

MY STORY

Chris Affor

Chris Affor wrote "My Story" and "A Tribute to Solidarity: My Oasis" while serving time in Kirikiri Maximum Security Prison in Lagos State, Nigeria. He was a member of the PRAWA program that works to build solidarity among prisoners. Chris continues to serve time on "awaiting trial" holding charges.

On the 24th of April, 1994, I heard a knock on my office door. Before I could even say "come in," two men entered. One of them was my boss. I tried to read the expression on his face but it was blank, and I knew right away that I did not like the air around either his looks or the looks of the man standing next to him. That man was following closely behind my boss, not allowing any distance. Initially that did not have any meaning to me. My boss's voice echoed, "Mr. Chris, I don't know what it's all about. I just can't understand the message. This is a police officer and he would like to see you at the station. You better go with him for better explanation. I don't get mixed with such stuff, don't expect me around." Then he continued, "Constable, this is Mr. Chris, he stands a better chance of giving whatever explanation you need." With two strides, he was out of the office.

The constable said politely, "Sir, your attention is needed at the station for a little briefing on a certain matter that requires your attention. You only need to come with your car, just to make things easier for the both of us. I promise to give you a helping hand where necessary. I am waiting." I had no prior experiences with police stations. Neither could I remember or think of anything in my life that would give them reason to want or need to speak with me. I raised my head to speak to the constable, but no words emerged. Like most people in Nigeria, I was terrified of the police. That fear is especially escalated amongst those of us who do not have massive monetary life savings. I allowed the policeman to drive my car in order to enable myself the opportunity to regain my composure. He was parking the car in a parking lot I had never seen before. I looked at the inscription on the wall of the building: it was bold enough to convince a fool. "Barbeach Police Station." The words I wanted to say were no longer available or necessary. I had entered their turf. I swallowed my words and without even a gesture followed him inside.

Four men were called out from the police cell. We were arranged in a single row before the station officer. I recognized one of the men as the man

who sold me my car. Mr. Segim Oladokim. He was my neighbour about two years ago. I lived in a building that had four flats [apartments]. The man who sold me the car was occupying the two flats upstairs, while the two flats downstairs were occupied by my work colleague Mr. Ademola, Mr. Williams, and myself. Mr. Segim Oladokim had five cars in our parking lot, amongst which he placed one “for sale.” We agreed on the price and documents were handed over to me after settlement. Two days later, Mr. Segim Oladokim himself brought certified papers on “change of ownership” and handed them to me. All the while, I had nothing on my mind, no doubts about the legitimacy of this sale — it did not occur to me to raise any suspicion. He was a good man, managing a big business but at the time, I never knew his “secret.” It dawned on me as these men confessed that the car that Mr. Oladokim sold to me was not only stolen but sold to me under the pretence of doctored documents. The car was connected to a criminal case investigation in Alagbon, Lagos State, for “robbery and murder.” After being tortured for some time, the men had confessed to this robbery.

I spent two weeks in the police cell, unaware that these were days of grace given to me to find whatever “settlement” [monetary] as per negotiations for a job well done by the police. It was unfortunate I could not understand the smallest signals and secrets of this procedure and affairs in which I found myself. It was not my intention to be so stupid; my level of understanding at the time had no reference to the way the criminal justice system was run in this country. I got to know about it at court, a tip offered to me by one of the police officers (that if I had found “settlement” for the police officers, I would not be on my way to jail), but at that point, it was too late. Naïvely, I was expecting release, believing that my role in their murder and robbery case had been cleared before the police through the “confessions” made by the robbers, leaving me with little or no statement to make: their “confessions” had, as far as I knew, answered all their questions. If wishes were horses, I would have collected an “award,” for innocence. I never knew then that my journey was just about to begin.

On May 8th, 1994, I was taken to court. That morning the police officer in charge of “my case” called on me and said, “My hands are tied, the case is the sensitive type.¹⁴ I have to charge and take you to court to defend your

¹⁴ “Sensitive” in Nigeria because armed robbery is *the* worst crime a person could commit or be accused of committing in Nigeria. Armed robbers are viewed as one of the most immediate and lethal problems in the country.

case. You better make necessary preparations for your bail. We shall be at the court in the shortest time moment.” I was brightened, believing the case was over. I was ready to “pay” the police constable some money, to show my appreciation; he had refused to accept any money from my wife. I did not know then that the offer made by my wife was too small and that he considered it an insult to his person; thus, he had already decided to “deal with me.” He never knew I was poor. He had concluded from the size of my office and from his personal scale of assessments given my standard of appearance that I was not. How I wish I was as big as that empty office, and as powerful as the wrong conceptions that led to my misfortune.

The story changed in court. I heard the judge saying “that you Mr. Chris Affor on the 17th of May, ‘robbed’ one Mr. Anerson Ebere of Mob Odade Street, Agege Lagos, a 505 Peugeot Saloon car valued at ‘five hundred thousand naira.’ You are hereby to be remanded at Kirikiri Medium Prison without bail under section ... of the Constitution of Federal Republic of Nigeria awaiting DPP¹⁵ advice.” This essentially meant that I would be sent to prison on a “holding charge” to await trial, and I would wait until the DPP brought me to court for trial. I turned to look for the policeman who once promised to give me a helping hand if necessary. He was nowhere to be found. I have no words to describe the type of rings [handcuffs] they hooked upon my hands and legs. The weight alone is enough to frustrate a beast.

In my head, I could not understand what was going on. What shall I say to my people? Will they hear that their son is now a “robber?” The stigma associated to that in Nigeria is too much to carry. Who shall I call for explanations? Who will listen to my voice? Is it possible to believe me, instead of the police and the judge? Who is the liar, the police, or the judge, or the man found with the robbed car? Possibly, they will know the truth later. Who will convince them? The police? Who will solicit on my behalf? Will they believe him? I must be a dreamer if I believe I could easily be vindicated. The evidence appears so obvious in this court of law, but no one is ready to decode the real facts. How I wish the ground could have opened and swallowed me up just to satisfy the Negritude of my desire for a hiding place, even the world was too small to contain me. I was absolutely devastated. Incredible: My job? My wife and kids? All gone? Is there a God in heaven? Why should He fail to intervene in this case? Possibly He

¹⁵ Department of Public Prosecution.

is not aware. But He knows all things. Why must my case escape His eyes? Possibly it is my fault. But what is the fault. Wonderful: Too many questions — not a single answer.

From that moment on, nothing else seems to stay in my memory for long. I noticed it was drizzling outside; after that, my memory was absolutely blank. The only thing I could recollect was when I was guided by two strong hands through a mighty gate made with some rugged type of iron, part of which was used to construct the railway. I heard myself answering certain questions absentmindedly that I later found out to be correct answers. The police here seemed to have forgotten how to smile. Staring as if they have nowhere to go, and they seem to have also forgotten what it means to be decent in appearance. The world immediately began to feel very different, where too many things occur that are absolutely unnecessary.

My wife immediately arranged for a lawyer. She received assistance from the policeman in charge of my case, the same man who arrested me and promised to help me, also the same man who promised to release me from prison within a month after I had been awaiting trial in prison. According to that police officer and the new lawyer he helped us find, my robbery charge was pending and a “holding conviction” by the judge made it possible for them to keep me in prison as long as need be. That holding “conviction” I am told was later delivered as unconstitutional by the Court of Appeal. The lawyer was paid and hopes for release were high. To cut a very long story short, we found out that the lawyer was a duper, conspiring with the police to extract money from people in prison, abandoning cases early and claiming he had been “trying his best,” eventually forcing people to either pay him more money or to begin looking for another lawyer out of frustration. He abandoned my case after it went through the Court of Appeal, thus my release proceedings were left without representation. I ran out of money, so the only option I had was to begin looking for another lawyer after my wife gathered up more funds.

The second lawyer we hired could not produce results because he did not possess a passing idea on the series of protocols and procedures made in a holding charge in the Nigerian Judiciary, despite the fact that it was deemed unconstitutional by the “Appeal Court.” He was what we call “a baby lawyer”: we knew him to be a lawyer, but came to learn quickly that lawyers have credentials as regards to the type of cases they could handle as individuals. He was not a criminal lawyer, and did not disclose this information at the

point of consultation. I know now that he is a divorce lawyer and never knew how to produce results in criminal justice proceedings. At this point, I had spent three years in prison, still believing stories from lawyers and their words of assurance and reassurance, all to no avail. I eventually understood that I needed to find a different path.

My wife and I decided to consult a Nigerian “human rights activist” as a result of our lack of funds. His response to our lack of money was “good-bye.” To cut that long story short as well, the DPP had not “looked” at my case for eight years. The Judge refused to make any efforts on my case claiming it is illegal for him to interfere with the activities of the DPP even though they had failed to perform their “duty” for eight years. It is illegal to interfere in the activities of the DPP, even as a Judge, after eight years, as a matter of protocol? But the same protocol failed to recognize as illegal, my detention without trial. Who is to blame: the man in detention or the chains of judicial impropriety? Who is to bear the brunt of this inactivity occurring with the blessings of government protocol?

A detailed look into the behaviours of the Nigerian Criminal Justice System and the things that occur within it can bring to light incredibly ironic occurrences. Right now, I have been in prison for ten years without trial. We have “visiting judges” who come inside prison to listen to the complaints of prisoners, especially those awaiting trial for ten years or more. This exercise is performed four times a year and includes official visits by Chief Judges for the State. They come inside prison, promise to look into the “affairs of the awaiting trial inmates,” once in a while, they release a few people and then they leave. Too many of us have been awaiting trial for more than ten years, too many of us continue to wait for a trial or for a judge to have mercy during a visit and let us go.

We have come to learn that the presence of these judges is only one amongst a series of government protocols. It has nothing to do with release. Can you image “Judges” inside these prison yards, parading themselves around in the presence of absolute injustice? And not seeing the irony of their actions because they are so wrapped up in the name of government protocol? They claim to “sympathize” with prisoners weeping for want of justice and suffering from illegal detentions signed by *those same judges*. How can they reconcile my situation and sympathize with me, where my detention warrant has been declared unconstitutional? Is the judiciary divided? Do they not communicate with each other? Where is the supremacy

of the Appeal Court over lower courts? Why does the penal hierarchy only enforce itself inside prison while failing to keep its police officers from brutal behaviours and its courts from imposing unjust sanction?

I believe the low courts, the high court, the Appeal Court, and the Supreme Court are all under the same judiciary. What brought about the differences in their applications of the law? If “Judges” could be helpless in the presence of absolute injustice, then what chance do I, a prisoner, have in ever getting out of this prison?

I *strongly* believe that if the judges wanted to access authority to redeem the filthy judicial situation and its misuse of the prison system, they would know precisely how to obtain such power. They say that their hands are tied, and they say that in the presence of prisoners who are in prison awaiting trial? Whose hands are tied? Besides, if the hands of judges are tied, while still sitting in the seat of judgement, while being endowed with the power to interpret and apply the law, then, is the law itself is tied? Who shall restore justice?

It is important that the actions of these judicial powers be brought to light before one could determine measures to restore authority and reinstate absolute independence worthy of a constituted judiciary of a nation. And this “investigation” needs to occur before international penal reformers come in here to “help” us build a more efficient justice system. Does a more efficient justice system give judges more power? How do we trust them, in light of how they have misused their power already, to not implement a more brutal system? It is irrelevant to talk about the existing incremental impropriety, because when things have fallen apart this badly, the centre can do nothing to restore and hold things together. Little wonders come forth when one sees the “Appeal Court” declaring certain rules unconstitutional, while the high court and the lower court, the police and the prisons continue to implement a “holding charge.” My “Learned Friends,” where is your knowledge? And Nigeria, we hail thee!

I do not know when I have ever been as extensively discouraged or depressed with despair as I have been with my close and intimate experiences with the failures of justice in this country. It is frustrating to meet up with the predators’ objective and the perpetrators’ mandate. Prison has no particular agenda for implementing anything good. It is meant for dumping and wasting of natural potentials and human resources purposefully built to deprive the poor the right of “real success,” and in fear of possible future

rivals for power in society: prison retains that social structural mantle of authority and kingship that allows for a *very* limited and predetermined number of heads to wear the crown.

This system does not have an agenda for reformation or rehabilitation. It is a system of practical exploitations and subjugation to nothingness through constant pressure. The threat under law has a dedicated hidden agenda and purpose and that is to subdue the poor by reducing them to a state of irresponsibility and slavery. As prisoners fight for their rights and demand vehemently for their needs, those who wear the crown continue to ignore us.

The public has become too willing to accept as true anything the people in authority claim to be true. What they do not know in detail is that prison life is dreadful with a stigma that could frighten a lion. Nothing is normal here. Nothing makes sense. What a confused world. The meals are tasteless. The food is constantly undercooked and permanently cold, portions seem to have a way of reducing themselves constantly. We don't eat food, rather we swallow food, like pills with our eyes closed. We have no choice, it is our only source of survival. We eat what we hate and enjoy what we dislike all in the name of survival. If I had been a criminal, all this *may* have been a reminder of the magnitude of my actions. My situation, along with thousands of awaiting trial prisoners is "unique." We have come to see how this system is deliberately cruel and openly oppressive. How can I live without past reflection? How can I not think that this raw distribution of injustice could be deadly harmful if the raw desire for vengeance is not properly checked? How can I, or anyone for that matter, begin to look for rehabilitation within the realm of a revenge-based system?

Criminal Justice in Nigeria is not concerned with guilt or innocence. In this system, the police are experts at "getting confessions" out of individuals and continue to do so to improve their own careers as efficient officers. Receiving injustice from the seat of justice, from discredited social and justice systems, is not only corrupt but has left too many citizens in this African motherland in colonial prisons. We are here through the measures of that same constitution that is meant to protect us. It is also the same constitution that legalized colonization and the slave trade. How does a "constitution" based system relate to Africa? It never has and most likely never will have our best interests in mind.

I long to see the day when the law shall avenge the poor, and bring justice upon the ruling class that has for too long subdued and subjugated the less privileged to a state of social, economic, and psychological breakdown. Their political ambitions are not rivalled by the lower class, and never will be as long as they continue throwing us into prison with the help of the claws of *their* law and *their* justice institutions.

If you go around the prison, a little personal survey will tell you that the man you see is either a poor man or the son of a poor man. The rich and wealthy are not here. All the so-called “accused” rich people we see in the media who have been arrested for fraud and brutality have rarely been seen inside Nigeria’s prisons. The law has a way out for them. It is a selective distribution of justice, always in favour of certain classes of people: “Corporate criminals” with “Corporate immunity” by “Corporate law” for the “Corporate class.”

An illustration of the things I am trying to express about Nigeria today can be found in the Kirikiri Maximum Security Prison in Lagos State, the number one prison in Nigeria, they say. As of today, despite a series of celebrated criminal cases in the media, and despite the newspaper headlines reporting fraud, duping, drug dealings, and political, economic corruptions, this maximum security prison holds six “political” detainees from the Abacha era for human rights violations. Where are the others? They say in theory that “nobody is above the law.” They also say that there is “equality before the law.” But *practical* justice continues to exonerate the rich. And if the “low courts” fail to keep the rich out of prison, the “high court” is able to exert its power and release them. If the “high court” delays a rich man’s grant of freedom, the Court of Appeal will restore that freedom almost immediately, without preambles or delays. Before you could finish saying, “where is the man” he will be back in his luxurious family home feasting on fresh fish pepper soup. Their cases are often discharged and acquitted for “want of substantial evidence” and “lack of proof.” Justice in this country is for Just Us — just the poor in prison and just the rich accessing the power of higher courts. This system values money over human life and dignity, exonerating corporate criminals and condemning powerless individuals to years of jail time.

The solution to this problem of discredited justice system is still far from being defined let alone resolved. Do we now sit back and rely on the corporate and politically powerful class to reform their own justice system? They

know that the imbalance of power is improperly exploitative. A pessimist on human nature, a privileged person who is not vulnerable to justice might think prisons give the government power to curtail crime and make their society safer. I agree, it makes *their* society safer by safeguarding a small rich population, keeping *just that* population less vulnerable to competition for power. In order to remain “safe” they must continue to subjugate the poor into a perpetual state of slavery.

The irony for me is that all these conditions come with “civilization.” The same system that was brought to us by “civilized” British colonialists represents one of the more brutal aspects of life in Nigeria. I still wonder how long I will be held behind these walls. I still wonder about my future. I wonder what this system is really doing and where it is all going. And sometimes I find myself wondering more about what this system is maintaining and why.