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Series 1

# PRAWA's Position on the Strategies for Decongesting of Correctional Centers in Nigeria

## The Recommended Strategies:

1. There are 3 types of persons in custodial centers, namely: the innocent, the petty/minor offenders, and the serious offenders. The first 2 groups should be quickly determined and released.
  2. Those who are terminally ill,
  3. The elderly,
  4. Those who are awaiting trial but have spent more time than what the sentence of the offences they are charged for specify had they been convicted,
  5. Long term inmates with less than 6 months to go,
  7. Those who are of good behavior (including lifers),
  8. The Under aged,
  9. The Mentally ill especially those whose cases are classified as 'civil lunatics' including those framed as 'criminal lunatics'
- Note:
- Effective utilization of non custodial measures / community corrections including restorative measures in line with part 2 of the Nigerian Correctional Service Act 2019, ACJA and other relevant legislations.
  - Adequate rehabilitation, reintegration and community support mechanism should be put in place utilizing the provision of the non custodial measures as provided under part 2 of the Nigerian Correctional Service Act 2019 as well as the relevant provisions of the ACJA / ACJL.

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- Proper documentation and links with families, and communities of the released inmates should be put in place.
- This process of review should be sustained and utilized so as not to have a relapse.
- The relevant agencies such as the judiciary, the jail delivery mechanism headed by the Chief Judges, the state Prerogative of Mercy Committees, Presidential Prerogative of Mercy Committee, State and Federal Attorney Generals utilizing their powers of nolle prosequi in relation to state and federal offences respectively, etc should all be fully activated towards urgently implementing these.

Note with COVID- 19 pandemic most of the above suggestion will happen mainly utilizing remote process and active utilization of the records officers, welfare officers, the judicial officers, the AGs, DPPs.

There is need for proper checks and balances and oversight of the process by CSOs, NBA and NHRC especially utilizing mechanisms that align to the current context. Other checks and balances and oversight processes provided under the NCSA 2019 such as Sec. 12 (activation of early warning signals and rejection of inmate when official capacity has been exceeded, Sec. 21 (inspections and custodial visitors), Sec.24 (mental health review board), etc should be fully activated.

Finally, we should also look at those who are detained in the police cells and other detention centers across the country by several security and law enforcement agencies. There are over 17 institutions in the country that have detention facilities. Unfortunately, we have no centralized database of all those in Detention in the country at any given time. This gap should be urgently addressed for both planning and monitoring/tracking purposes.

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