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CHAPTER 15

NIGERIAN WOMEN IN PRISON:
HOSTAGES IN LAW

Biko Agozino

INTRODUCTION

As I was writing this chapter, news reached me that a Nigerian female journalist, Isioma Daniel, had been sentenced to death by a deputy governor of a self-proclaimed Islamic state in Nigeria for writing an article that Muslims consider blasphemous. The article, published by This Day newspaper, suggested that the Prophet Mohammed would have liked to marry some of the beauty queens who were in Nigeria to contest for the Miss World crown. In the protest that ensued over 200 innocent Nigerians were slaughtered, and the organizers were forced to shift the venue for the finals of the competition to London. The staging of the contest in Nigeria had earlier been controversial because such contests encourage what most Muslims see as indecent appearance by women (although beauty pageants have been organized annually in Nigeria for a long time without similar incidents). On the other hand, many beauty queens boycotted the contest to protest the sentence of death by stoning for adultery of Amina Lawal, and some Nigerians now suspect that the campaign by the foreign press against the staging of Miss World in Nigeria was part of what made Muslims more sensitive to the contest. The president of the country, retired general Olusegun Obasanjo, regretted that efforts to attract foreign investors to the country would suffer due to the riots, but he promised that the
journalist who wrote the offending article would not be arrested. The journalist had reportedly fled to the United States, but many Nigerians were demanding that the politician who tried to incite people to kill her should himself be arrested.

The Daniel case problematizes the common-sense equation between crime and punishment, and demonstrates that what is considered "criminal" is situational and culturally specific. In this chapter I suggest that this rupture does not exist in Nigeria as an outcome of a punitive version of Islamic fundamentalism alone. The arbitrary and unjust punishment of Nigerian women does not occur only under sharia law. Rather, the entire colonial system of criminal justice is based on the criminalization of innocent black women. The chapter starts by reviewing the theory of "victimization as mere punishment," which I developed in my study of black women and the British criminal justice system (Agozino 1997). This theory is illustrated with recent empirical evidence from Nigeria. Finally, the implications of the problems confronting Nigerian women for the struggle to decolonize Africa are outlined in the conclusion.

Jean Baudrillard (1983, 25) famously asserted that Disneyland is there to conceal the fact that it is the whole of America that is the real Disneyland, just as the prison is there to conceal the fact that it is the social in its entirety that is the prison. The implication of Baudrillard’s statement is that you do not have to go to Disneyland to have fun in America. The whole country is one elaborate amusement park. Similarly, Americans do not need to enter the prison gate to become subjected to state surveillance and social control; rather, the entire population is controlled as inmates of the global lockdown. Nigeria is no America. The land mass is only a fraction of that of America, possibly the size of Texas alone. The population is dense in comparison: almost half the population of the United States. Of course, what Baudrillard was saying here was already said by Malcolm X, who told people who laughed when he referred to the time he was in prison that they were still in prison themselves, the prison without walls. Fela Kuti made similar remarks in his song "Beast of No Nation," in which he complained that people wanted him to sing about
life inside prison as if life outside prison is much different in Nigeria.

More to the point, American prisons and jails hold more than two million citizens, compared to the fewer than 50,000 prisoners held in Nigeria. The surprising thing is that Americans believe they can teach Nigerians better ways of running the criminal justice system when it seems that what Nigerians can learn from the United States is how to avoid the high costs of what Reiman (1979) calls the theory of the pyrrhic defeat: the fact that, after spending about four times the national budget of Nigeria on the criminal justice system alone, Americans continue to name "crime" as one of their top concerns. Indeed, while Nigeria has just budgeted approximately $7 billion to run the entire country for 2003, the new US Department of Homeland Security alone has been allocated more than $30 billion.

Of course, the low number of prisoners in Nigeria compared with the number in America can be used as evidence that Nigerian law enforcement agents are inefficient. They have failed to arrest the criminals who roam the streets and intimidate ordinary citizens, while American mayors such as Rudy Giuliani of New York can claim that zero tolerance means that the "bad guys" are all locked up. However, even the greatest enthusiasts of law-and-order policies cannot claim that much success, since their law enforcement budgets rely on the continuing existence of criminals on the loose. When people complain that Nigerian criminals are allowed to roam the streets, they more often mean the criminals in the corridors of power who cannot be touched, while many of the prisoners happen to be innocent poor people who lack the resources with which to bribe or influence their way out of the prison preindustrial complex.

**HISTORIOGRAPHY OF AFRICAN WOMEN AND CRIMINAL INJUSTICE**

In my earlier work on black women in the British criminal justice system (1997) I made a surprising discovery—that many of the
black women who were placed under lockdown were completely innocent of the offences for which they had been convicted. I searched in vain for criminological perspectives that could help me to explain the unexpected finding, but I was frustrated because criminology focuses almost exclusively on the punishment of individual offenders. Jurisprudence uses the term “punishment of the innocent” to describe the imprisonment of those who have been falsely convicted (Lacey 1988). However, this concept tends to view the incarceration of “the innocent” as an unfortunate error in an otherwise just and efficient criminal justice system. As such, it fails to challenge the criminological concern with the individual and minimizes the disruptive potential of miscarriages of justice. In addition, the term “punishment” hides the fact that what is done to the innocent prisoner is a form of victimization, for which redress is required. Stuart Hall’s (1980) analysis of the articulation of social relations in societies structured in dominance provides a more useful theoretical framework to understand the victimization of the innocent. Hall argues that the experience of black women must be viewed through the lens of the race, class, and gender oppression to which they are subjected. These three major social relations cannot be analyzed separately; rather, they are articulated, disarticulated, and rearticulated. Thus, the central point of “victimization as mere punishment” is that the criminal justice system institutionally violates the rights of certain groups of people because of the ways in which power relations are structured within society.

Historically, we can look at the African holocaust, otherwise known as European slavery, for an early example of victimization as mere punishment. The works of Angela Davis (1981), C. L. R. James (1980), and Walter Rodney (1972) alert us to the fact that our African ancestors did not have to commit any crime in order to be hunted down, chained (if not killed), and transported to a hostile world to be brutally exploited. Race-class-gender relations were articulated in the victimization of Africans during slavery, and African women suffered gender-specific inhumanities that are too well known to be recounted here. Contemporary African
women and men continue to be locked down even when we have done nothing wrong. For example, the wives, mothers, sisters, or girlfriends of army officers are often arrested and detained with their children when their male relations are suspected of plotting unsuccessful coups and when they either flee or commit suicide. Sometimes these women are harassed, maimed, killed, or detained for years without being suspected of having committed any crime themselves. Such cases attract immense publicity because of the prominence of the individuals involved, but research indicates that what such hostages suffer is part of the daily experience of poor men and women in Africa.

Winnie Mandela (1984) had a “barometer” theory for this: she said that she was a social barometer because anything that the apartheid regime tried on her was later generalized to the oppressed in South Africa. Some scholars have tried to explain the oppressive treatment of black people by analyzing the prison system as the new slave plantation or the new ghetto (Wacquant 2001). What they have overlooked is the fact that African Americans did not have to break any law to end up in the slave plantation or in the ghetto. Rather, as Box (1983) and Reiman (1979) argue, the poor end up in prison not because they are more criminal but because they lack the resources with which to free themselves even when they are falsely accused. Meanwhile, the rich routinely get away with murder.

The concept of victimization as mere punishment requires us to rethink the purpose of the prison. The history of prison construction in Nigeria is intricately entwined with the history of attempts to repress the popular aspirations of Nigerian masses. The African Concord of August 6, 1990, reports that many “of Nigeria’s prisons are more than one hundred years old. Records show that four prisons were built between 1800 and 1850, 11 prisons were built between 1851 and 1900, 83 were built between 1900 and 1950, and 33 prisons between 1951 to date” (Ehonwa 1996). As this article demonstrates, there was no prison in the place called Nigeria before 1800. European trading companies were the first to construct prisons in Nigeria for holding
kidnapped Africans prior to the Middle Passage or for detaining Africans who resisted the banditry of Europeans in Africa.

Prisons were thus first built as part of the machinery of the brutal slave economy and are closely related to the African holocaust. In other words, the prison emerged in Nigeria not as an agency of the criminal justice system but as a tool for organized crimes against humanity. The Africans who were kidnapped and detained before being sold into slavery had committed no offences. The biological fiction of racial inferiority, not criminality, was used to justify their loss of liberty. The period 1850-1900 covers the first few decades of the official colonization of Nigeria after the 1860 Berlin conference for the partition of Africa. In this short period the number of prisons in Nigeria nearly trebled, reflecting increasing resistance to European penetration of the interior regions. The geometrical progression in the development of the prison preindustrial complex in Nigeria continued; the period 1900-1950 represents nationalist struggles when the gunboat criminology of imperialism failed to silence the call for independence and when many patriots were thrown into jail. Following independence in 1960, the rate of growth of the prison establishments slowed somewhat, reflecting the relative legitimacy of neocolonial regimes, but the rate remained high enough to reflect their continuing reliance on the colonial methodology for stifling popular protests in Nigeria.

I am not suggesting that all prisoners are freedom fighters. Some of the prisoners may have committed violent or unsocial acts. However, I am convinced that this correlation between the history of repression in Nigeria and the history of the expansion of penal institutions needs to be studied more closely. As Michel Foucault (1977) informs us, there were hardly any prisons in Europe until the late eighteenth century. Prior to that, punishment in Europe took the form of public display of torture. Foucault's genealogy of the prison implies that the prison is not an enduring feature of human society but a repressive technology of modernity. In the Nigerian context the birth of the prison cannot be separated from the histories of slavery, colonialism, and neocolonialism.
Political independence from the British has not ushered in a golden era of postcolonial justice. M. K. O. Abiola, who established *African Concord*, was one of the few rich and powerful people to suffer victimization as mere punishment in Nigeria. After claiming victory in the June 1992 presidential elections, which were annulled by the military, he was jailed and ultimately murdered in prison. While he was in detention one of his wives, Kudirat Abiola, was executed by an assassination squad set up by the bloody dictator General Sani Abacha, who also hanged Kenule Saro-Wiwa and eight other Ogoni environmental activists after framing them for the murder of four chiefs in Ogoniland. Abacha also sentenced to death several past military rulers of Nigeria, including the present president, General Obasanjo, following a trumped-up charge of complicity in a coup plot against him. Luckily for many of them, but too late for General Shehu Yaradua, who was killed in detention, General Abacha died suddenly, and they were released by his successor, General Abubakar. This close shave with death made Obasanjo pledge to support the campaign for the abolition of the death penalty worldwide.  

The first time that rich and powerful people found themselves behind bars in Nigeria was when Chief Obafemi Awolowo and leaders of the opposition were framed and convicted of plotting to overthrow the government by force in the first republic. Following his imprisonment a group of army officers attempted a coup with the aim of handing over power to Chief Awolowo, but they failed and were also detained in prison. A countercoup followed and facilitated a genocidal pogrom in the north against easterners. This led to attempted secession by the east, and the release of Chief Awolowo and the military officers from prison, before the onset of the Nigeria-Biafra war of 1967-1970. The second time large numbers of the elite saw themselves in prison was after the abortive military coup against the government of General Murtala Muhammad, which saw dozens of top army officers and several civilians executed for their roles in the coup attempt under General Obasanjo as the succeeding
head of state. Again, following the overthrow of the second republic government of Shehu Shagari in 1983 the military rulers prosecuted and convicted many of the second republic politicians of high levels of corruption and embezzlement. They were given prison sentences ranging from twenty-five years to life. However, in 1985 the military government was overthrown, and all the rogue politicians jailed by Generals Idiagbon and Buhari were released by General Babangida. Babangida did not hesitate later to execute dozens of top military officers suspected of involvement in several abortive coups against his own military regime.

RECENT EMPIRICAL REPORTS ON NIGERIAN WOMEN IN PRISON

In the fall of 1998 I collaborated on a study of the militarization of Nigerian civil society (Agozin and Idem 2001). During the fieldwork we learned that social institutions such as the family, educational facilities, religious establishments, trade and commerce, the justice system, and community relations were permeated by the militaristic ethos of a society that had experienced long terms of military rule. Husbands assumed the roles of commanders-in-chief of their families, beating wives and children; educational institutions witnessed authoritarian styles of administration, while students formed secret cults with which to commit murder or gang-rape female students; religious and ethnic violence was the order of the day; and due process was almost non-existent. Militarism promoted violent means for settling quarrels in civil society: for example, traders would hire armed soldiers to murder their rivals. The militarism of Nigerian society is also reflected in policing and the prisons, which are feared as institutions imbued with violence, including sexual violence, corruption, and the rule of force.

Police Violence and Detention
The economic desperation of most families due to the Structural Adjustment Programmes decreed by the World Bank and the
International Monetary Fund means that families are forced to choose which children should be educated and which should be left in ignorance. This choice leads to the continued undereducation of girls, who are then more vulnerable to injustice and exploitation as young women. Moreover, the crushing poverty imposed on Nigerians as part of this "global lockdown" has led to popular protests by the masses, resulting in the widespread arrest of women either for participation in such protests or for being family members of suspected men. In 2001 Nigerian women stripped naked to intimidate oil workers and seize control of the facilities of Chevron Texaco, to press home their demand that the company that polluted the environment from which they could no longer earn their living as peasants should pay reparations to the community and provide jobs for their sons (not surprisingly, given patriarchy, the women did not also demand jobs for the daughters, wives, and mothers of the community). The women decided to lead the protest after the young men who had previously engaged in direct action were arrested and jailed. Although the women were not arrested, the disdainful response of the politicians was to ignore them and punish them with the bitter cold air of the open sea, where some of them reportedly caught pneumonia. Thus, the women did not have to go to prison to experience the cruelty of the global lockdown.

In 1984 Maroko slum was demolished on the order of the governor of Lagos State, and 300,000 ghetto dwellers instantly became homeless. Some were forced to sleep under bridges, but a few found refuge in some uncompleted housing estates that the government was developing. Again, the state military governor ordered armed police to eject the refugees, and in the process as many as seventeen women and girls were raped by the officers.

On the topic of arrest and detention, Akumadu (1995) reports that women are treated in a crude and unconstitutional manner. Many women are not told they are under arrest until they are lured to the police station under the pretext of helping police with investigations, and some are not told of the charge
against them until they appear in court. To make matters worse, the police are given wide discretion by the law to make arrests without warrants under various circumstances. A prostitute, Adizat Mohammed, detained at the Kano police post, reported that the police raid prostitutes only when they are broke, and that those who pay the N300 “fine” or bribe demanded by the police are released immediately. Another woman who was a trader reported that she displayed her wares in front of her house once during a compulsory national environmental sanitation exercise when police officers arrested her and confiscated her wares. She was released on bail after two days in detention, but her wares were never returned to her. Another woman, Kemi (surname withheld), had a quarrel with her neighbour and was arrested with her baby. Both were held in detention for a week without any provision for child care. She suspected that the police officers must have been “settled” or bribed by her neighbour to torture her and her baby. The result of the overzealous use of detention by the police is that their tiny cells are always overcrowded, and the only toilet facility in such crowded cells is usually a bucket.

In the cells older inmates extort “state money” or taxes from new inmates, and refusal to pay can result in physical abuse. This practice is more common among male detainees, but they also extend their demands to female detainees, and any resistance is met with threats to throw the woman into a cell occupied by men. Such psychological torture is usually enough to make women acquiesce to extortion. In addition, food is rarely served to the detainees, and when served it is often not fit for human consumption. Thus, the detainees are expected to bribe police officers to be allowed to buy their own food from vendors at the police station. Women reported being tortured during interrogation by having a candlestick or the neck of a bottle inserted into their private parts by male police officers in an attempt to get them to confess to crimes they did not commit. The suspects are usually not allowed access to an attorney, and the illiterate ones are not even read their rights; police officers write up statements for them to sign with a thumbprint, and they do not even realize they are signing confessions.
One woman, Esther Ayorinde, went to a police station to complain that, by moving her husband from that station to another one far away, it was difficult for her to visit him. Her husband had been arrested following a quarrel with his elder brother over the sale of their father’s land by the brother. The police officers arrested the wife for complaining and detained her in the same cell where suspected male armed robbers were held. She was gang-raped. Women rarely report cases of rape in custody out of a feeling of shame. Theresa Akumadu (1995), in Patterns of Abuse of Women’s Rights in Employment and Police Custody in Nigeria, reports that women seeking redress for sexual harassment at work are often subjected to further violence by the police. She gives the example of a typist, Uzoma Okorie, who was maliciously accused of theft by her boss after rebuffing his advances. During her interrogation police officers gave her what they called the “VIP treatment” by stripping her naked, cuffing her hands behind a pillar, and inserting the neck of a bottle into her vagina while floggin her bare buttocks until she bled so much that she fainted, only to recover in the police hospital days later.

PRISONS

Recent research on Nigerian prisons focuses on overcrowding and concerns about a growing population. Agomoh, Adeyemi, and Ogbebor (2001, 6) reported that there are currently “148 prisons and about 83 satellite prisons or lock-ups (where few prisoners are held in court buildings), 10 prison farms and 9 cottage industries for the training of inmates.” In 1999 the prison population was 40,899, and out of this number 21,579 or 52.8 percent were prisoners awaiting trial. While these figures appear much fewer than the two million Americans behind bars, we should note that Nigerian prisons have a combined capacity of 25,000, and are therefore significantly overcrowded. If the number of people awaiting trial were given bail, then more than half of the prisoners would be released, and the prisons would be
nearer their full capacity. If the innocent people who are wrongly convicted were also released from prison, then the Nigerian prison population would be much lower still. And if non-violent offenders were corrected in the community, then Nigeria would not be in need of many prisons at all. Moreover, some of the prisoners are too young to be in prison. For example, in 1991, out of a total of 52,129 prisoners, 1,204 were below the age of sixteen. These youths were housed with adult prisoners, and they were thereby exposed to sexual and physical abuse by the older male prisoners and guards. Agomoh, Adeyemi, and Ogbebor (2001, 18) give the sex distribution of the population of Nigerian prisons by state as follows in Table 15.1 (note that Bayelsa did not record any prisoners, probably because it was a newly created state that was yet to construct its own prison facility).

<table>
<thead>
<tr>
<th>State</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abia</td>
<td>1,117</td>
<td>27</td>
<td>1,144</td>
</tr>
<tr>
<td>Adamawa</td>
<td>1,527</td>
<td>20</td>
<td>1,547</td>
</tr>
<tr>
<td>Akwa-Ibom</td>
<td>1,323</td>
<td>28</td>
<td>1,351</td>
</tr>
<tr>
<td>Anambra</td>
<td>1,720</td>
<td>22</td>
<td>1,742</td>
</tr>
<tr>
<td>Bauchi</td>
<td>1,048</td>
<td>4</td>
<td>1,052</td>
</tr>
<tr>
<td>Bayelsa</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Benue</td>
<td>603</td>
<td>3</td>
<td>606</td>
</tr>
<tr>
<td>Borno</td>
<td>1,609</td>
<td>9</td>
<td>1,618</td>
</tr>
<tr>
<td>Cross River</td>
<td>875</td>
<td>18</td>
<td>893</td>
</tr>
<tr>
<td>Delta</td>
<td>1,535</td>
<td>58</td>
<td>1,593</td>
</tr>
<tr>
<td>Ebonyi</td>
<td>709</td>
<td>16</td>
<td>725</td>
</tr>
<tr>
<td>Edo</td>
<td>1,744</td>
<td>67</td>
<td>1,811</td>
</tr>
<tr>
<td>Ekiti</td>
<td>273</td>
<td>6</td>
<td>279</td>
</tr>
<tr>
<td>Enugu</td>
<td>1,278</td>
<td>27</td>
<td>1,305</td>
</tr>
</tbody>
</table>
From the above statistics we can see that Nigerian prisons reflect the global phenomenon whereby incarcerated populations are mainly male. The major difference between these findings and my study of black women and the British criminal justice system (Agozino 1997) is that in Nigeria social relations of race are almost irrelevant, given the relative homogeneity of the population.
In the place of race the politics of ethnicity is articulated with gender and class to explain the preponderance of women from certain parts of the country in women’s prisons. The fact that the prisons in the predominantly Muslim north and those in the predominantly Christian south of the country are not remarkably different in the gender composition of prisoners is an indication that religion and ethnicity are not significant variables for the explanation of the prison population. Whether the prisoners are male or female, young or old, they are more likely to be poor, uneducated, and unemployed. However, more recent reports of the use of sharia law to oppress Nigerian women in the northern parts of the country indicate that women do not have to be in prison to qualify as inmates of the global lockdown.

Similar oppressive gender social control is also found in the south, where inhumane treatment is reserved for poor widows, while the practice of female genital mutilation remains widespread. The high populations of women in the prisons of Rivers State, Lagos State, and Kaduna State may be a reflection of the fact that these are trouble spots of recent ethnic/religious conflict that law enforcement agents try to repress through mass arrests and detentions without trial. Women do not have to riot to become suspects and be detained, since the police use the practice of holding women as hostages when they cannot find a son, husband, brother, or boyfriend who is wanted as a suspect.

In 1993 the Civil Liberties Organization (CLO) published a report written by Osaze Lanre Etonwa. The report documented the cruel conditions of Nigerian men in prison, but hardly commented on the plight of women and children. The focus on men is common in “mainstream” criminology, where women remain invisible. To its credit, the CLO saw the shortcomings of its first edition and decided to issue a revised edition, in which women and children were mentioned, and a second volume (1996) was dedicated exclusively to women and children who are hidden in the shadows of prison walls. The report quotes Nigerian State High Court Judge Alhassan Idoko, who describes Nigerian prisons as ghettos and shanty towns where inmates are forced to live on top of one another due to congestion.³ The use
of mass release or amnesty by politicians trying to save money or seeking cheap popularity makes it difficult to assess congestion or to predict future trends. For example, the total prison population was 25,622 in 1979 and 31,000 in 1990, but the average monthly prison population grew from 32,000 in 1979 to 60,000 in 1990. The fact that the average monthly prison population was nearly twice the annual prison population in 1990 is indicative of the practice of mass arrests and mass releases by the military government, which was facing a crisis of hegemony from a people who refused to be intimidated. Overall prison congestion in male and female prisons is illustrated by Ehonwa (1993) in Table 15.2. The rate of congestion appears in parentheses.

Table 15.2
Selected Prison Capacities and Actual Prison Populations in Nigeria

<table>
<thead>
<tr>
<th>Prison</th>
<th>Kirikiri Maximum</th>
<th>Ikoyi</th>
<th>Kirikiri Women's</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity</td>
<td>956</td>
<td>800</td>
<td>105</td>
</tr>
<tr>
<td>Population</td>
<td>2,596 (171.55%)</td>
<td>2,861 (257.63%)</td>
<td>137 (30.47%)</td>
</tr>
</tbody>
</table>

Other prisons are even more congested than the few examples from Lagos State shown above. For instance, Ado-Ekiti prison is overpopulated at a rate of 557.58 percent; Ogwashi-Uku prison at 456.86 percent; Auchi at 398.75 percent; Benin at 349.55 percent; Lafiagi at 318.18 percent; Sapele at 285.31 percent; Biu at 285.00 percent; Potiskum at 274.67 percent; Ilorin at 238.84 percent; Kirikiri medium security at 236.36 percent; Kwale at 222.73 percent; Enugu at 221.16 percent; Nguru at 213.98 percent; Warri at 202.69 percent; Okene at 183.33 percent; and Owo at 179.33 percent (Ehonwa 1993). Most of these highly congested prisons are in the southern part of the country.

It is evident that the female prison in Kirikiri is much less congested than the male prisons. The temptation here is for mainstream criminologists to deny that the women are
undergoing repressive and inhumane conditions in prison. As Pat Carlen (1983) argues with reference to female prisons in the United Kingdom, the fact that they are relatively less overcrowded than the male ones often leads to the claim that female prisons function less for punishment, and they are inaccurately likened to colleges and motels. Such claims are grossly incorrect, because there is evidence that women are more likely to end up in prison as hostages of the law when men close to them are suspected of doing something wrong. The patriarchal assumption that conditions in female prisons are good derives from the use of male imprisonment as the false standard with which to measure how women should be treated. The consequence is that, even when innocent women are being unlawfully held as hostages in prison, there is little outrage because the difference between the capacity of the only women’s prison in the country and the actual prison population is seen to be “so marginal that it is practically of no consequence” (Ehonwa 1996, 19).

The report goes on to indicate that women make up 3.4 percent of the prison population in Nigeria, but adds that, when women were kept in rooms within male prisons, their rooms were “reasonably spacious” even when thirty-one women were forced to share two rooms. However, the report warns that, if there are no plans to tackle congestion, the female prison and the female wings in male prisons might soon become as overcrowded as the male ones. The report tends to consider women only as an afterthought, but Table 15.3 and Figure 15.1 indicate the reasons for overcrowding in Nigerian prisons.

### Table 15.3

**Categories of Prisoners in Nigeria: 1988-1995**

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Remand</td>
<td>19,745</td>
<td>21,063</td>
<td>19,219</td>
<td>21,615</td>
<td>19,985</td>
<td>35,750</td>
</tr>
<tr>
<td>Convict</td>
<td>31,871</td>
<td>31,193</td>
<td>28,448</td>
<td>30,511</td>
<td>21,767</td>
<td>17,902</td>
</tr>
<tr>
<td>Others</td>
<td>1,582</td>
<td>1,640</td>
<td>6,412</td>
<td>7,874</td>
<td>8,210</td>
<td>1,348</td>
</tr>
</tbody>
</table>
The figures suggest that, if the prisoners awaiting trial were given bail, the prison population would be nearer its normal capacity. Moreover, if children who are illegally detained in prison and non-violent offenders were corrected in the community rather than being held in prison, Nigerian prisons would be almost entirely empty. The category of "Others" in prison is not explained in the report, but they could include those who were detained without being charged with any offence, so they can be said to be neither convicts nor remand prisoners. From all the discussions above, we can predict that the proportion of women awaiting trial or those convicted of non-violent offences or those simply held as hostages or as "Others" will be extremely high.

In 1993 the CLO published a report on "prisoners in the shadows." These children and women are hidden behind the walls of the prison and are hidden from public curiosity about prison conditions, partly because prison authorities restrict access to women in prison even by researchers. This report shows that, although women prisoners are fewer in number, the rate of increase in the female population far outstrips that of the male population in prison. This is partly due to a media panic in Nigeria suggesting that women's liberation is leading to women committing as much crime as men.

That was part of the reason why the military government introduced the double jeopardy decree in the early 1990s to seek the retrial of Nigerians who had served prison sentences
for drug offences abroad and to sentence them to fresh terms of imprisonment in Nigeria (Agozino 1997). Apparently, the inhumane conditions of the prison industrial complexes in Europe and North America were regarded by brutal dictators in Nigeria as child’s play and not proper punishment. However, Oloruntimohin and Ogedengbe (1992) reported that patriarchal oppression of women is responsible for increasing substance abuse among women in Nigeria. The same patriarchal and imperialist oppression is also noticeable in the huge number of women being trafficked to Europe to work as prostitutes to earn money with which to support their families at home.

CONCLUSION: TOWARD COUNTERCOLONIAL CRIMINOLOGY

This chapter has demonstrated that Nigerian women do not have to commit any crime in order to fall under the repressive gaze of the global lockdown. While Nigeria has a relatively low rate of incarceration, its prisons are significantly overcrowded. In part this is due to the large numbers of imprisoned men and women who have not been convicted of any offence, as well as children and significant numbers of women held as hostages for men wanted as suspects. The crisis of Nigerian prisons reflects the larger crisis of underdevelopment in Nigeria. I therefore conclude with a discussion of policies that African leaders are touting as solutions to the problems of underdevelopment, including mass poverty and preventable death, mass illiteracy, and political repression. According to the African heads of state who met in Abuja, Nigeria, in 2001 to adopt the New Economic Plan for African Development (NEPAD), these problems are due to a lack of foreign investment in Africa. They argue that NEPAD will be the African equivalent of the Marshall Plan that helped to stabilize Europe after World War II.

I suspect that those who drafted NEPAD were making a practical joke on the suffering African masses. For a start, the acronym is notoriously close to NEPA or Nigerian Electric Power Authority, which is popularly known in Nigeria as “never
expect power always” (or even at all). NEPAD could equally be translated as “never expect progress, African democrats.” This would be a fitting translation of NEPAD, given that the African leaders promote it as an original African initiative that will involve the masses in the development of the continent, yet the masses were not consulted when NEPAD was drafted. In addition, leaders promise that NEPAD will be to Africa what Marshall was to Europe, but they forgot that Marshall was a government grant given to Europe by the United States, whereas NEPAD involves begging for private foreign investment. Also, NEPAD is promoted as being gender-sensitive when it is based on the same economic policies of structural adjustment that the World Bank and IMF have been imposing on African countries to the detriment of women (Mikel 1997). Contrary to these predictions, NEPAD will lock African people more tightly into the cells of the imperialist global lockdown.

A more viable policy for Africa is that championed by Kwame Nkrumah (1968). A People’s Republic of Africa would immediately eliminate the conditions of neocolonialism and halt the multiplication of military budgets in Africa. This alone would free up enormous resources for education, health care, and social security planning. A People’s Republic of Africa United Democratically (PRAUD) would achieve more than the beggars’ lobby that is called NEPAD or the empty promises of African Union. Such a powerful republic would effectively lead the struggle to obtain reparations for the African holocaust instead of the current situation, whereby President Obasanjo begs for foreign investment while dismissing the call for reparations as unrealistic.

While the crafters of NEPAD view the integration of Africa into the global economy as a panacea for social and economic underdevelopment, critics of neoliberal globalization have developed a different analysis. Fidel Castro in his address to the United Nations conference on the financing of development in Mexico, 2002, proposed that global economic integration was in fact a key reason for underdevelopment. According to him,
the existing world economic order constitutes a system of plundering and exploitation like no other in history.... [In 2001] more than 826 million people were actually starving; there were 854 million illiterate adults; 325 million children do not attend school, 2 billion people have no access to low cost medications and 2.4 billion people lack the basic sanitation conditions. Not less than 11 million children under age 5 perish every year from preventable causes, while half a million go blind for lack of vitamin A; the life span of the population in the developed world is 30 years higher than that of the people living in Sub-Saharan Africa.... In the face of the present deep crisis, a still worse future is offered where the economic, social and ecological tragedy of an increasingly ungovernable world would never be resolved, and where the number of the poor and the starving would grow higher, as if a larger part of humanity were doomed.

While most criminologists busy themselves theorizing the punishment of offenders (as if everyone who is "punished" is necessarily an offender), Castro has proved himself a better criminologist by highlighting crimes of genocidal proportions that result from the global economic lockdown. The silence of criminologists on such massive criminal policies around the world is actually underdeveloping criminology as a discipline.

Criminal injustice systems worldwide have contributed to the inhumane treatment of people of colour, especially people of African descent. The battle of ideas has been a critical component of the criminal justice apparatus. This is why criminology is a common discipline in universities located in Europe and North America, while the discipline is hardly existent in Africa (apart from South Africa), Asia, and South America, for criminology was developed to serve imperialism as a tool for the repression of others.⁵

An old African proverb says that, if you hold someone on the ground, you too will not be able to rise until you let that person go. The prison officer is also a prisoner of some sort. This
saying provides insight into the nature of the global lockdown—
we are all inmates of the global prison whether we are behind
bars or in front of bars or branded with bar codes. Our collective
responsibility for imperialism (as the workers, investors, and
consumers who oil its machines and the teachers who train its
troops) means that we need to ask ourselves what we can do to
reverse the process of decolonization perpetrated by free-trade
agreements and IMF-led socioeconomic policies. Criminologists
need to study the history of the solidarity between their discipline
and imperialism, to learn from global struggles for decolonization,
and to develop a new methodology. Only in this way can we
use what Amilcar Cabral (1979) called the weapon of theory to
strengthen anti-imperialist struggles around the world.

NOTES

1 Increasingly, those “criminals” include police officers such as the
killers of Amadou Diallo and the brutal attackers of Abner Louima
and the corporate cowboys who fraudulently wreck the economy.

2 Close to the end of his first term in office as an executive president
in Nigeria, he had yet to sign a bill for the abolition of capital
punishment in Nigeria; such a bill was introduced only during the
campaign for Obasanjo’s re-election in 2003.

3 In Nigeria the term “congestion” is used rather than the term
“overcrowding.”

4 Despite national production of billions of dollars of oil every year,
the Nigerian electricity infrastructure is so poor that a personal
generator is a prerequisite for many businesses and middle-class
homeowners.

5 For a more detailed discussion of this point, see Agozino (2003).

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