

Nigeria Prisons Service

Prisoners' Information Booklet

On

Rights & Responsibilities

Produced as part of the Human Rights Training Integration (HRTI) Project – A Project of the Nigeria Prisons Service (NPS) and the Prisoners Rehabilitation And Welfare Action (PRAWA) with the Support of the British High Commission

Introduction:

The Nigeria Prisons Service is committed to ensuring the observance of prisoners' rights and responsibilities for the safe and orderly functioning of the prisons and in compliance with International human rights standards.

This handbook is based on United Nations Standard Minimum Rules for the Treatment of Prisoners as well as the Constitution of the Federal Republic of Nigeria, the Prison Act (CAP 366) and the Standing Order of the Nigerian Prison Service.

For further enquiries and clarification of any of the rights and responsibilities contained in this handbook, contact the Prison Welfare Officer, the Chief Warden/Chief Disciplinary Officer or the Officer – in- charge of the Prison.

PART I:

PRISONERS' RIGHTS:

As a prisoner you have the following rights and responsibilities:

Right not to be detained unlawfully:

No one shall be detained in prison without a lawful detention order issued by a competent judicial authority (court).

A prisoner admitted by the superintendent –in-charge, has the right to every facility to communicate to his lawyers, family and friends if he is not the person named in the warrant. -Section 7 Nigerian Prisons Service Standing Orders (Revised Edition), 2011.

Right to be informed of rights and obligations (responsibilities):

As soon as a prisoner is admitted in a prison the prisoner must be informed of her/his rights and obligation in a language she/he understands by the reception officer.

Right to Legal Representation:

- Every prisoner has the right to access legal representation of his/her choice and where he or she cannot afford this, access to free legal representation shall be provided.

For the purpose of his defence, an awaiting trial prisoner shall be allowed to apply for free legal aid where such aid is available, receive visits from his legal adviser, prepare and hand to him confidential instructions. He shall if he so desires, be supplied with writing materials. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a prison officer. Section 252: Nigerian Prisons Service Standing Orders, (Revised Edition) 2011.

Right of Appeal:

- A prisoner has a right to appeal against conviction and sentence within a specified duration (30 days) from the date of sentence.
- An appellant shall be allowed to see his legal adviser, or any other person with whom he desires to communicate regarding the prosecution of his appeal on any week-day at any reasonable hour, in the sight but not in the hearing of a prison officer. Section 176: Nigerian Prisons Service Standing Orders (Revised Edition), 2011.

Right to Food:

- Every prisoner shall be allowed a sufficient quantity of plain and wholesome food, regard being had to the nature of the labour to be performed by him
- Prisoners should be provided with sufficient rations of a balanced diet.
- An awaiting trial prisoner and a debtor may provide themselves with food and other necessaries in the same way as a debtor and if he does not desire to do so, shall receive the regular prison allowance of food.

Right to drinking water:

Drinking water shall be available to every prisoner whenever he needs it.
Section 268: Nigerian Prisons Service Standing Orders (Revised Edition), 2011.

Right to Daily Exercises:

- Prisoners should be allowed to exercise daily.
- All Prisoners not employed in the open air shall have the means of taking such exercise in the open air as the medical officer shall deem necessary for their health.
- Condemned convict should be exercised under guard for an hour daily.

Right to Medical Services:

- Every prisoner shall be examined by a medical officer as soon as possible on admission. A prisoner once admitted should as soon as possible be examined by the medical officer, who shall enter into the prison register, the state of health of the prisoner.

- All prisoners prior to being removed or discharged shall be examined by the medical officer, and no prisoner shall be discharge except at his/her own request, while laboring neither under any acute or dangerous disorder, nor until the medical officer shall certify that such discharge is safe.
 - All prisoners for transfer shall be examined by the Medical Officer within twenty-four hours of the transfer and shall certify fitness to travel.
- Section 112: Nigerian Prisons Service Standing Orders (Revised Edition), 2011.

Rights to Receive Correspondence and Visit:

- Visiting and correspondence rights are permitted but regulated by law. Letters will first of all be inspected by the Superintendent.
 - All prisoners other than prisoners under sentence, shall be allowed all reasonable opportunities daily of communicating with their friends or legal adviser, and they may write and receive letters.
 - Soon after admission to prison, a prisoner is allowed to inform relatives where she/ he is imprisoned through a letter or telephone call made (on his / her behalf) by the welfare officer.
 - Prisoners are allowed to communicate freely with their lawyers or Embassies if they are not Nigerians.
 - If a prisoner, dangerously sick desires to be visited by near relation or friend, the medical officer may give an order in writing for the admission of such relation or friend if he considers it advisable.
 - Prisoners under charge of Capital Offence shall be allowed all reasonable opportunities for daily communicating with their friends or legal advisers, and they may write or receive letters.
 - A prisoner under sentence of death may be visited by such member of his relations, friends and legal advisers as he desires to see and are authorized to visit him by an order in writing by the Superintendent-in-charge.
- Section 208: Nigerian Prisons Service Standing Orders (Revised Edition), 2011.

Right to Training and Rehabilitation:

On admission, each prisoner under sentence will appear before Reception Board to determine a suitable area for training as a way of rehabilitation

Right to suitable bedding:

Every prisoner shall be provided with suitable bedding: a mattress, two blankets and one pillow each.

Right to have safe custody of own property:

Prisoners' cash and items of value shall be taken charge of by the superintendent of the prison and an inventory of them shall be made in the Prisons' register.

Right to have babies less than 18 months stay with their mothers:

- Children less than 18 months or still breast feeding may be admitted into prison with their mothers.
- Where an infant is received into Prison with his mother, or is born in prison or is born during a temporary removal of a prisoner to outside Government approved hospital; the following arrangement shall be made for the mother to nurse the baby:
 - (a) A cot or cradle shall be provided for every prisoner with a baby. The mother shall be told to use the cot or cradle for the baby at night; she shall be warned that, disobedience shall make her responsible in case of an accident to the baby.
Section 476: Nigerian Prisons Service Standing Orders (Revised Edition), 2011.

Right to freedom of religion:

The practice of one's religion should be guaranteed

Rights to access prison library books:

Prisoners may borrow books from prison library

Right to special consideration for those in vulnerable situations:

Special attention should be given to vulnerable group prisoners, the elderly, terminally ill, mentally ill, expectant mothers and those with infectious diseases.

Right to be accommodated in separate units:

- Male and female prisoners shall be confined in separate parts of the prison.
- The prisoners of each sex shall, as far as the prison accommodation renders it practicable, be divided into distinct classes namely:
 - Prisoners before trial shall be kept apart from convicted prisoners;
 - Juveniles under sixteen years of age, from adults;
 - Debtors and other non-criminal prisoners from criminal prisoners

Right to be provided with a prison uniform:

- Every convicted committed person shall be provided with a complete prison dress and shall be required to wear it at all times during the day.
- Every prisoner shall be issued with two sets of uniforms upon admission.
Section 289: Nigerian Prisons Service Standing Orders (Revised Edition), 2011

Right to hygiene:

- Female prisoners shall be given sufficient supply of sanitary towels when required. Arrangements shall be made in prisons where there are female prisoners for the hygienic disposal of sanitary towels.
Section 324: Nigerian Prisons Service Standing Orders (Revised Edition), 2011
- Every prisoner shall be provided with a toothbrush on reception. The toothbrush shall be regarded as consumable articles and may be retained by the prisoner on discharge or transfer. Powder dentifrice or toothpaste shall be issued as required. Chewing sticks may be issued as and when required.
Section 331: Nigerian Prisons Service Standing Orders (Revised Edition), 2011
- Every prisoner shall receive a weekly issue of two tablets of soaps for his personal use (and three tablets in the case of female prisoners) and the washing of his uniform. Soap for other cleaning purposes shall be issued to the staff-in-charge of the party concerned.
Section 332: Nigerian Prisons Service Standing Orders (Revised Edition), 2011

Right not to be employed on certain designated days:

No prisoner shall be employed at hard labour on a Sunday or on Christmas day, or on Good Friday; except it is in the interest of public health or of Government service, it is found necessary to employ prisoners on the days mentioned, they may be so employed. No prisoner shall be employed on two successive Sundays unless of his own volition.

Right not to be employed when other medical observation:

Prisoners under Medical observation in the prison hospital or clinic, whether mental or otherwise shall not be engaged in labour.

Section 454: Nigerian Prisons Service Standing Orders (Revised Edition), 2011

Right to Remission of Sentence:

- Every convicted prisoner undergoing different sentence of imprisonment for a period exceeding one calendar month may earn remission of sentence as the reward for industry accompanied by good conduct.
- The maximum remission which may be earned shall be one-third of the sentence.
- Where a Muslim is sentenced in an Area court to a period of imprisonment exceeding one month in respect of an offence for which the Islamic law prescribes a fixed sentence, the court may endorse on the warrant of the imprisonment that such sentence shall be served in full.
- The amount of remission of sentence a prisoner may earn shall be determined as follows:
 - a. a prisoner shall be entitled to remission that is appropriate to his sentence unless he is convicted of any charge against prison discipline;
 - b. if it is considered that a prisoner has not earned the right to the maximum remission of sentence on any particular day he shall be charged before the superintendent or assistant superintendent in charge of the prison;

c. If a prisoner forfeits his right to remission of sentence, this shall be entered in the prison's punishment book.

- When cumulative sentence is imposed at the same time together amounting to a minimum term of imprisonment of one calendar month, this shall entitle a prisoner to be eligible for remission of sentence for the whole period of such sentences.
- Cumulative sentence when passed at different times, together amounting to the minimum term of imprisonment of one calendar month, shall entitle a prisoner to be eligible for remission of sentence from the date of passing of the sentence which brings the total sentence passed up to the required period; therefore in such a case, the prisoner is eligible for remission in respect of the sentence last passed and of any unexpired portion of his previous sentence or sentences but not in respect of that portion of his previous sentence or sentence which he has already served prior to the date of the passing of the sentence which brings the total sentence passed up to the minimum required.
- Any convict shall be allowed at reasonable times on his application to have the system of remission of sentence explained to him and the system shall be explained by the superintendent in charge of a prison to all convicts at least once a month.

Right to access a due complaint process and redress:

- Prisoners may make complaints to a prison visitor or to the officer in charge of the prison (or in the case of female to the wardress) but not to any subordinate officer except to report sickness.
- When a prisoner wishes to make a complaint to the officer in charge of a prison, he should inform the warder in charge of his gang that he wishes to make a complaint. When the prisoners are locked up for the night the warder shall report to the Chief Warder the name and number of the prisoner who wishes to see the Superintendent/Officer in Charge and the Chief Warder shall arrange to parade the prisoners before the Superintendent/Officer in Charge of the Prison on the following morning, except when the following day falls on Sunday in which case he should be paraded on the Monday following.

- The above does not prevent a prisoner from complaining directly to the Superintendent / Officer in Charge of the Prison provided the complaints is made when the officer is inspecting the prison yard;
- Every prisoner charged with a prison offence shall be informed of the offence which she/he is charged and shall be entitled to defend herself/himself before the Officer in Charge of the prison.
- Any prisoner who genuinely complained of an illness shall not be compelled to labour until he has been examined and directions have been given.
- Prisoners have a right to seek redress. Prisoners may make complaints to a prison visitor or to superintendent, but not to a subordinate officer except to report sickness.

Part 2

Prisoners' Responsibilities

Every prison has the following obligations/responsibilities to comply with:

Cleanliness:

The prisoners shall be required to keep themselves and environment clean and decent in their persons. Every prisoner must comply with hygiene requirements.

Notification of ill health:

It is the responsibility of any sick prisoner to report to the prison officer supervising her/him who will make arrangement for him/her to be seen by the medical officer as soon as possible.

Wearing of Prison Uniforms:

Every prisoner shall ensure that his/her prison uniform are worn while working for reason of hygiene and security.

Orderly Behaviour:

- All prisoners are expected to live in an orderly manner within the prison community.
- All prisoners are expected to desist from all acts of violence and unruly acts including verbal or physical attacks on staff and fellow inmates.

Prison Work:

All prisoners under sentence shall be required to work subject to their physical, mental and medical fitness as determined by the medical officer and will participate in the earning scheme where applicable.

Prison Awakening Time:

Everyone in prison custody must be awake at the time stipulated for week days and weekends and public holidays.

Bathing:

Every prisoner not exempted by the medical officer shall bath daily.

Liquor and Tobacco:

No alcohol, tobacco (cigarettes) or any other prohibited drug shall be admitted for use of any prisoner except with a written order of the medical officer.

Inspection of all received items:

No prisoner shall send or receive any letter, parcel, or article of any description, which shall not have been first inspected by the superintendent.

Offences against Prison Disciplines:

Every prisoner should desist from committing any the following offences

- (a). Violation of any of the regulations of the prison;
- (b). Common assaults by one prisoner on another, or on an officer;
- (c). Indecent or disorderly behavior
- (d). Insulting or threatening language to any officer or prisoner;

- (e). Receiving or having in possession any article not allowed by the prison regulation
- (f). Willfully injuring or destroying any tools, or any clothing or other articles, the property of the Government;
- (g). Idleness or negligence at work;
- (h). Willfully disabling himself from labour;
- (i). Willful mismanagement of work;
- (j). Attempting, conspiring, assisting to escape;
- (k). Secreting any article whatever;
- (l). Making any frivolous or groundless complaints;
- (m). Abetting the commission of any prison offence;
- (n). Leaving without permission of an officer of the prison the gang to which he is attached, or the part of the prison to which he is confined;
- (o). Loitering about the yards, or lingering in the wards, when they are open;
- (p). Removing, defacing, or altering any distinctive number or mark worn on clothing or person;
- (q). Tampering in any way with prison locks, lamps, or lights or other property with which he has no concern;
- (r). Taking without authority any prison clothing or any of the prison kit of any other prisoner.
- (s). Manufacturing any article without the knowledge or permission of an officer of the prison;
- (t). Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner;

- (u). Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed;
- (v). Any act or conduct to the prejudice of good order and discipline;
- (w). Mutiny or incitement to mutiny;
- (x.) Personal violence against any officer or servant of the person.

Note: The Officer in Charge of the Prison or his assistant or the |Controller-General of Prisons or the Deputy Controller _ General, or on or more of the visitors of prisons, shall have power to hear and decide a charge against any prisoner and impose punishment in respect of any of the above offences.

Punishment / sanctions for violation of prison rules:

When the charge has been heard and decided and the prisoner has been found guilty, the prisoner may be punished in the following manner, he may be ordered

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- (i). to be kept in a solitary confinement in a refractory or solitary cell for any term not exceeding six days, or
 - (ii). To be kept on a reduced diet for any term not exceeding six days, or
 - (iii). To forfeit remission of sentence, or
 - (iv). To be whipped with a cane
- A prisoner shall lose one day remission of sentence for each day on which he is kept in solitary confinement in a refractory or solitary cell or kept upon reduced diet.

When the charge has been decided on oat and he prisoner has been found guilty, the prisoners may be punished in the following manner, he may be ordered –

- (i). to be kept in close confinement in a refractory or solitary cell and on reduced diet for a term not exceeding two weeks, or
- (ii). To forfeit remission of sentence; or

- (iii). To be whipped with a cane. Provided that this punishment shall be ordered in respect of mutiny or incitement to mutiny, and personal violence against any officer of the prison.
 - (iv). In aggravated cases to undergo any two of the above punishment for the same offence.
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- In cases of escape from lawful custody, or cases where it appears that the offence by reason of gravity, or by reason of previous offences, would not be adequately punished by the prison authorities, the accused may be tried by a court and dealt with under the Criminal Code.
 - The superintendent shall enter in the record of punishment a statement of the date and nature of every offence punished, with the names of the offender and the punishment inflicted.
 - Whenever the superintendent considers it necessary for the safe custody of any prisoner that he should be confined in irons, he may so confine him. Every such case shall be recorded by the superintendent in his journal.