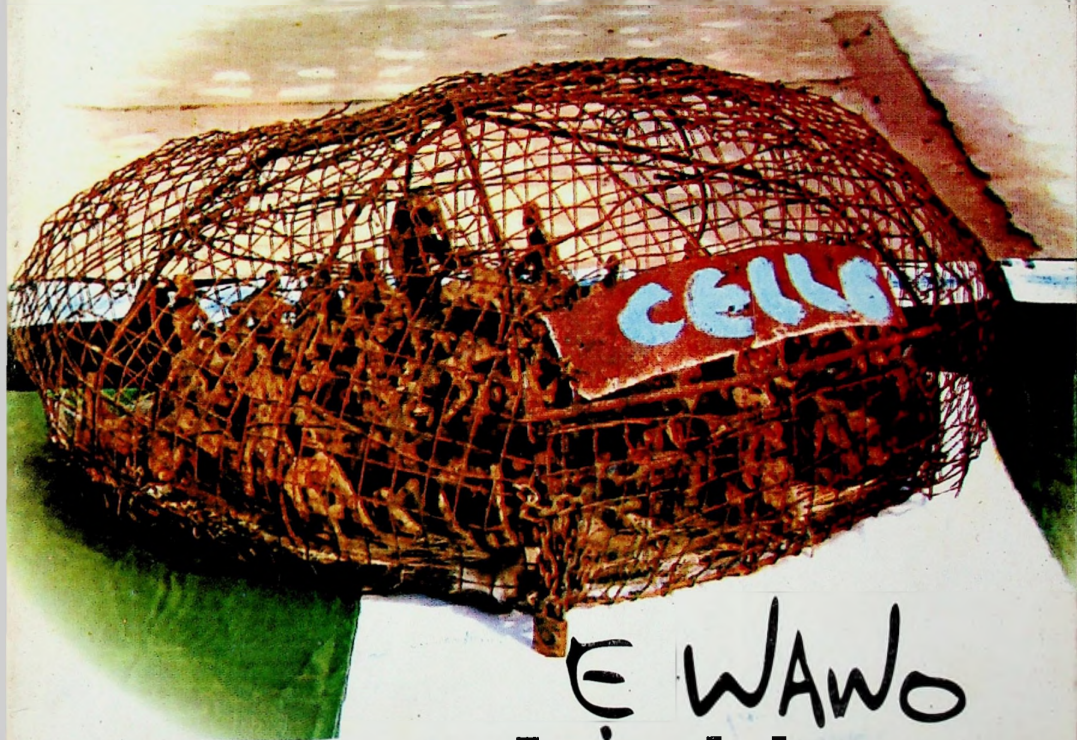




ARTS

Against Holding Charge



E WAWO The Awaiting Trial Persons

An Exhibition of an Installation Sculpture

By Jelili Olorunfunmi Atiku

Organised & Supported by

HOUSE COMMITTEE ON JUDICIARY,
HUMAN RIGHTS AND PUBLIC PETITION
LAGOS STATE HOUSE OF ASSEMBLY.

THE ADVOCATE FOR HUMAN RIGHTS THROUGH ARTS -AHRA
LAGOS STATE NIGERIA.

**@ LAGOS STATE HOUSE
OF ASSEMBLY**

10 -13 December, 2005.

"Holding Charge": An Obnoxious Practice in Criminal Justice System and A Form of Human Rights Abuse in Nigeria

Jelili Olorunfunmi Aliku
University of Lagos, September, 2005.

The United Nations Centre for Human Rights (UNCHR) estimated during the June - 1993 World Conference on human rights at Vienna (Austria) that at least half of the world's people suffer from some serious violation or deprivation of their basic economic, social, cultural, political and civil rights. The Centre brought to fore, the range of these violations, which includes, torture, execution, rape, arbitrary detention, violence and disappearances, extreme poverty, slavery, child abuse, famine and undernourishment, and lack of access to clean water, sanitation and health care.

It is no gain saying that the people of Nigeria, the giant of Africa are part of the UNCHR estimation. It has become known, through critical observations and analytical appraisals that several forms of human rights abuse abound in the country. These vices are continuously growing in a massive and tragic scale: an ironical development and disappointment to the status of Nigeria as a signatory to the Universal Declaration on Human Rights, the African Charter on Human and People's Rights and so many other Protocols, Conventions and Covenants on human dignity, liberty and values. Recently, the Legal Defence Project reported on the extra judicial, arbitrary and summary execution in Nigeria. The Organization discovered that 2,987 Nigerians were illegally killed in the country in the year 2004, through political and cult killings. This report once again confirmed the wide spread of human rights violations in Nigeria.

Perhaps, the worst culprit in the perpetration of these abuses is the penal system. According to Oluwole Adejare's book, *Democracy, Life, Liberties, Property in Nigeria* (2004:191); "the Nigerian penal system is a study in tyranny, oppression and criminalizing dehumanization. Consequently, it is a major threat to security in all its ramifications and a sector of savage of human rights". Apart from the degrading, dehumanizing, debilitating and inhuman conditions, which characterized the Nigerian penal and prison system, they also harbour an obnoxious practice known as "holding charge". The practice according to Civil Liberties Organization, arises where a person brought before a Magistrate or Area Court for a criminal charge is remanded in prison custody to await commencement of his prosecution. This practice does not only accelerate human sufferings, it also weakens and challenges the country's criminal justice system. It permits the existence of *Awaiting Trial Cells*-whose inmates are referring to as *Awaiting Trial Persons (ATPS)*. By definition, *ATPS* are those that are remanded in prisons by an order of a court or tribunal, to ensure they are available before the detaining authority in due course for the hearing of their cause towards the establishing their innocence or guilt.

However, the most perturbing issue in the system is the over congestion of the awaiting trial cells. The discovery made by Mrs. Uju Agomo (the Executive Director of Prisoners Rehabilitation and Welfare Action - PRAWA) on the total population of Nigerian Prison exemplifies the foregoing. It was discovered by Agomo, for instance that the inmates in the Medium Prison and Ikoyi Prison in Lagos are 2,618 and 1,771 respectively, while the population of awaiting trial person is astonishingly 2,256 in the former and 1,631 in the latter.

The case of awaiting trial persons is clear violation of the provision of the Universal Declaration of Human Rights and the Constitution of Federal Republic of Nigeria. Similarly, the practice of "holding charge" is an evil practice that needs to be terminated with utmost effort. In Lagos State for instance, the practice comes to life through the State Criminal Procedure Law of 1994: Chapter 31, Section 236(3).

Essentially, the effort here today is to show the reality of the human right abuse in Nigerian Prisons through sculpture language: forms. The exhibit provides adequate information on a sore feature of Nigerian criminal justice system, with a view to eliciting effective strategies for addressing it. It is a terrifying document of the devastation of human values and basic human rights. Each of the human figures in the composition is a careful study of despair, resignation and degradation of the inmates: bold notes of the brutalization of human values. It also opens up a critical observation on the status of human rights' promotion and appeal to peoples conscience to demand for a stop of the draconian practice: Holding Charge.

The promotion and protection of human rights must be a legitimate concern of every individual. In the words of Kofi Annan (1998) "the absence of human right is more than a denial of human dignity; it is also at the root of the poverty and political violence that plague our world".

Human Rights Protection

The Lagos State House of Assembly on Judiciary, Human Rights and Public Petitions is one of the Committees setup by the Lagos State House of Assembly in order to facilitate and enhance the performances in discharging its statutory roles and function to the people of Lagos State.

In demonstration of its commitment and to further facilitate the implementation of the Universal Declaration of Human Rights, which Nigeria is a signatory and other treaties, which the country has freely entered into; the Federal Government of Nigeria enacted the National Human Rights Commission Act of 1995

through which States Houses of Assembly got the mandate to establish House Committee on Human Rights for the promotion and protection of Human Rights in their various State.

The Functions and powers of the House Committee on Human Rights as created by Lagos State House of Assembly include the following:

- * To deal with all matters relating to the promotion and protection of human rights as guaranteed by the Constitution of the Federal Republic of Nigeria and other International human rights instrument to which Lagos State is a part of.
- * To monitor and investigate all alleged cases of human rights violations in Lagos State and make appropriate recommendation to Lagos State House of Assembly for the prosecution and such other activities as it may deem expedient in each circumstance.
- * To assist victims of human rights violation in collaboration with the Office of the Public Defender in the Lagos State Ministry of Justice and seek redress and remedies on their behalf.
- * To undertake studies in matters pertaining to human rights and assist the State Government in the formulation of appropriate policies on their guarantee.
- * To publish from time to time, reports on the state of human rights protection in Lagos State.
- * To organize Local and International seminars, workshops and conferences on human rights issues for public enlightenment.
- * To liaise and cooperate with Local and International Organizations on human rights with the purpose of advancing the promotion and protection of human rights.
- * To maintain a Library, collect data and disseminate information and materials on human rights generally.
- * To carry out such other functions as necessary or expedient for the performance of its functions under the Act and in line with the performance of the Lagos State House of Assembly.

Since the inception of the Committee, we have demonstrated an expansive capacity to tackle issues of human rights through our various activities, ranging from public enlightenment and education, investigations of complaints, mediation and reconciliation, conflict resolution, peace building, redressing human rights violations undertaking research and training programmes on contemporary issues in the field of human

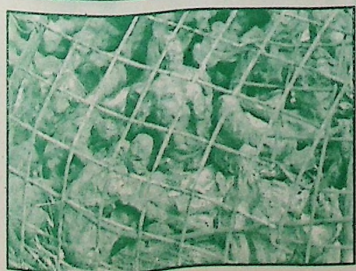
rights, etc.

The Lagos State House Committee on Human Rights remains committed to the task of promoting and protecting human rights in Lagos State to attain social justice. We are conscious of the fact that the enthronement of democracy does not of its own guarantee the enjoyment of human rights, but we are encouraged by the environment which democracy provides for our work.

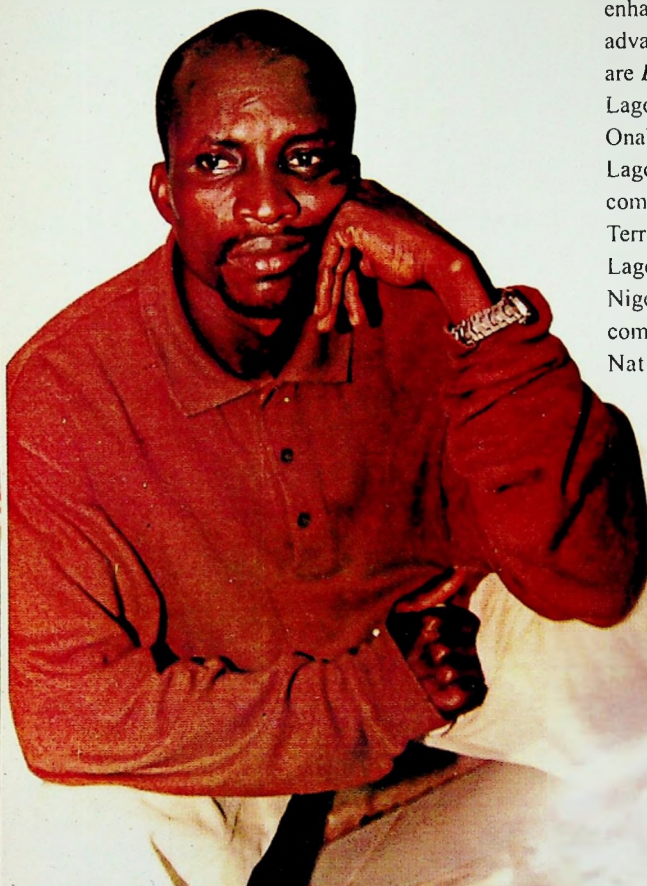
The main goal of the committee is to ensure that Lagosians enjoy the full guarantee of their civil, political, economic, social and cultural rights. This goal cannot however be achieved overnight. The task of promoting and protecting human rights in Lagos State cannot be the sole responsibility of the Committee; rather it's a collective effort and responsibility of all stakeholders. Therefore, in celebrating this year World Human Rights Day, the Committee decided to collaborate with the Advocate for Human Rights Through Arts (AHRA) a non governmental and non profit making organization, to show case a conceptual installation sculpture of a creative human rights artist, Jelili Olorunfunmi Atiku; who is also the Chief Coordinator of AHRA.

The focus here is to present to the Honourable Members (in a special session), the flagrant abuse of human rights in Nigeria Prisons, most especially the inhuman conditions in the awaiting trial cells where the practice of "holding charge" has made many Nigerians remain in detention for more than stipulated time. This gesture is an innovation in Lagos State Legislative processes. It is the first time in the history of Lagos State House of Assembly where visual artistic work is brought to form part of the house proceedings.

Kofi Annan (the Secretary General of United Nations) said in 1998 that *Human Rights had to be realized, seized, defended, promoted, nourished, enriched, understood and insisted upon. Human rights were the best in people; they had to be given life.* In the same vein, the Lagos State House of Assembly shall strive within its capacity to ensure that liberty, peace, justice and respect for human rights are restored and enhanced in Lagos State and Nigeria by extension.



The Artist's Profile



Jelili Olorunfunmi Atiku was born on 27th September 1968 in Lagos, Nigeria and trained at Ahmadu Bello University, Zaria ;where he graduated in 1998 as the best graduating sculpture student. He is presently undergoing his Master training at the Department of Creative Arts, University of Lagos.

He became an active and creative human rights artists in 1998 during his National Youth Service at Akwa-Ibom State - where he visited Ikot Ekpene Prison. The visit exposed him to the harsh realities in Nigerian prisons, and made him to develop a strong determination to campaign for prison reform, through visual artistic works.

Jelili has taken part (as facilitator) in many workshops, which were designed to enhance visual artists

participation in contemporary issues; such that would enhance and promote democracy, human values and advance modern civilization. Among these workshops are *Black Heritage* (held at National Museum Onikan Lagos, Nigeria, 2001), *Omoran Lomogba* (held at Aina Onabolu Building, National theater Annex, Iganmu, Lagos Nigeria, 2001), *Edi Jere Iyep*, which aimed at commenting on the effect of the September 11, 2001 Terrorists attack and the Lagos bomb explosion (held at Lagos State Council for Arts and Culture, Lagos-Nigeria, 2002), *National Drawference* organised as a complimentary event to the Nigerian 2004 Abuja-Nationa Conference, (it was held at Federal College of Education- Technical Akoka, Lagos-Nigeria) etc.

He has also participated in a good number of exhibition. The recent one was his solo show, titled *Shadows in the Dark*, which was held at National Museum Onikan, Lagos-Nigeria in 2004. The exhibition was designed to campaign for Nigerian prisons reform. He also organised the members of the Movement for Creative Drawing (MCD) to create two creative and conceptualized drawings; to campaign against terrorist attack in the world. The drawing were presented to the U.S. President in the year 2002 through Mrs Robyn Hinson-Jones, Consul General of the U.S. Consulate in Lagos State. Apart from the above, he is a political activist, humanitarian and community development enunciator. He is the present President of the Movement for Creative Drawing- MCD (NGO), the Director General of the Society for Better Community-SOBECO (NGO), the Chief Coordinator of the Advocate for Human Rights Through Arts- AHRA (NGO) and Secretary II of the Police Community Relations Committee- PCRC, Ejigbo Chapter , Lagos Nigeria.

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