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CHAPTER 22

THE TENTH INTERNATIONAL CONFERENCE ON PENAL ABOLITION (ICOPA X)

Viviane Saleh-Hanna

INTRODUCTION

This book has presented the ideological and practical problems of criminal justice in Nigeria. Colonial impositions prevail in Africa, and will continue to do so as long as British colonial criminal justice systems continue to exist there. Having outlined the problems associated with the penal system in Nigeria, and having illustrated the structural and ideological issues that exist along with the penal system in general, I find it necessary to provide an ideological and activist context within which such issues can be addressed. This is best accomplished through penal abolitionism, penal being a representation of all institutions legally yet violently used to convict and imprison oppressed people all around the globe (prisons, courts, police, probation, parole), and abolitionism being a movement that questions the relevance of these institutions and calls for the destructuring of such violent structures, while working to implement methods of conflict resolution that are socially relevant and non-violent.

Following a long line of academic literature, and growing through activist affiliations, this chapter outlines penal abolitionism as it was presented to the Nigerian community in efforts to organize the Tenth International Conference on Penal Abolition in Nigeria. While in the previous chapter I presented the scholarly history of penal abolition, in this chapter I present penal
abolitionism in my own words, through my own understanding of the abolitionist movement, highlighting the questions and issues associated with the current penal crises that Nigeria and other nations, all over the “developed” and “developing” world, are facing.

WHAT IS PENAL ABOLITION?

Penal abolition is the name given to the social/political activist movement, theory, and lifestyle that rejects the use of penal sanctions to deal with human conflict. It is a complex phenomenon that not only redefines reality as many know it, but also rejects the assumptions we make about conflict, social safety, and crime control. Using penal punishment as a solution to harm is viewed as oppressive and counterproductive; in addition, penal sanctions are rejected as the only and necessary reaction to crime. Deterrence is recognized as a failed attempt to scare people into not breaking rules, and isolation is recognized as a creator of greater problems—community safety is not promoted through either penal structures or ideologies. Penal abolitionists work to define problems in a manner more relevant to the community and to reach more realistic forms of conflict resolution.

Penal abolitionist ideologies recognize that societies have existed and were able to function without penal sanctions in the past, and thus contemporary society, though mentally and structurally reliant on the penal system, is capable of functioning without such a violent system. The challenge lies in finding a non-penal, anti-violent, non-oppressive structure that is compatible with contemporary social needs. This challenge is far from impossible to meet, and at this point, during times of overcrowded, inhumane, dehumanized penal institutions and policies, it is a necessity.

Penal abolitionists recognize that the penal mindset is ingrained in many factors of everyday existence and functioning, and thus realize that the battle is both concrete (fighting against human rights violations) and abstract (revolutionizing thoughts
and challenging assumptions). In working to change the way human beings have been conditioned and socialized to think and react, penal abolitionists believe that an essential starting point is a new awareness of the words we use to communicate with each other.

A PENAL ABOLITIONIST DICTIONARY

Crime
This word is not used in penal abolitionist discourse; it is rejected based on the social stigma it imposes on all those labelled criminal. Instead of focusing on crime penal abolitionists focus on harms; they attempt to empower the community in defining its own problems and thus dealing with them on its own terms. In addition, “crime” is a term that is state-imposed; it is a word that defines thousands of very different acts and somehow implies that all these acts are connected enough to elicit one solution. Abolitionists reject this notion, reinforcing the belief that there is no single solution to the diverse social problems resulting from and elicited through what we today refer to as crime.

Harms
Harms are actions that intentionally cause pain (physical, emotional, sexual, mental, financial or other) for another person. These acts are the primary focus for penal abolitionists who work to deconstruct the notion of crime. All other acts that do not implicitly and directly result in harm should not be defined as criminal; such acts should be decriminalized and dealt with in their appropriate spheres. For example, drug use: a person who chooses to use drugs is free to do so as long as he or she is not harming anyone in the process; if a user develops an addiction needing formal attention, then that person needs medical or social attention (whatever the specific situation defines as necessary), not justice-oriented intervention. It is important to highlight the separation of moral judgements from justice judgements in this redefinition of harm.
Community
The concept of community is all-inclusive and interconnected. One cannot separate the community by building a wall and involuntarily placing people behind it. Prisoners continue to be part of our community, despite their physical separation; they become a feared and very mysterious segment, but still remain a segment of the community. Under this definition the prison can be compared to an ostrich sticking its head in the sand and assuming that its problems will disappear because it can no longer see them. Of course, if the ostrich leaves its head in the sand for too long, it will inevitably suffocate.

Safety
“Safety” is a term that can be defined in two main spheres: individual and social safety. Individual safety involves personal, private issues, while collective individual safeties lead to social safety. A key word associated with safety is cohesiveness. Abolitionists emphasize that all members of the human race have a right to a safe, cohesive, and empowered existence. This belief does not justify the imposition of institutional violence (prison, death penalty, corporal punishment) in the name of safety. Safety is the responsibility of the individual, the community, and the overall social structure—it is a responsibility, not a legitimization. It is about social interactions rather than state interventions. In allowing a community to establish agency one empowers that community to be safe. While the criminal justice system promotes security, penal abolitionists identify security as a false sense of safety that does not provide communities with opportunities to coexist. A security perspective relies heavily on the demonization of “other” populations, while a safety perspective relies heavily on the democratization of society in a manner that promotes coexistence and equal access to opportunities and resources.

Violence
Penal abolitionists have a broad view of violence. Violence involves acts of harm and is not limited to individuals.
According to penal abolitionists, violence is much more prevalent than most people like to admit. Violence from a penal abolitionist standpoint is expanded to include actions of the state, corporations, institutions, and social structures (such as capitalism). Penal abolitionists recognize that violence at state, corporate, and institutional levels (war, genocide, embezzlement, imposed poverty) affects far more lives than do individual acts of violence (armed robbery, homicide, assault). Abolitionists also recognize that the same organizations that harm the community at the highest levels of human cost are defining individual-level harms as the most problematic. This redirection of fear and focus allows state and economic institutions to maintain a status quo that redirects attention away from their own acts of violence. When violence perpetrated and funded by the state through its institutions (death penalty, war, corporate violence) is brought forth it is often presented to the public as a necessary evil. Penal abolitionists recognize that all harms and evils are unnecessary at all levels—no justifications (with the exception of self-defence in extreme circumstances) are accepted for the imposition of violence.

Responsibility
This is a very important concept for penal abolitionists. The abolitionist notion of responsibility expects that all persons who partake in violent, harmful behaviours should accept direct responsibility for their actions in non-violent, non-harmful ways. The penal system as it exists today does not allow people who have committed wrongs to take responsibility for them. Instead the penal system claims ownership of their actions and takes responsibility for their lives. Penal abolitionists are vehement in their pursuit of social justice and believe that it begins with the proper recognition of all harms, followed by properly represented, relevant, necessary actions, as defined by the voiced needs of all affected victims, offenders, and other community members.
Victim
This term is not meant to disempower people or relegate them to a helpless position, but it is important in the recognition of harms imposed and violations experienced. Like “crime,” the term “victim” encompasses too many experiences, and thus its use loses the true essence of a harm suffered. Abolitionists rely more on the term “survivor” because of the negative connotations the penal mindset has imposed on the term “victim.” “Survivor” implies progress and gives the person credit for overcoming to whatever degree the violation(s). Much as the penal system has stigmatized criminals, that stigmatization has been extended to disempower victims. In resistance to such implications abolitionists seek to use different terms that may elicit an awareness of the diversity available for defining, dealing with, and addressing harm and conflict.

Offender
An offender is a person who directly or indirectly, through action or inaction, has harmed another person. Penal abolitionists believe that those who have hurt others need to take full responsibility and can only do so if they come to understand the consequences of their behaviours for those they have hurt. In the pursuit of social justice penal abolitionists focus on restitution, reconciliation, and social coexistence. It is important to stress that all of those things do not necessarily imply forgiveness—such expectations are not imposed upon survivors of harm. At the same time abolitionists stress that, once a harm has occurred, the person harmed as well as the person who has harmed are now connected at least through that event (if not through many more events that led up to the harm); thus, in addressing the harm imposed and endured, a proper recognition of that act and its context must be achieved. Thereafter direct action toward resolving/reimbursing/restituting the harm may be pursued. When the harm is irreversible (murder, rape) penal abolitionists focus on the needs of those who have survived the harm. Such
needs can only be identified by those directly involved and should not be assumed identifiable by the state or its criminal justice apparatuses. In recognition of individuality and diversity among people’s needs and reactions to harm, penal abolitionists take a situation-by-situation approach, and thus call for the creation of a response system that is flexible and empowering enough to allow the humans within it to achieve justice.

Social Stability
Social stability is the ultimate goal. Abolitionists assume that human nature thrives with a sense of acceptance, a sense of belonging and self-worth, and the opportunity to be comfortable and safe. Most human actions (positive, negative, violent, non-violent) are the results of attempts to achieve those goals based on personal and social perceptions of happiness (by acquiring power, money, status, trophies, education, family, possessions and so on). Realizing and accepting that all humans have needs may lead to a greater, more positive understanding of the nature of human behaviour and eventually may lead to communities that can coexist. In assuming that all people have needs the common ground of a society is based on the building of a structure that functions to provide for the needs of all its citizens. The present social and cultural assumptions do not rely on a need-based understanding of human behaviour. The present social order assumes that human nature is hedonistic, or selfish, or determined by negative influences surrounding us. Such negative assumptions, while accepted by most to describe “others,” we do not hold to be true about ourselves. If more people begin to understand that “others” are not that different from “us,” then the fractured state of contemporary society might begin to heal. The anger, hatred and fears that communities of privilege hold toward those who are oppressed may begin to dissolve, and the call for state-sanctioned revenge in addressing conflicts and inequalities may begin to be revealed as unreasonable and violent.
IDEOLOGIES OF PENAL ABOLITIONISM

What Penal Abolition Is Not
Penal abolition is often perceived as an easy way out for 'criminals'. It is not. If anything, penal abolitionists demand that people who have hurt other people need to take proper responsibility for their actions. In facing the realities of their actions (and not in disappearing behind prison walls), and in understanding what they have done, offenders need to actively participate in transforming, restituting, or resolving each specific situation. At the same time abolitionists are not revenge-oriented and do not advocate harming those who have harmed others in order to teach them not to harm.

Penal abolitionism is not a movement to solve the problems of the world by coming up with an easy solution. Problems cannot be solved without collaboration, and all those involved in the problem should be included in the solution. The present penal system works in an exclusive, not an inclusive, framework. Often people say, "Abolition sounds like a good idea, we know the penal system is not helping society deal with violence, but what do you propose to do in its place?" The abolitionist response to this expectation is "Work with me, and we will figure it out together." There are no easy solutions, and there is no one answer, structure, or alternative that can replace the penal structure. To ask for one solution is to ask for a structure that is just as counterproductive and inhumane as the penal system is now.

Penal abolition is not an impossible dream—to believe something is impossible is to render it impossible. Penal abolition is relevant not only in small communities, but also in large cities. People often argue that in a small town or village it is easier to create and maintain the type of community that can work without penal sanctions, but in a large city the environment is too impersonal, too disconnected, and too big to really have any sense of true community. Penal abolitionists recognize that with more people the challenge of establishing community spirit is
bigger, but they also recognize that with more people around there are more resources for support and network-building. It is about celebrating diversity and personalizing human interactions. It is about breaking down capitalist barriers and fighting the depersonalized state of many large cities. In a way abolitionists view community as a non-concrete phenomenon that can exist anywhere people really want it to exist. Geography does not limit community. Communities are made up of people who share similar interests, goals, ideals, and visions. With this concept of community penal abolitionism can thrive in all settings.

Penal abolition is not about the removal of all social controls, but about the implantation of a social system that is not violent or based on fear. It is about unity, equality, and coexistence. Penal abolitionism is about destructuring oppressive penal regimes/structures, and creating a cohesive, safe society that accepts all, belongs to all, and functions to serve all.

Abolition versus Reform

Only reforms that work toward abolition are considered productive within the penal abolitionist movement. It has been a trend in penal reform that all attempts to humanize the penal system have been co-opted into its inhumane structure, and only work to strengthen its existence and expand its power. Thus only reforms that exist outside the realm of the penal structure are pursued by penal abolitionists. They work to advance the vision of an empowered, enlightened community, and only when sections of power are handed over is a reform truly an alternative, and not a simple add-on to the already too powerful, revenge-oriented penal system.

Restoration versus Transformation

Penal abolitionists do not generally support notions of restoration, mainly because to restore is not necessarily to change. If harm occurs and the community works to restore the survivors to the
state they were in before the harm occurred, and they succeed in this restoration, then all they have really done is restored them to a situation that allowed the harm to happen in the first place. Transformation looks at why the harm occurred and deals with the poisons that allowed it to grow into harm (social alienation, capitalist greed, poverty, racism, classism, sexism, heterosexism, ageism, and so on). In addition, penal abolitionists do not always believe that restoration is realistic. When a harm occurs the survivor of that harm will never again be the person(she) was before the harm occurred. Penal abolitionists look at the processes of transformation that are necessary in dealing with the harm, and work to integrate its consequences into the person’s life in a way that is tolerable, livable, and, if possible, positive and productive.

**Prison versus Penal Abolition**

Penal abolitionists recognize that abolishing the prison is not necessarily sufficient in abolishing penal oppression. The real problem is the penal mindset that allows the prison to exist: abolishing the prison without abolishing this mentality and structure would only open society up to the possibility of different yet still brutal penal oppressions. Because the prison is so concrete and so open about its oppressive elements, it is an easy target. The goal is to understand how the prison and other penal institutions (police, courts, probation, parole) are legitimized: the prison is the end result of what really needs to be questioned, revealed, and abolished.

It is primarily a revolution of the mind taking place in the current consciousness of the people. This revolution must occur if productive structural changes are to be properly implemented. Penal abolitionists do recognize that the society we live in today has created a situation in which people, and the socioeconomic and political power structures they live within, are constantly hurting and violating each other. Change needs to start within the mind, the soul, and the essence of each human being before it can take any real shape on a larger structural level. Without a
revolution of the mind any and all penal reforms will continue to be co-opted by a legitimate and legal yet violent penal system.

Penal abolitionism does recognize a dire need for structural reforms: too many people languish within the claws of a violent penal system, and too many people suffer from violence in the community. Penal abolition is about the creation of real alternatives to revenge, institutionalized violence, and penal powers. The community needs to be empowered to create and choose its own versions of justice, and only then will the reliance on criminal justice be truly recognized for its brutal, counterproductive, dehumanizing elements.

THE INTERNATIONAL CONFERENCE ON PENAL ABOLITION

The International Conference on Penal Abolition (ICOPA) represents one of the most visible elements of the penal abolitionist movement. Initially ICOPA was the International Conference on Prison Abolition. In 1987 ICOPA in Montreal resolved to change the name to the International Conference on Penal Abolition, incorporating an understanding that the abolition of prison does not deal with the penal system’s revenge-oriented, violent structures. To abolish the prison is not to address the problematic nature of the penal system’s framework of criminal justice. The ICOPA movement has travelled the world, starting in Montreal in 1983 and returning several times to Canada over the years. ICOPA was also held in the Netherlands, Poland, the United States, Spain, Costa Rica, and New Zealand before finding its way to West Africa. In presenting how ICOPA X was organized in Nigeria an example of the methods used by abolitionists to work toward achieving penal abolition can be analyzed.

ICOPA X Struggles and Triumphs

The Tenth International Conference on Penal Abolition (ICOPA X) was held in Nigeria, breaking new ground as the first ICOPA
to be hosted by an African nation. The decision to host ICOPA in Nigeria was controversial. Racism is a violent and silenced topic, even in the penal abolitionist movement. Up until ICOPA IX, in Toronto in 2000, the penal abolitionist movement lacked African or African American representation. Participants in ICOPA IX included members from Critical Resistance, an anti-racist activist organization from the United States. In bringing forth issues of racism within ICOPA and emphasizing ICOPA's lack of representation of people of African descent these participants challenged the contemporary abolitionist movement, and worked to expand its parameters and membership. They also brought in a more emphatic awareness of the links between the movement to abolish slavery and the contemporary penal abolitionist movement. From this perspective racism is central to oppression.

The efforts to bring in stronger African and African American representation resulted in the decision to hand ICOPA over to Nigerian representatives. This decision was met with much resistance and fear, and resulted in the initiation of a discussion (which continues) about splitting up ICOPA into different meetings that would accommodate its diversity. Despite such difficult conversations and conflicts, the vast majority of ICOPA founders and organizers were in support of ICOPA in Nigeria. Although racism did arise, they were loudly voiced by a small number of people, and unfortunately countered and silenced by the majority of ICOPA's participants and organizers.

The main issue, as I have come to understand it, is this: the social structures within which we all live are dichotomized and divisive; in addition, the penal system is vast and exploits many different populations in many different ways. As we work to build a strong penal abolitionist movement, strong emotions are bound to be felt and voiced. The need to represent all voices and experiences in a manner that does not compete (who is being oppressed the most or the least) will be a challenge because the contemporary order demands a quantification of results and a comparative paradigm that generalizes conclusions.
In working to build a stronger and more effective abolitionist movement, ICOPA must provide a space that represents all peoples affected by the penal system, in a manner that allows them to voice their opinions of and frustrations with the penal system. Furthermore, ICOPA participants must learn to accept the fact that, despite their radical positions, and their battles against oppression and penal colonialism, they too are impacted by the negative structures of contemporary racist societies. In accepting that we cannot all do the same thing, or have the same experience with the penal system, we might be able to move forward in a manner that is strengthened, and not weakened, by our diversities. What ties us together in the end is the abolitionist goal.

While I work to bring into ICOPA African and African American voices, I also work to respect those who bring in the voices of the poor and/or imprisoned, the young, and women. To begin competing with each other for space in ICOPA would be to fall into a social control trap. Avoiding this trap in the future will include a conscious effort to respect, as opposed to feeling threatened by, each other’s differences and knowledges. In the end most people in the world are affected negatively by penal colonialism. If ICOPA is able to focus more on this fact it may be more open to learning about penal abolition from colonized peoples. The underrepresentation of black voices in ICOPA is an issue that must be more readily changed.

Despite all these obstacles, the abolitionist movement has strengths. ICOPA in Nigeria was attended by people who are long-time supporters of the conference and the movement: In addition, many who could not attend due to financial restraints remained in touch and provided support. Some long-time supporters of ICOPA chose not to attend the Nigerian conference; those who were unable to resolve their own issues with racism stopped communicating with ICOPA participants during the time ICOPA spent in Africa.
This experience of racism within ICOPA in Toronto made it clear to me that the abolitionist movement is not immune to the social ills that plague the society it is attempting to change. Racism continues to challenge and destabilize communities all over the world. In my opinion, and from my experiences, racism is at the root of many issues of oppression and inequality, and ICOPA participants were forced to face these realities; some learned from the experience, and some became defensive. Despite such issues with racism and internal struggles, ICOPA did prevail in Nigeria, and the message of abolition was brought at a critical time into an African context. ICOPA had much to learn from West Africa: hosting ICOPA on the land with a long history of European slave trading and colonialism was an excellent way, not only to expand the understanding of abolition, but also to address the racisms that ICOPA was and still is struggling against.

Organizing ICOPA X
Prior to ICOPA X public awareness and community mobilization were pursued nationally in Nigeria. The goal was to make Nigerians more aware of the penal abolitionist movement and the journey that ICOPA had taken through the years. Public awareness was pursued through a media campaign that involved several local and national television broadcasts, a nationwide radio programme that allowed for call-in discussions, and print media promotions in Nigerian newspapers and one African magazine. In addition, ICOPA X was announced and discussed at many Human Rights Network meetings. One non-governmental organization, the Nigerian Youth Leadership Movement led by Ezekiel Ogundare, took an interest in the central issues and the ideas surrounding ICOPA, and, on its own initiative, held a penal abolitionist workshop to raise awareness in its own community in April 2001.

ICOPA X participants comprised a diverse and dynamic group. Participants came from Ghana, The Gambia, Liberia, New Zealand, the United States, Canada, and the United Kingdom. In addition, Nigerians representing the three major ethnic groups
and many of the minority groups from different regions in the country were in attendance. Nigerian participants for ICOPA X included University of Lagos students from the law, psychology, and sociology departments; several representatives from non-governmental human rights organizations; academics; activists; lawyers; high- and low-ranking prison officers; high-ranking police officers; National (Nigerian) Human Rights Commission representatives; representatives from the National House of Assembly; ex-prisoners; Nigerian military personnel; poets; musicians; and interested Nigerian youths. The international participants were mainly academics and activists, while continental participants included high-ranking prison officers from neighbouring West African countries, ex-prisoners, human rights NGO representatives, and musicians. The Local Organizing Committee was comprised of PRAWA staff, student volunteers, and youths from the local community in Lagos. The entire participant list for ICOPA X was approximately 100 people: about 65 University of Lagos students and community members, about 15 international participants, and about 20 Nigerian non-governmental and governmental representatives.

ICOPA X: Abuja Panel

On August 23, 2002, ICOPA X was launched in Abuja, the capital of Nigeria, with a Policy Makers Panel in the Nigerian National Assembly. The purpose of the panel was to raise awareness about ICOPA and the notion of penal abolition among Nigerian governmental officials, while bringing forth issues surrounding the death penalty and the need for its removal from the criminal code in Nigeria. This panel was booked weeks in advance, yet there was a slight and unexpected problem in scheduling that day: a week before the panel took place the Nigerian government called a meeting on the day of the panel to discuss the impeachment of the president of Nigeria on charges of corruption and embezzlement. This resulted in a few hours of delay, and participants in the panel did not know whether the panel would take place at all. Upon finishing the meeting,
which directly addressed corruption in Nigeria, government officials who had committed to participating in the ICOPA panel did come to it. The panel commenced with several members, including the chairperson, from the House of Representatives Committee on Human Rights and Legal Matters, high-ranking police and prison officials, human rights activists, university professors, and representatives from the British Embassy. Following presentations about the concepts of penal abolition, African justice models as they existed prior to, during, and after colonialism, and a critical outlook on the current colonial penal system in Nigeria, discussions, questions, and debates began.

A debate about the relevance of the death penalty in Nigeria ensued, and a pinnacle was reached when the question of statistics on executions in the country was brought up. Sitting on the panel as a PRAWA representative, I asked "when was the last time an execution was carried out in the country." Professor Adeyemi, dean of law at the University of Lagos, suggested that the Nigerian Prison Service representatives were likely in the best position to answer the question. In response a high-ranking representative of the prison service explained that all over the country state governors refused to sign execution warrants and that this refusal resulted in life sentences on death row for many prisoners. He added that inevitably ending in prisoners' deaths, this form of the death penalty is prolonged and indirect. As for when the last execution actually took place, he stated that "There are a lot of silent executions in Nigeria, as my friend who is present will tell you," and he pointed at the police officer sitting beside him. The officer confirmed that "silent executions" do take place and stated his belief that they are a necessary measure in Nigerian society. These executions are carried out in police cells after arrests and prior to court appearances. This debate led to a discussion on deterrence and how ineffective it is. Hal Pepinsky, a professor of criminal justice at Indiana University and one of the international participants at ICOPA X, responded that deterrence in the United States, with its structured and well-funded criminal justice system, does not work either, and
he pointed out that the harsher a punishment is, the less people relate to it and follow the law it is trying to implement.

Adeyemi gave a detailed presentation on penal policies and African alternatives. He spoke about the researched public opinion of criminal justice in Nigeria and the widespread distrust of criminal justice in Nigeria, which results in “jungle justice” on many of Nigeria’s streets. He defined jungle justice as being comprised of vigilante groups who literally hunt down armed robbers and kill them publicly. An issue that arises in these situations, aside from the gross inhumanity of these public and graphic killings, is that tribalism and politics are usually in control of such vigilante groups. Adeyemi proceeded to give an in-depth analysis of traditional (precolonial) Nigerian justice and stressed that it did not rely on the death penalty or other violent means of resolving conflict or dealing with harm: “It was restorative in terms of social equilibrium: it recognized that you can’t solve conflict with conflict, and reconciliation was widely used.”

Adeyemi spoke about crime as conflict and thus the solution to crime as encompassed by conflict resolution. He referred to instances in which the death penalty was used in African history. He stressed that, contrary to Western opinion, the death penalty in the majority of precolonial African societies was used as a last resort, in cases of extreme reoffending and danger to the community: only after banishment was not successful in keeping a community safe was an execution implemented. Adeyemi also noted that executions were used when the crime could not be dealt with rationally (as with accusations entailing the misuse of witchcraft). After providing more details on historical and contemporary issues of justice he ended by urging, “It is high time that we come back to embracing traditional justice.”

Adeyemi’s presentation prompted comments by the representative of the Nigerian Prison Service related to root causes of crime. He spoke about the social problems that criminalize people on a national scale and the Nigerian society on an international scale. He pointed out that capital sentences...
increase crime in the large divisions they cause by marginalizing, stereotyping, and demonizing entire populations of people: the prisoners he worked with every day are one of the most socially feared populations in the country. He stated that the panel needed to talk less about those stereotypes, and more about alternatives and penal abolition.

In response the police officer on the panel spoke about the fact that mediation as an alternative to penality is easier among homogeneous populations, and he thought that Nigeria has what he called ‘the stranger element’ with the hundreds of different ethnic groups and languages that exist. He spoke about the churches, the mosques and the chiefs interfering in the justice process and initiating out-of-court settlements. He complained about victims who want compensation for the crimes they have suffered and expect the police to provide such compensation. He continued to stress the need for deterrence in light of the high rates of violence in Nigeria, specifically associated with the trafficking of women and children, and with armed robberies. He stressed that long terms of imprisonment will have no benefit as an alternative to the death penalty in Nigeria because, unlike in Western nations, the criminal justice system’s budget is not vast. These budget restrictions are clear when one assesses the court system and finds that 62.4 percent of the prison population has never been to court and may wait an indefinite number of years before being taken to court, or getting legal representation. It became clear in this discussion that the police hold a much more conservative view of the penal system than the prison officials do in Nigeria. An informal discussion after the panel revealed to me that the prison administration feels an African sense of responsibility toward the prisoners whom they have been hired to care for. In this instance African culture transcended, at least in ideology, the penal institution’s attempts to westernize Africa.

Discussions were rounded off with comments from the Honourable Ibrahim Zailani of the House of Representatives. He stated that, “While Nigeria may not be ready to abolish the death penalty, this panel has made it clear that [more culturally and
socially appropriate] alternatives need to be put in place of the penal system in Nigeria.” He asked that PRAWA and ICOPA X assist in putting together a committee to help the House of Representatives in drafting legislation to put before the house, promoting the implementation and recognition of alternatives to imprisonment and penalty. Contact information was exchanged, and communication started about forming this committee and drafting the legislation.

ICOPA X: Lagos Conference

From August 24 to August 29, 2002, ICOPA X was hosted by PRAWA at the University of Lagos. On Saturday, August 24, ICOPA participants attended the Black Heritage Festival held at CMS on Lagos Island. The festival is an annual event held in Nigeria in memory of the oppressive history of slavery and colonization, and to reinforce black pride, promote peace in Africa, recall that the abolition of such oppressive forces is possible, and stress that the African people have survived massive atrocities. The opening ceremonies of this event were held at the Race Course Stadium, a large and expensive stadium built by the British colonial government for horse-racing, an event that is not necessarily popular in Nigeria. The stadium has never been used for horse-racing. It came to represent the inappropriateness and the extravagant lifestyles of colonialists. It was later used as the venue for the independence ceremony from the British when institutionalized colonial rule was abolished in Nigeria. The opening ceremonies of the Black Heritage Festival attended by ICOPA X participants included a celebration of the abolition of institutionalized slave trading of West Africans. Dances and festive costumes from all over the country paraded before the public and the oba (“king”) of Lagos Island.

The second day of ICOPA X, August 25, was dedicated to the memory of Dr. Ruth Morris. She was a Canadian/American, prison/peace, Quaker activist and one of the original organizers of ICOPA I, held in Montreal in 1983. Ruth was an activist volunteer in her children’s schools and began to visit prisons
through a Quaker programme. She also began to bail men out while they were awaiting trial, and taking them into her home for shelter and support. Throughout her life she advocated for the rights of some of the most stigmatized prisoners and ex-prisoners in society. Ruth was a leading international theorist of what she called “transformative justice.” She was the author of many books and information pamphlets in the area of penal abolition and transformative justice. She led the organization of ICOPA IX in Toronto in May 2000, and sadly she died in September 2001. An optional church service in her memory was organized at Yaba Glory Worship Centre, followed by visits to the Kirikiri medium and maximum security prisons, where ICOPA X participants shared meals and music in solidarity with prisoners. About 1,000 prisoners ate and participated in song with ICOPA X participants that day. In the evening a candlelight vigil was held at the Lagoon Front in memory of Ruth. People gathered with lit candles, and spoke about her life and her work. Songs were shared after a moment of silence in her memory.

The official ICOPA X opening ceremony was held on Monday, August 26, at the University of Lagos Conference Centre. It was followed by presentations by Professor Julia Sudbury of the Department of Ethnic Studies at Mills University, California, highlighting the racist and economic elements of the US justice system, while emphasizing the importance of an international abolitionist movement that will work in unity to abolish the atrocities occurring through penal systems around the globe. Justice S. A. Brobbey from the Court of Appeal in Ghana ended with a presentation about human rights issues in relation to the criminal justice system’s failures in West Africa. The theme was established early: the penal system is malfunctioning around the globe, and alternatives are desperately needed.

Presentations throughout the conference included an assessment of the psychological consequences of torture, the implementation of transformative and community justice programmes around the globe, and the successes of, and obstacles to, resistance movements. A powerful moment during one of the
sessions included Chino Hardin, with the Prison Moratorium Project in New York. She discussed the problems with the US criminal justice and narrated personal experiences from her time in US youth jails. This session challenged the general stereotypes of crime and criminals that abide in Nigerian society. Hardin spoke about her years as a member of a street organization (what is referred to in mainstream society as a street gang) and the armed robberies in which she was involved. In Nigeria armed robbers are feared more than any other category of people and are viewed as the most dangerous threat to social safety. The Nigerian participants' reaction to Chino, whom they had spent time with prior to this session, was open-minded, and, upon seeing her accomplishments, hearing about her hardships in prisons, and listening to her call for abolition, many later stated that their stereotypes about armed robbers had been greatly challenged.

Tuesday, August 27, was dedicated to a focus on alternative models to the penal system, both in theory and in practice. Traditional African models of justice were presented and discussed in detail, with Professor Oko Elechi outlining the historical aspects of general African indigenous justice systems and the links of most of them to transformative justice ideology. He stressed that most contemporary justice systems are Euro- and male-centred, and are not natural to African societies in general. An understanding of these misogynistic and racist components of the dominant European forms of justice was accentuated with presentations about the Maori struggle in New Zealand and the inappropriateness of the colonial justice system in dealing with conflict in colonized ("non-European") communities.

These criticisms were followed by a plenary focusing on practical alternatives to the penal system. The peacemaking perspective was explored and accentuated with presentations by members of the Alternatives to Violence Project (AVP) in Nigeria and their work with the International Committee of the Red Cross (ICRC). The AVP presentation focused on the Nigerian situation
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and the role of conflict resolution within the context of communal conflicts. Iyke Chiemeka, on behalf of the AVP, emphasized the fact that violence is inevitable in every society and that the key to managing violence is the chosen approach. He gave an analysis of what he called the chaotic Nigerian society and said that how a society chooses to manage its conflicts is what constitutes its civilization. He gave examples of Nigerian issues that have led to violence and demonstrated how the AVP resolved such conflicts non-violently. His presentation was complemented by that of Ellen Flanders from the United States, one of the founders of the AVP. She shared some of her experiences with the AVP and presented examples of how it has transcended violence in many parts of the world.

PRAWA employees participated in ICOPA X, not only through organizational efforts, but also in presentations. In a paper entitled “Alternatives to Imprisonment Measures: Lessons from Africa” Saib Feyisetan, head of the Communications and Media Department at PRAWA, presented on behalf of Chukwuma Ume, a PRAWA employee in the Prison Officers Human Rights Training Programme. This presentation highlighted some parts of the Nigerian Constitution that relate to prison and punishment, and the international laws that guide the treatment of prisoners. Feyisetan also spoke about the links between present African prisons and colonization. He emphasized the fact that alternatives to imprisonment are not foreign or new concepts in Africa; rather, they are a part of the heritage and history of the continent. He gave examples of successful implementations of alternatives to imprisonment in Zimbabwe, Kenya, and Nigeria.

Moses Blokanjay Jackson spoke about the immediate need for alternatives to the penal system in Liberia. He belongs to a non-governmental organization called Volunteers for the Care of Abused and Abandoned Children. He presented a contextual account of the war in Liberia, and national and international government links to the conflicts there. He spoke about the power and economic imbalances in Liberia, and highlighted the fact that sanctioned war measures only further the wealth of the rich,
while driving the poor further into poverty. He explained that the situation in Liberia, promoted by political and economic motives, forces the poor to survive only by relying heavily on the rich. He gave a diverse set of examples to support these statements, from the exploited exportation of the diamonds industry to the forced prostitution of women and children in Liberia. Within such a context, he stated, a justice system promoted by the state (those in power and in control of the nation’s wealth) is not only dangerous, but also futile. With this sort of context and with a better understanding of the history of the conflicts in Liberia, it became clear that a colonial penal system is not only ineffective because of the current war, but will continue to be inappropriate after the war is subdued.

Highlighting the West African transformative justice context, Justice Brobbey from Ghana spoke about the implementation and successful functioning of the Victim-Offender Mediation Model in Ghana. He started his presentation by stating that there are two recognized justice systems in Ghana: those that are formal (run by the state) and those that are informal (run by the community). He said that people often resort to the informal sector of justice mainly due to convenience, accessibility, time, and financial restraints. He highlighted the formal system’s restrictions through the court processes and the flexibility of the informal system through arbitration/mediation. He gave details of the problematic nature of the formal justice system in Ghana and contrasted it with the informal processes that the majority of the people pursue.

Dr. Senghor Aboubakar from The Gambia presented a paper on behalf of Hanna Foster of the African Centre for Democracy and Human Rights. The paper outlined the Victim-Offender Mediation Model being implemented in The Gambia. He spoke about the community’s open response to it. He stated that The Gambia is a small country of about 1.4 million people, and the number of people in prison is thus relatively small. He pointed out that going to court or the police in The Gambia is considered taboo because people simply cannot embrace the idea. He
spoke about the African Centre for Democracy and Human Rights mediation services and stated that they have been used in resolving many forms of conflicts ranging from individual conflicts within the home to larger conflicts in society.

It was noted that, ironically, the majority of justice projects in Africa are funded by European donors. Prior to European funds, African justice models existed throughout the continent during colonization and continue to be found. European funds aid in formalizing African justice models, and this formalization creates the danger of co-optation, opening colonial avenues for the creation of a more systematized and inflexible model that might mirror the malfunctioning and culturally inappropriate colonial criminal justice systems in Africa.

In the evening of August 27, ICOPA X participants went to the new Afrika shrine in Ikeja, Lagos, for a special concert by Femi Anikulapo Kuti entitled Exposing Oppression through Musical Expression. Femi Kuti is the son of the late musician/activist Fela Anikulapo Kuti. Fela’s legend in Nigeria and Africa exhibits the oppression and inhumanity of colonization and the ensuing military regimes in Nigeria. Fela’s mother was murdered by the head of the military state at the time, Olusegun Obasanjo. Despite being a former military dictator, Obasanjo was named the first “democratically elected” president of Nigeria in 1999. Despite rampant corruption and the entrenched institutionalization of poverty that he reinforced for the overwhelming majority of Nigerians, he remained in that position until 2007. He was replaced by Umaru Yar’Adua in July 2007. This is telling, since Umaru Yar’Adua is Shehu Yar’Adua’s younger brother. Shehu Yar’Adua was Obasanjo’s vice president during Obasanjo’s military dictatorship. Fela was imprisoned several times by Obasanjo and Shehu Yar’Adua for his outspoken opposition to their military regime.

Femi grew up watching the police arrest and beat his father. Fela’s original Afrika shrine was destroyed twice by the government. Femi performed for ICOPA X participants as well as the Nigerian public, for whom he made admission to the rebuilt
Afrika shrine free and open to all for the night. The African drums, dances, and instrumentals were also accompanied by Femi’s speeches on the history of Nigeria’s oppressive states, and the present-day hardships and exploitations of the general population, due to corporate and state-initiated embezzlement of Nigeria’s resources and the unequal distribution of wealth. ICOPA X participants danced, sang, and listened to Femi Kuti’s saxophone and his band’s accompanying instrumentals, and they enjoyed the true African hospitality of one of Nigeria’s leading musicians.

Wednesday, August 28, was dedicated to remembering the abolition of official European slave-trading enterprises in West Africa. About 100 ICOPA X participants went to the National Museum in Onikan, Lagos, and saw ancient African artifacts and tools. It was noticed that many of the most precious artifacts, such as the Benin bronzes and several ivory masks, had to be represented by present-day replicas because the originals, without the consent of Nigerian authorities, are being held in British museums for what is called proper preservation. Also in the museum was a display of past military and present rulers. On display was the car in which Murtala Muhammad was assassinated. He was the head of state of Nigeria who preceded Obasanjo’s military rule in 1979, and his assassination was followed by numerous military coups. The car was in a room surrounded by pictures of past military dictators and their governors/generals.

After the museum ICOPA X participants travelled to Badagary, a small town on the outskirts of Lagos State. It is located on shores where slave-trading took place. Visits in Badagary included one of the gravesites of an African chief who participated in trading slaves to Europeans. Near his grave the shackles he used to capture and enslave people were on display. Participants walked from his grave to the Gate of No Return, which marked the spot where boats loaded for departure to the Americas and Europe. Across the street from the bronze gate, with its sculptures of white men whipping West Africans who
had been stripped and shackled, were the Brazilian Baracoons. These baracoons consisted of forty slave cells used to hold people as they waited for slave ships to depart. All but two of the cells have been converted into residential homes for the descendants of the chief of that village who collaborated with Europeans and their colonies in North and South America. Inside this compound participants visited men's and women's cells. Upon learning that forty people were held in each cell forty participants, mainly students and several international participants, piled in and closed the small wooden doors. The space was very tight, and air was restricted. For a brief moment confinement was experienced in the same holding cell that had imprisoned and sold millions of slaves. On the way out of the cell was a picture of the chief who owned the cells, and the gifts and clothes he was given in return for his slave-trading contributions. These gifts included glass plates and one cup, velvet robes, and a wooden trunk. The atmosphere was tense as the realities of historical oppression were confronted physically and emotionally. The materials used in exchange for Africans were minuscule and cheap; how these artifacts could be equated with human lives was beyond comprehension.

The day rounded off with poetry readings by Dr. Tony Marino, a medical doctor, published poet, and human rights activist in Ibadan, Nigeria. Poems were also read by some Nigerian youths, and music was played by several international and national participants. After the poetry reading Marino donated books for prisoners in Lagos State. An emotional day was capped off with a sense of sadness, but a glimmer of hope in notions of resistance and solidarity through poetry and song. Although the day was intense and difficult, many felt that it would impact them for a long time. An understanding of the need to fight oppressive social and penal structures had been personalized.

The last day of ICOPA X focused on the financial context of criminal justice. Gerald Onwusi, a human rights lawyer in Nigeria, presented a detailed assessment of the oil conflicts in Nigeria’s delta region. He spoke about the late political activist Ken Saro-Wiwa and the many others who have lost their lives
in attempts to protect their communities and their lives from the effects of oil exploitation. He spoke about the people who hide behind company names to commit crimes against the community, and stated the need for civil justice to intervene and sue those involved to ensure that they face consequences for their misdeeds. In his paper Onwusi suggested that communities that are affected should be compensated. He mentioned the example of what the US companies have come to call the “super fund,” said to be created for the purpose of paying compensation to the people of Nigerian oil communities. Unfortunately Onwusi did not highlight the fact that these funds are never sufficient in the face of the damage done to the communities and to the environment, and only serve as short-term solutions to long-term problems of exploitation, environmental damage, and community breakdown. He concluded by stating that people should know their rights and exercise them through such schemes of compensation, emphasizing the need to rely on the penal system to secure financial compensation for oil-related conflicts in Nigeria.

His presentation was followed by one that directly contradicted his conclusions. Jane Hemesson, retired commandant of the Prison Training School, retired state controller of prisons, and present deputy director of PRAWA, spoke about the financial context of the criminal justice system in Nigeria. She spoke about the large sums of money being spent on the maintenance of prisons in Nigeria and mentioned that eleven new prisons are in the process of being built in the country. She supported penal abolitionism and stressed the counterproductive financial element of a justice system that does not serve the Nigerian people. She referred to the country’s massive natural resources and wealth, and stated that the growing budgets of both the prison and the police in Nigeria have begun to present a drain on the national budget, and this problem is in need of direct and immediate attention.

Conference presentations were concluded with a session focusing on the brutalities of imprisonment, and included
presentations of papers written by prisoners (presented on their behalf by ex-prisoners or prisoners’ rights activists) and ex-prisoners. The first presentation was written by Tiyo Attalah Salah El, serving a life sentence in a US prison. His paper was presented by Professor Hal Pepinsky and included details of the injustices implemented by the US penal system within the context of power imbalances related to class, race, and gender. He spoke about the indefensibility of the penal system, and addressed issues related to the inadequacy and inappropriateness of reform when faced with the inhumane and oppressive penal structure. Following this presentation Clever Akporherhe and Felix Obi spoke about their experiences in Nigerian prisons, and Faith Nolan presented a paper on behalf of Osadolor Eribo, who was still in prison at the time.

Sam Edokwa also presented a paper during this session. He is an ex-prisoner who is a soldier in the Nigerian army. He was arrested in 1996 on a civilian matter, picked up by the police, and—without any presentation of evidence against him—put in prison. He was held in prison as an awaiting-trial prisoner for three years and in the end was never convicted of any offence. His speech was short because military personnel came with him for the presentation. He was in full military uniform during his speech and, despite the presence of his military ‘superiors’, managed to emphasize the lack of implementation of the UN human rights standards for the treatment of prisoners in Nigerian prisons. Edokwa had to take time off work to present at ICOPA, hence the military uniform and escorts, but he gave an accurate presentation of his time as a prisoner and his contact with the police force. Before and after his presentation, when he was not in uniform and escorted by military personnel, he became heavily involved in abolitionist discussions, promoting the ideology and advocating for implementation of alternatives to the system that are separate from the penal structure and not within state control. His presence at ICOPA X was valuable and represented a great deal of resistance to many oppressive forces.
ICOPA X: CONCLUSIONS AND REALIZATIONS

Throughout the conference there were many intense discussions among participants. Many of the Nigerian students in attendance expressed concerns about the nonchalant attitudes of Nigerian lawyers and judges toward the suffering of prisoners. The stories shared by (ex-)prisoners, and the justifications for inhumanity presented by several criminal justice practitioners (mainly laying blame for system malfunctions on criminal justice branches for which they were not working), prompted discussions among participants between presentations and over lunch breaks. One of the Nigerian lawyers present reacted by telling a large group of students that “Nigeria has just entered into democracy after thirty years of military dictatorship,” and thus their expectations for their nation’s development were premature and set too high. A heated debate on the politics of injustice ensued. As at other times throughout ICOPA X, a small minority of those employed by the criminal justice system were challenged or threatened by the criticisms and facts presented. It also seemed that the more students heard, the more disturbed they were by the injustices occurring in and through the Nigerian criminal justice system. While many did not trust the system or the state, the details presented still shocked them. These students continue to voice their concerns about criminal justice in Nigeria. The new generation of young adults is at odds with a minority of the older generation of criminal justice practitioners, and some of the older generation of activists and academics. This made for some really interactive sessions and debates: ICOPA X days and nights were packed with many loud, heated, and at times hostile discussions. These discussions did not break up the group dynamic at ICOPA X. In true African spirit, those who disagreed chose to spend more time in discussion, despite recognizing possibly irreconcilable differences.

It was a powerful experience, emphasizing to me that the path to peace and equality is not quiet; it is full of stories of brutality, and it is packed with disagreements. When the people
repossess the power to define and resolve their own conflicts they are bound to disagree, and that disagreement is essential. I have come to understand that silence is a tool of oppression. Speaking out is a tool of resistance. Some speak through song, some speak through stories, some speak through writing, some speak through research, and some speak through action. ICOPA X spoke loudly in West Africa those few days.

The stories shared during ICOPA X, and the experiences I had in Nigeria, were intense and at times violent. The (ex-) prisoners, community members, and activists I met in Nigeria struggle every day, not only to become free, but also to survive on a basic level in extremely harsh living conditions. Nigeria is a rich nation. Africa is rich in resources. What keeps one of the richest, most abundant continents poor? It became clear to me in Nigeria that globally racist and oppressive economic structures, built during racist and violent eras of colonialism and slave-trading, continue to thrive at the expense of an entire continent. While history set the stage for the current situations and oppressions in Africa, many privileged societies choose conveniently to ignore the racist and violent foundations of their comforts. The racist and oppressive penal structures of Western societies continue to be taken for granted as civil and common forms of law. Penal structures actually represent the visible reality of the criminal forms of justice that colonial institutions implement. Their very existence on African soil brings to light the continuation of colonial rule in Africa. Penal institutions in Africa serve as a constant reminder of the criminal acts of colonialism and slave-trading that Europeans participated in historically; they also illuminate the continued participation in such acts by descendants of colonials, who continue to exploit Africa and work toward the implementation of a stronger penal system on African soil.

The actions and circumstances that have led up to the contemporary conditions in which Africans and people of colour all over the globe live are racist and violent. Conflict, it seems, is inevitable; violence becomes natural within a structure that
is unnatural, inhumane and repressive. Resistance, I have come to learn, lies in a commitment to build solidarity among those who are oppressed, predominantly and unquestionably people who are 'not white'. Upon building a stronger community focused on fighting such conditions, communities of colour can begin to work with allies who are white, but who choose to use their privilege to destabilize it. Solidarity occurs with the implementation of a respected diversity, an understanding that differences are not only acceptable, but also essential for the human social condition. Within the spirit of such diversity lies the understanding that institutions and systems of control are too rigid, and thus structurally too oppressive, in their interactions with the people of a flexible and diverse society.

For disempowered populations these oppressions are a reality, all-encompassing and devastating. For those who are privileged, who are empowered, who do have opportunities to speak out and create possibilities for change, it is not a choice but a responsibility to work toward freedom. It is a responsibility to fight to destabilize the conditions and structures that thrive in violence and build comforts for a minority rich (and predominantly white) population through the bloodshed and exploitation of the majority. The fight for freedom from penal oppression and colonial global structures is essential at times like this. In these times of barbaric criminal justice the current human condition demands that the current global order transform. A revolution of the mind, body, and spirit of contemporary social, political, and economic structures must occur. In the meantime disempowered, oppressed, and silenced populations continue to fight back and resist colonialism through criminal justice in Africa. The experiences, facts, and analyses shared in this book illuminate such acts of resistance, and hopefully can stimulate a discussion that is not controlled by deluded propaganda. The past is not the past, racism continues to thrive today, and there are options available to change the miserable realities of this global colonized and racist condition.
NOTES

1 Meetings are held the last Friday of every month ironically, in the British Council office in Lagos. The purpose of the meetings is to gather human rights activists and non-governmental organizations in Lagos, in order to network and build a community organized enough to implement political and social changes.

2 One of the continental participants at ICOPA. A human rights activist in Liberia, Moses spoke frequently about the civil war that his country is experiencing.

3 The *Journal of Prisoners on Prisons* presents this opportunity to prisoners all over the world.