but also as a duty we owe to ourselves and to generations of unborn people, and the global village into which we are developing.

This page intentionally left blank