

The all-women law firm helping prisoners get justice in Nigeria

Poor Nigerian inmates can wait years for their cases to go to trial, but now a group of lawyers are fighting the system.

By Nosmot Gbadamosi

Al Jazeera (24.06.2020) – <https://bit.ly/2Bmlgg0> – On a breezy February morning at the height of the dry season, Oluyemi Orija cranked down her car window and turned up the speakers, leaving trails of Jailer by Nigerian singer Aşa in the warm air.

It was a fitting but ironic choice of song as she drove south towards Lagos State Ikoyi Prison with three members of Headfort Foundation – an all-women law firm – in the backseat.

The prison was 15 minutes away and a world apart from Awolowo Road, an affluent stretch the 31-year-old criminal lawyer was cruising through. Luxury shop fronts displayed designer dresses while curb-side juice bars pumped out jazz.

“We are going into hell,” Orija said. Seated beside her, I had volunteered with her team for the day to collect prisoner testimonies.

“The facility is built for 800, and 3,000 people are using it ... we had one client defecate himself because he couldn’t access the toilet,” she explained, her eyes focused on the road ahead. “The congestion leads to a lot of communicable diseases.”

Earlier, in November 2019, on an afternoon visit without Headfort, I had glimpsed the blackboard inside the prison controller’s office. It listed the total number of prisoners in each cell – usually overcrowded barred rooms with hundreds of people sleeping together on the floor. One cell had 1,065 inmates sharing. In December, five people were fatally electrocuted because a cell meant for 35 was accommodating 140.

Once every few months, volunteers from the non-profit organisation Orija founded in 2018 collect the cases of poor inmates who have spent months, sometimes years, in jail without trial. They provide free legal services in one of the toughest judicial systems in the world.

In April, Emmanuel Imhoudu, a taxi driver in the capital Abuja, was sentenced to six months in prison for working during a lockdown imposed to curb the spread of COVID-19.

Nigerian security forces killed 18 people in two weeks while enforcing lockdown measures, the country’s National Human Rights Commission (NHRC) said.

Even before the coronavirus pandemic hit, campaigners said Nigeria's police made conditions in the country's congested prisons worse through brutality, extortion and harassment.

A 2016 Amnesty International report accused the Special Anti-Robbery Squad (SARS), a unit of the Nigerian police force, of regularly demanding bribes from suspects. In February this year, the assistant chief state counsel of Edo, Justina Odihirin, called for a review of police prosecution powers. "Seventy percent of the files on our table brought in by the police are those who don't have anything to do in detention at all," she said at a public meeting.

Today, Orija and her all-women team work on the front line to tackle the problem.

With each visit to the prison, they collect roughly 35 cases. Some 80 percent are imprisoned for minor offences, according to Headfort. Many are there longer than the maximum sentence for their alleged crime.

About 70 percent of the total prison population in Nigeria is people awaiting trial. In prisons where data is collected, the average time defendants spend on remand is three years, while some spend more than a decade.

Wallowing in prison

At Ikoyi, all visitors walk through two locked doors and

submit to a thorough body search – removing mobile phones and every connection to the outside world – before entry. But Headfort women are allowed to keep a legal pad and pen.

In the crowded prison courtyard and within a strict one-hour time slot, hundreds of inmates queued up, eager to share their stories and have a lawyer take up their case pro-bono.

Family members are often unaware that their loved ones are in jail. One prisoner, Chijioke, whose surname is not being published because his trial is ongoing, said he had been in jail since April 2019 after he was charged with stealing because he could not keep up with his loan payments on a keke (motorised rickshaw) that he bought for work. He owed two weeks of payments. He could not remember anyone's mobile phone number to let them know he was in prison.

“If my brother only knew I was here, he would bail me out,” Chijioke said. He worried about getting enough food in prison without any outside help and being able to find work when he is finally free.

Azeez, whose surname is not being published because his trial is ongoing, was picked up on the roadside at 11pm while walking home from work. He said police charged him with social disturbance because he had not given them a sufficient reason for being on the road and because he refused to give them money. He had been in prison for a month when we met him and was worried about his mother, who was sick.

Tracing family members, many of whom live on the outskirts of Lagos, is a time-consuming and unexpected part of the women's jobs.

"Your phone has been taken away from you so you can't have access to any information, so the family members are not aware," Orija explained. "Some of them believe that their family members are busy working in Lagos and they are blossoming, not knowing that they are wallowing in prison."

Headfort's project manager, Tolu Ajibogun, said that even when prisoners died, she suspected their families were not always informed.

"Last Monday, a man died, and it wasn't recorded on the board. A client reported to us that in his 19 months stay in Ikoyi prison about 10 people died," Ajibogun said.

"That's just it, if they are dead, they are dead," added Orija, referring to the perception some officials have that mourning or completing paperwork for the dead will not bring them back.

Passion for helping people

Orija did not start out with the aim of making the organisation exclusively women-led. "I realised that women are more passionate when it comes to injustice," she remarked, adding that a lot of men were put off by the low pay in pro-

bono work.

“They are driven by money, and if the figures aren’t adding up, they are not interested. While women will see injustice and want to do all that they can to ensure it is fought.”

She concluded that women were better suited to the job and less susceptible to corruption. So far, the group has secured the release of more than 100 inmates, many of them men. They are currently handling a further 90 cases in various Lagos courts.

Associate Hairat Suleiman is one of the firm’s three staff lawyers bolstered by a team of eight volunteers. At first, she appears shy – except around defendants. The 23-year-old spent most of her time in law school observing the system. “Not just in court but on the road, you see the way SARS policemen harass people, SARS will collect your phone and say they want to search through your phone as if it’s their right,” Suleiman said.

She believes many police officers carry their guns while off duty. “Which is wrong. It is just to scare citizens when they see the gun and the demand for money. You want to drop the money because you are at gunpoint,” she said. Seeing that it was often those too poor to pay who ended up in jail, she was determined to fight back. But her path to Lagos was not easy.

Suleiman grew up in the northern state of Kaduna. There, attitudes are more conservative than in the south. “I really

didn't want to stay in the north because I had a passion to help people ... but if I should stay under my parents, I will be confined to just one place," she said. It took a lot to convince her father to let her uproot and move to Lagos, but that tenacity drives her work.

"Our vision is to have this foundation everywhere in Nigeria," Suleiman explained.

And this starts by first educating citizens in Lagos on the law. "We are going into schools and talking to them about the likelihood of them being a victim of police brutality and what to do should they find themselves in that situation," Orija said. "We are giving them a helpline to call so that we can step in at that early stage."

One of their most basic lessons is "at least know one person's number off by head that you can call," Orija said, tapping her forehead.

Waiting for justice

Once cases go beyond the police, the obstacles are even larger. Judges delay court proceedings, sometimes by several months.

One crisp morning in January, I joined Suleiman at Ikoyi Federal High Court for a hearing. Two men were charged with stealing electricity cables, while three others, including

Suleiman's client Wasuru, were in prison on charges of aiding and abetting them.

We arrived at about 8:15am for the 9am court start. We were still waiting by midday when a clerk announced that the hearing was postponed because the judge had not turned up.

"Often there is no reason," Suleiman said, as she shuffled large folders back into her backpack. "Sometimes they say that the judge cannot make it, then they will give another date."

I followed Suleiman to the courthouse holding cell. The inmates had been brought from jail, and like us, were eagerly awaiting their trial, their arms hanging through the bars.

Wasuru, a homeless man, had spent two years incarcerated. In February 2018, he was sleeping in an abandoned estate in the Lagos district of Ebute Metta. He was arrested for allegedly collecting 6,000 naira (\$15) in proceeds from two men charged with cable wire theft near the area.

His trial started in October 2019, but this was the sixth time the case would not proceed. Wasuru's face froze for a moment, then dropped, when Suleiman broke the news.

"At least they only pushed it back by another month, they could have said three months," Suleiman told all three men charged with the same crime. It failed to raise spirits. The smiles that had spread across their faces upon seeing Suleiman

had faded. They had already spent more time in jail awaiting trial than if they had been immediately convicted.

“He has given up all hope,” Suleiman later said about Wasuru, as we walked back to the car park.

“Many of them do. Many change their plea to guilty in order to just save time and know how long they will be there for, but then they find nothing has changed, it has not made a difference.”

Under Nigerian law, Wasuru was granted free bail but could not meet the conditions because he was unable to provide a wealthy guarantor. Research by PRAWA, a Nigerian justice NGO, found that most inmates had no formal education and about 76 percent were living on less than \$128 a month prior to arrest.

As a result, inmates have an incentive to plead guilty, even to crimes that they did not commit, because they cannot meet bail conditions. They view it as the fastest way to get released.

Fighting the system

Shortly after our visit, the Nigerian government temporarily suspended court activities to prevent the spread of COVID-19.

“Every year in July, the courts go on vacation and resume in September ... they will still be in there at least till 2021 and for 6,000 naira,” Orija said. “At worst that should be community service, and now it will be three years and counting.”

President Muhammadu Buhari made reforms to Nigeria’s Prison Service last year, changing the name to Correctional Service and promising to speed up trials.

In turn, Nigeria’s police force has said citizens should report officers who violate rules on conduct so “the rights of Nigerians are not infringed upon under any pretext”.

“We have responded to some of the issues raised by the National Human Rights Commission Report ... Even before the report was issued, our position has always been very clear,” police spokesperson Frank Ba told Al Jazeera via telephone. “Police officers must carry out their duties within the ambit of the law, they must be professional, must be firm but at the same time be caring, polite and respect the fundamental human rights of our citizens.”

“We have continued to push this narrative and to walk the talk,” he added. “In the few cases where we have found officers acting in manners that does not follow our code of conduct, we have not hesitated in calling them out and in bringing internal disciplinary procedures against them.”

Anietie Ewang, a Human Rights Watch Abuja-based researcher,

said disciplinary measures do not go far enough. “If I see a police officer commit a crime today in Abuja, I can see him tomorrow in Lagos – he’s just been transferred.”

But there are some signs of progress. A new police reform bill could result in better record keeping. “We’ve been part of the process just like many other civil society organisations being a part of the public hearing at the National Assembly,” explained Ewang.

However, structural problems such as adequate funding also need to be addressed, Ewang pointed out. “When police officers are made to look for resources to be able to motor their vehicles, to be able to buy a bullet for their gun or to sew and make their uniforms and look presentable, obviously they are going to look to extra judicial measures to get that done.”

The Nigerian correctional service declined to comment.

At least 2,600 elderly inmates or those serving less than six month terms have been released from Nigerian jails in order to decongest facilities amid the coronavirus outbreak.

Still, rights organisations say too many people arrested on minor offences remain in jail waiting for a hearing.

“It is a good move. But it is not enough,” explained Isa Sanusi, Amnesty International Nigeria’s spokesperson, adding

that defendants are caught in a system that is slow to bring cases to trial.

“There are [those] who have even overstayed. The worst thing is that the majority of people in Nigerian prisons are those awaiting trial. A prison that is supposed to hold a capacity for only 600 people will end up accommodating 2,000 people,” he added.

When the courts do run, judges pick which cases to hear from an overloaded daily list. “A few days ago, we had somebody that has been in prison since 2009, and I personally thought it should be a priority on that list,” Orija lamented. “But the judge didn’t pick it, it’s about 11 years, and this person is just going to be re-arraigned because the judge that was initially hearing the matter was transferred to another court.”

“Now it’s not about just going to the prison and getting people out of prison but fighting the system,” Orija said.

The group’s ambitious plan is to have a desk at every court staffed by volunteer lawyers who can represent those arriving overnight with police to be remanded.

“If we are there from the very beginning, maybe they won’t even get to prison at all,” Orija said.