

# HRCRC

HUMAN RIGHTS AND CONFLICT RESOLUTION CENTER, ABAKALIKI, EBONYI STATE

*Newsletter*

Vol. 6, No. 1, 2019



## Peaceful Elections: Bedrock of Human Rights

**2019 Elections in Ebonyi State**

**Report of the 2019  
General Elections in  
Ebonyi State**

**Human Rights Died on  
Sunday**

**What is in a Girl Child?**

**"A Fugitive and a  
Vagabond, Not  
Anywhere there is  
Salvation in no other  
Name but HRCRC!"**



## From the Director's Desk

I cordially introduce you to this edition of HRCRC Newsletter. This edition brings to you stories, articles and news of our activities since the last edition. The period covered includes amongst other activities, the implementation of the Peaceful 2019 Electioneering in Ebonyi Project; - between January and June 2019 and sponsored by Irish Aid and St Patrick's Missionary Society SPS. Also, there is a centre spread of pictures telling our story more than words ever could.

We have also included in this edition The Concise Report of our observations of the last elections in Ebonyi state; as well as an article summarising the pre, during and post-election processes.

Also, for your digest are real stories that have been enhanced as articles to both provide a relatable background to the reality of our world today, as well as lessons to garner from. Whilst names have been changed to protect the identities of the parties, the stories – ranging from violations against women and children, girl child subjugation, land conflicts, Human Rights etc - are real and will hopefully be enlightening and insightful.

Importantly, this edition contains articles about the just domesticated Administration of Criminal Justice Act / Law in Ebonyi state and the implications, as well as the new Nigerian Correctional Service NCS Act replacing the Nigerian Prison Service and how the new changes could help make our Criminal Justice System more efficient.

I hope you find it a good read.

**George Etamesor**  
*Acting Executive Director*

# Contents

<b>2019 Elections in Ebonyi State</b>	<b>p.3</b>
<b>Report of the 2019 General Elections in Ebonyi State</b>	<b>p.7</b>
<b>Human Rights Died on Sunday</b>	<b>p.13</b>
<b>Are We Ready For Human Rights?</b>	<b>p.19</b>
<b>Cyril Ikechukwu Anadebe</b>	<b>p.20</b>
<b>"A Fugitive and a Vagabond, Not Anymore There is Salvation in no other Name but HRCRC!"</b>	<b>p.21</b>
<b>The Unjust Justice System</b>	<b>p.23</b>
<b>Domestic Violence and Crime in Ebonyi State</b>	<b>p.26</b>
<b>Land Conflict; Mother of Disputes</b>	<b>p.28</b>
<b>The Nigeria Correctional Service Act, 2019</b>	<b>p.30</b>
<b>What is in a Girl Child?</b>	<b>p.31</b>

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# Who We Are

## 1. Who We Are

Human Rights and Conflict Resolution Centre (HRCRC) is a *not-for-profit, non-partisan, civil* organisation registered with Nigeria's CAC (CAC/IT/NO 17966) to serve the interest of Human Rights, peace, democracy and development in Nigeria, and with a special interest in the people of Ebonyi State. We promote and protect Fundamental Human Rights (FHR), the rule of law and peaceful coexistence through active advocacy, sensitisation, mediation, conciliation and legal programmes. And in doing these, we have a preferential option for vulnerable members of our society. Since HRCRC was established in 1990 (27 years ago) by an Irish missionary priest, Fr. Kevin O'Hara (SPS), the organisation has helped to enhance human rights practices and promote peace, and good governance within Ebonyi State and its neighbouring states of Enugu, Abia, Cross River and Benue.

## 2. Vision Statement

HRCRC envisions "a democratic society where justice and peace reign for all".

## 3. Mission Statement

We are committed "to promote and protect Human Rights, the rule of law, and peaceful

coexistence through advocacy, sensitisation, mediation and reconciliation especially for the sake of the vulnerable people in the society".

## 4. Our Core Values

- Preferential option for the vulnerable
- Passion for the work we do
- Teamwork
- Respect for the dignity of persons
- Fairness
- Integrity
- Accountability

## 5. Our work

Our work focuses on three thematic areas operating as departments:

1. **Access to Justice:** through our programmes on Access to Justice, HRCRC creates awareness about fundamental human rights and provides free legal aid services. Other activities we cover under the programme include: prison welfare services, police and prison monitoring, alternative dispute resolution (ADR), Gaol Delivery and capacity building for law enforcement agencies.
2. **The Conflict Resolution, Peace Building and Emergency** programme promotes peace through advocacy and cam-

paings. It offers mediation services in interpersonal, communal, family, political and industrial conflicts. Together with the 27 HRCRC branches across Ebonyi State, the Centre has to its credit, over 1,000 different cases that it has handled.

3. **The Women and Children programme** focuses on initiatives that promote and protect the rights of women and children as enshrined in International instruments and domestic legislations. Issues such as gender-based violence, domestic violence, child rights, teenage pregnancy, female genital mutilation, unwholesome widowhood practices, family dispute relating to children, child custody dispute, child welfare, family disinheritance/property, rape, sexual abuses of women/children, child trafficking etc. The Centre, under this programme engage in



general interventions that empowers and enhance women and children, and their rights and development.

### 6. Our Competences

- Advocacy
- Legal services (*pro bono*)
- Mediation
- Monitoring
- Awareness campaigns
- Grassroots mobilisation
- Conflict management
- Peacebuilding

- Emergency management

### 7. Some Past Projects

1. Enhancing the Rights of Child funded by Misesan Cara (Ireland), 2015-early 2017, concluded in 2018
2. Promoting Human Rights and Access to Justice in Ebonyi State funded by Misesan Cara (Ireland), 2011-2012
3. Women's Rights and empowerment project funded by Cordaid (Holland), 2008-2010
4. Women Empowerment: Female Genital Mutilation (FGM)/cutting funded by Manos Unidas (Spain), 2006-2008
5. Access to Justice project funded by CRS, 2003-2005
6. Prison Work and Sensitisation of HRs work in communities Manos Unidas, (Spain), 2001
7. Prison decongestion project funded by Misereor (Germany), 1990
8. Peaceful Electioneering in Ebonyi by Irish Aid (2019)

HRCRC is also a key contributor to the Ebonyi State Justice Reform team; as well as the Co-Chair, OGP subcommittee on Access to Information, and a member of the OGP steering committee, Ebonyi State.

### 8. Our partnership

We have outstanding partnership and collaboration with the following:

- National Human Rights Commission NHRC Abakaliki
- Nigerian Police Force of Ebonyi State Command
- Nigerian Prison Service, Ebonyi State
- The Ebonyi State Judiciary
- The Ebonyi State Women Affairs and Social Development
- FIDA
- Child Protection Network CPN
- Legal Aid Council
- Open Alliance/Coalition of Eastern NGOs
- Government agencies



# 2019 Elections in Ebonyi State

By Onyedikachi Odi Esq.

## Introduction

**E**LECTIONS ARE ONE OF the canons of a democratic society. To many, it signifies a time of rebirth, rekindled hope and transition. A time to retain power or oust an unpopular incumbent from a political position and a popular candidate voted in. Youths look forward to attaining the legal age to join in making this choice. It has become the voice of the common man and a tool in making the peoples mandate shine. Without a free and fair election, democracy becomes merely a theoretical concept only fit to be studied and theoretically analysed. In societies where elections are characterizes by violence, gross electoral malpractice, government interference and money politics, democracy is suppressed.

The 2019 elections have come and gone and

the winners sworn in but the irregularities that characterized the process in Ebonyi state still loom in the heart of its residents and electorates.

## Road To 2019 Elections In Ebonyi State.

Prior to the election there were grave concerns over the conduct and possible outcome, many believed that just like in previous years, it may be marred with violence. The campaign witnessed the annihilation of minor political parties and their candidates; they were almost unnoticed due to inadequate campaign and poor press coverage.

There was also the apprehension of whether the election will take place in war prone zones in the state and a growing concern over the safety of the persons living in these areas during

“ Security agents and political thugs were used in the intimidation and harassment of voters; voters in many polling units also complained of being forced to thumb print ballot papers in the presence of law enforcement agents who were eager to please their preferred candidates while browbeating opposition party members into acquiescence. ”

the election. Weeks leading up to the election, there were reports of the attacks and disruptions of the All Progressive Congress (APC) rallies in Ebonyi, Onicha and Ohaozara local government Areas of the state; also about thirty houses were razed down at Izzi-west constituency in a politically inspired clash by political party members. It was however alleged that these attacks were occasioned to inspire fear in the heart of the electorates in the constituency and discourage them from voting. The streets were graced with torn campaign posters and acid bathed billboard photos.

There were rumours of planned attacks on the INEC offices around the state. This rumour prompted a massive deployment of law

to these offices. The atmosphere further escalated tension in the already tensed environment.

As the days drew near, excitement once more filled the air as many travelled in and out of the state to participate in the elections. The excitement was however short-lived and election fever once more crept in after the Independent National Electoral Commission (INEC) announced the postponement of the election on ground of logistics challenge and sabotage on the commission's efforts. The presidential election was shifted from the 16th day of February 2019 to the 23rd day of February 2019 while the governorship and state legislative elections were shifted from 2nd march 2019 to 9th march 2019. Once more the general spirit was downcast, the enthusiasm died and discouragement set in.

However in retrospect, the rescheduling of the elections proved to be a blessing and a curse to the peculiar Ebonyi polity. It was a blessing because it gave time for a dousing of the already very pent up and potentially explosive polity that preceded the postponement. Furthermore, security agencies had more time to plan and strategize against new hazards that had not been anticipated.

It was a curse because democratically, it discouraged many from coming out a second time to cast their votes in the elections. This was especially true for those who had travelled to their home polling units to exercise their franchise. It was very manifest in the very abysmal turnout of voters during the elections.



enforcement agents to the INEC offices around the state. This gave room for some unscrupulous law enforcement agents, who took advantage of the situation to bully innocent civilians who dare get close to the roads leading

### The Elections

On the 22nd day of February 2019, being the eve of the presidential election, a politically inspired attack was carried out on some inno-

cent individuals in a drinking bar in *Ndiegwu Amagu* village of *Ikwo* local government Area of the state resulting in the death of two persons while about three persons were severely injured.

Voting commenced on each day at an average of about 9.40am, the level of voter turn-

units also complained of being forced to thumb print ballot papers in the presence of law enforcement agents who were eager to please their preferred candidates while browbeating opposition party members into acquiescence.

Remarkably, there was widespread cases of vote buying and inducements particularly in polling units in *Ohaukwu* local government area of the state. Allegations of domestic observers influencing the election by coarsing voters to vote for their preferred candidates cropped up as well.

A major controversy of the Election process in Ebonyi is that in all the Local Governments Areas in the state except Abakaliki Local Government Area, there was a major discrepancy between the number of registered voters in the presidential election and governorship election. Though tales of these vices trilled the air during the elections, it is also worthy to note

there was peaceful election in different parts of the state.



out was abysmally low compared to previous years. A Factsheet on the elections in the state revealed that there were about 1,459,933 registered voters in the state, 1,299,043 collected their permanent voter's card but only about thirty-five percent of these came out to vote.

There were isolated reports of violence in some polling stations from the stationary and roving observers of HRCRC. Notably also were reports of intimidation of the INEC ad hoc staff in different polling units in *Afikpo*, as well as reports of ballot box snatching in *Okposi Umuagara*. It was also reported that in *Oriuzo*, a school building where the voting materials were kept was set ablaze alongside the motorbikes belonging to individuals packed within the vicinity.

Youth participation was relegated to thugery by political overlords; even if not as rampant as prior elections. Security agents and political thugs were used in the intimidation and harassment of voters; voters in many polling

### HRCRC's Effort

In a bid to ensure peaceful election in the state, the HRCRC did the following:

1. Implemented a Peace Electioneering Project funded by the Irish Aid and St Patrick's Missionary Society geared towards training on Non-Violent Response to Conflict formajor electioneering stakeholders.
2. Training for her branch members across the state on effective Election Observation and Reporting.
3. Advocacies to the Commissioner of Police, the Comptroller of Prisons, Traditional Rulers and Town hall meetings in each senatorial district to ensure a nonviolent free and fair election.
4. Conducted post-election evaluation with civil society organizations with the view to



determine the impact of its election sensitization project in the conduct of the election and collect data on other electoral issues.

**Recommendations and Conclusion.**

1. To curb bribery and vote buying, the people should be empowered economically because it is unlikely that one who is gainfully employed and whose standard of living is high can be bought out by unscrupulous politicians bent on winning at all cost.
2. A bold and vibrant press can help to guarantee credible elections. There should be a factual and balanced reporting of all election related issue and effective early warning system put in place in areas prone to electoral violence.
3. Surveillance and recording systems should be mounted on polling units and collation centres to ensure a more transparent election.

4. Politicians should be made to publicly denounce participating in any form of electoral violence. Thus, they should be held accountable by prosecution in violation of these oaths or fined heavily.

5. Domestic and international election observers should be timeously deployed in other to effectively monitor elections.

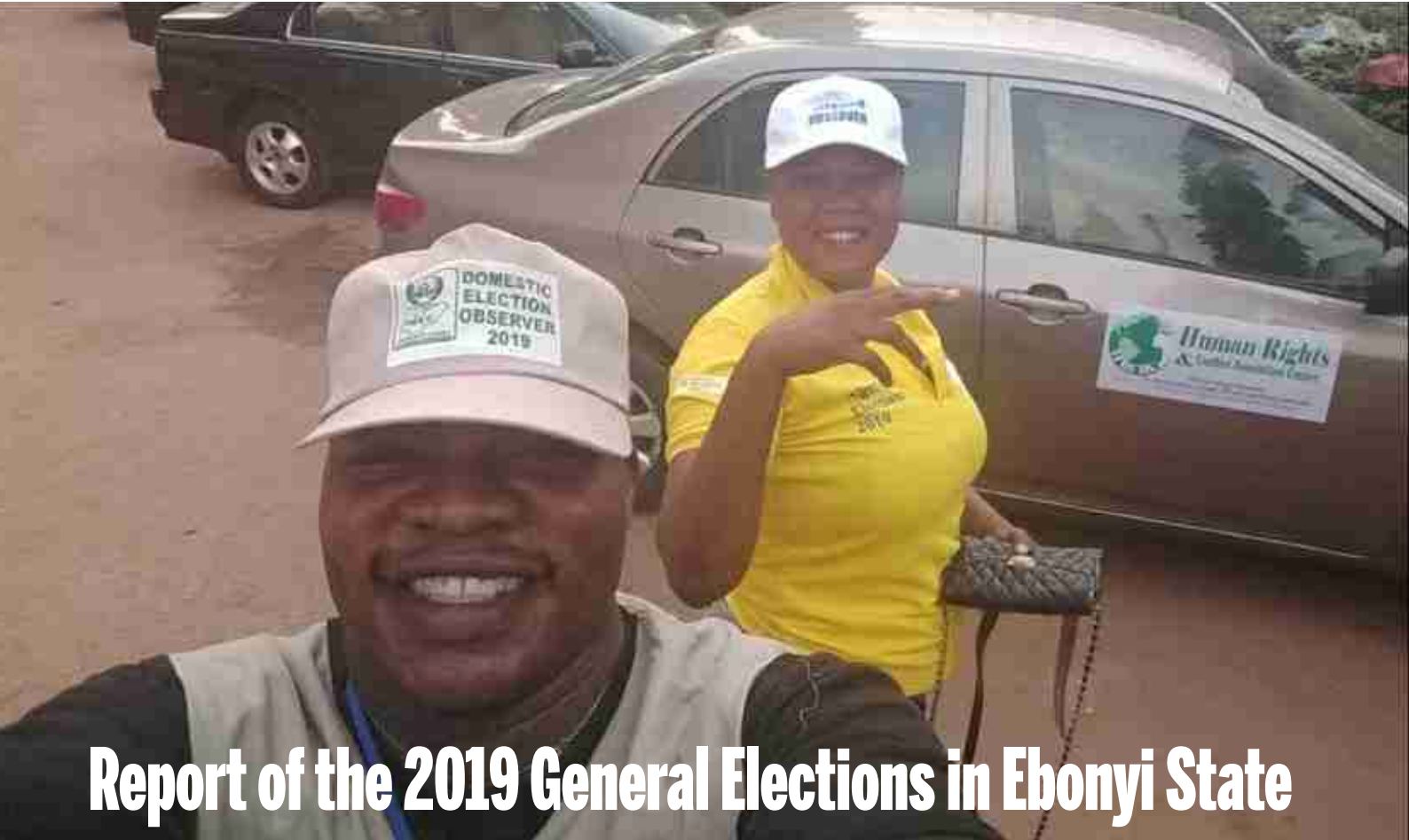
6. Political parties should respect their parties’ constitution and avoid undue influence on party members to vote for a particular candidate against their

individual wishes.

7. INEC needs to undergo continuous restructuring especially in areas of staffing and staff development; and also imbibe the culture of early training of ad hoc staff to ensure effective service.

Overall, there was a drastic decrease of violence in 2019 election in the state compared to previous electoral years but much is still needed to be done to attain a better electoral atmosphere; an atmosphere devoid of voter fatigue, election fraud, voter apathy, violence and other election related vices. In other to achieve this, we must be ready to accept positive electoral reforms, take back the real power from the few unruly politicians bent on forcing their will on the masses. We must be ready to hold each other accountable, and ensure that our vote counts while shunning all forms of violence and bribery.





# Report of the 2019 General Elections in Ebonyi State

## AS OBSERVED BY HUMAN RIGHTS AND CONFLICT RESOLUTION CENTER (HRCRC), ABAKALIKI

**DISCLAIMER** Human Rights and Conflict Resolution Centre is a not-for-profit non-partisan Non-Governmental-Organization committed to upholding the tenets of justice, freedom and peace; with a preferential option for the poor. With over 23 branches across the state, we have a unique grassroots presence and reach in the state.

**A**s part of activities in her Peaceful Electioneering in Ebonyi State project, funded by Irish Aid and St Patrick's Missionary Society, Human Rights and Conflict Resolution Center Observed the conduct of the elections in the state by training and deploying 35 citizens observers and 5 roving observers around the state for both elections. Analysis of reports received from observers suggest that whilst the presidential elections were relatively peaceful around the state, with isolated incidences of glitches in card readers functioning, low voter turnout and other logistical challenges, the gubernatorial elections was marred by a host of glitches, violence and mal-practices fundamental enough to render the elections in the state invalid.

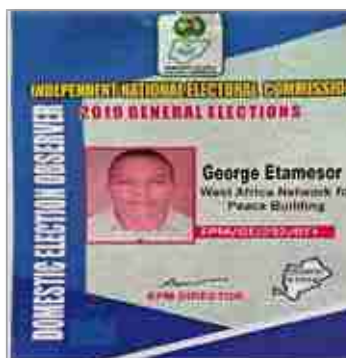
### Introduction

Human Rights and Conflict Resolution Centre Observed the conduct of the 2019 General Elections in Ebonyi State under the accredited aegis of West African Network for Peacebuilding (WANEP); and as part of activities of our 2019 Peaceful Electioneering in Ebonyi State Project, with funding support from Irish Aid and St Patrick's Missionary Society.

### Pre-Election Activity

Amongst other activities by HRCRC which included meetings and trainings for critical electioneering stakeholders in the state such as INEC, security agencies, youths and their leaders, women and their leaders, citizens observers, town hall meetings and advocacies, INEC Ebonyi, in collaboration with CSOs in the state embarked on a door to door voter sensitization

to curb voter apathy and teach the new voting process. HRCRC was tasked to sensitize *Ohaukwu* Local Government Area of the state. This was done quite successfully by our organization and other CSOs who participated in the process.



INEC accreditation tag

out during the elections. Many voters who had originally travelled to their registration wards before the elections were rescheduled expressed disappointment and unwillingness to make the trip again on the new dates.

On all the briefings by INEC in preparations for the elections, it was posited that the commission

## Findings from Observation

### Postponement of Elections

The rescheduling of the elections was both a blessing and a curse. Prior to the elections, there was a palpable build-up of tension and intimidation techniques employed by political parties and their players. HRCRC election Observer in *Ikwo* Local Government Area of the State reported that on the evening before the originally scheduled date, on his way home, he ran into a vehicle con-



HRCRC Branch members who doubled as citizen election observers in the state during the pre-election briefing at HRCRC Theresa Ozor Conference Room



HRCRC's George on Observation duty

ing young men armed with various weapons parked beside the road.

However, the rescheduling of the elections helped douse the tension that had built up in the state prior to the elections; and also give security agencies time to deal with and come up with contingency plans for the threat of violent eruptions they were confronted with. Nonetheless still, it was a major contributing factor to the voter apathy and low voter turn-

was fully ready for the election business.

### Presidential Elections

The Presidential Elections in Ebony State was largely peaceful. On the eve of the elections though, there was a violent attack on innocent civilians in a drinking bar in *Ndiegwu Amagu* village of *Ikwo* Local Government Area. The attack occurred close to a polling unit and the news did not get to the general public until the next day; hence the misinformation that a polling unit was attacked and several people were killed.

The names of the victims are:

#### **Deceased**

- Sunday Nwancho Ebude
- Igwe Ukwa

#### **Wounded**

➤ Ejike Simon



Scene of the attack close to the polling unit, a spent shell casing from the attack, dried blood in the sand where the victims fell and the polling unit near the attack scene

➤ Alo Nwabo  
➤ Simon Ewo

Interacting with some survivors of the attack, they alleged that the unprovoked attack



Scene of the roadblock at Nkwagu Military Cantonment, Abakaliki on election morning

was politically motivated and that they knew some of the aggressors; some of whom were putting on military camouflages.

**Conduct of the Elections**

The Elections was conducted relatively peaceful but was fraught with card reader glitches in the early hours of voting. Voting commenced

averagely at about 9:40am and there was a very low voter turnout all around the state,



Foreign Media observers in the polling unit of the opposition candidate and BBC correspondent in green vest in the incumbent's polling unit

with less than thirty-five percent of registered voters actually turning out to vote. This is attributed to the last minute rescheduling of the elections by INEC.

### Gubernatorial Elections

In this elections, there was more at stake; thus there was more tension.

There was an unhealthy militarization of the process. There were military check points in junctions across Abakaliki metropolis. However, In *Nkwoagu* Military Cantonment, there was a military road block that prevented all commuters – including policemen on Election

duty, duly accredited Election observers

Whilst there was the usual delay in kick-off of voting processes across the state, voting kicked off averagely at about 9:25am. We noticed glitches in card reader operations and observed that there were some polling units that didn't use the card readers – and used varying forms of manual accreditation.

### International Media and Foreign Observers

We observed that these media and observers did not really go round to observe the conduct of elections, they only went to the incumbent's polling unit and waited until the governor came to vote, then proceeded to the opposition's unit and did same. The implications of this are far reaching; especially when there are conflicting reports about the conduct of the elections.

### Malpractices and Violence

Also, we noticed various forms of malpractices which included voter inducement, not pasting results, collation units not used, and even bizarre practice of party agents of the two major opposition parties agreeing to share the ballot papers between themselves in agreed percentages so they can thumbprint indiscriminately.



A security personnel joining in the sorting of ballot papers prior to counting in Edda of Afikpo LGA

There were many reports of violence during the elections – especially in the northern part of the state. *Udazi* and *Akanu* in Afikpo recorded cases of intimidation of INEC *ad hoc* staff, ballot snatching in *Okposi Umuaghara*, voting materials destroyed in other parts of *Afikpo*, amongst other unhealthy practices. Also in *Oriuzor*, there were reports that the school building where the voting materials were kept was burnt; along with several motorbikes.



Ballot materials and other sensitive materials scattered during a violent outburst in a polling station in Udazi and Akanu wards of Afikpo and a Senator Elect with an Armed Guard at a polling station.

**Disparity in Number of Registered Voters**

One aspect of the elections in Ebonyi that made nationwide news was the difference in the number of registered voters in both elections. In the two weeks that separated both elections, the number of voters increased or reduced in all the local government areas except for one – Abakaliki Local Government Area - which remained constant. Here is a list of the local government areas and their number of registered voters for the presidential and

gubernatorial elections:

Local Government	Number of Registered Voters during Presidential Elections	Number of Registered Voters during Gubernatorial Elections	Disparity
Afikpo South	72343	75767	Increase by 3424
Afikpo North	101456	101599	Increase by 143
Ivo	61247	60523	Decrease by 724
Ohaozara	84079	84683	Increase by 604
Ebonyi	111917	109593	Decrease by 2324
Isielu	111251	104387	Decrease by 6864
Onicha	95631	108457	Increase by 12826
Ohaukwu	155895	150303	Decrease by 5592
Ezza North	94344	98188	Increase by 3844
Ezza South	90115	89330	Decrease by 785
Izzi	149198	150534	Increase by 1336
Ikwo	180117	151701	Decrease by 28416
Abakaliki	147440	147440	No Variance

**Conclusion**

Overall, compared to the amount of tension and fear that trailed the elections, the elections went relatively well. However, the tension increased an already growing sense of apathy amongst voters. Thus there was a very low turnout of voters on both elections, with an average of 25 percent of voters turning out.

Also, the process was flawed with a lot of glitches in both the machinery and people involved in the process.

Security was either too emphasized or not enough as they were either compromised to observe and even participate in the malpractices in some polling units.

**Recommendations**

From observing this elections, we recommend that:

- The prospect of electronic voting be vigorously pursued to reduce human contact and interface in the process of electioneering to guard against voter inducement, compromised staff and security personnel, violence and other forms of

- malpractice.
- INEC *ad hoc* personnel be more trained to possess integrity, be more patriotic and professional in their conduct during elections.
- That continuous voter education be carried out to forestall last minute rush to cram into voters the ideals and best practices of electioneering.
- That the card reader be improved to detect multiple voting as it does not have

this check now.

- That manual accreditation complaints be verified from the card readers and not by word of mouth from INEC Presiding Officers.

Finally, HRCRC is grateful to IRISH AID and St Patrick’s Missionary Society for Funding to carry out this Election Observation and the Peaceful Electioneering Project in Ebonyi State.



**George Etamesor**  
Acting Director, HRCRC  
06/04/2019

## Domestic Violence and Crime in Ebonyi State

Continued from page 12

UN headquarters in New-York by Ms. Santos Pais, “**parent-child relationship is a critical factor in predicting the risk of bullying in adolescents.**” According to the report, 176 million children under five years, witness domestic violence on a regular basis. Also, children who bully others are twice as likely to have been exposed to domestic violence as other children. With a battered psyche caused by the lack of love, these children resort to coercion and intimidation rather than words and negotiation. Bullies believe that if they cannot get their way, they can threaten and intimidate others to achieve their desired outcome. Consequently, in marriage, bullying becomes the bedrock of the relationship, thereby resulting in violence and divorce. It is very important that we reshape and restore the self-worth of these delinquents by showing them love. It is not enough to punish them for the wrongs they commit, it is expedient that we trace the root cause and nip it in the bud. For when we save our children, we have saved future families and consequently, our society.

## The Nigeria Correctional Service Act, 2019

Continued from page 30

cedure for appeal and the sentence has not been executed after 10 years, the Chief Judge may commute the sentence of death to life imprisonment.

Other provisions of the Act which emphasize the purpose of the Correctional Centre as a reformation and rehabilitation structure include the provisions for the Custodial Service to; conduct risk and needs assessment aimed at developing appropriate correctional treatment methods, prevention of torture, inhumane and degrading treatment, prevention of sexual and non-sexual violence against inmates, establishment of healthcare services for the promotion and protection of the physical and mental health of the inmates and providing opportunities for education and vocational training of inmates.

The provisions of the Act and the change of name are welcome developments aimed at enhancing the condition of Nigeria Prisons and reflecting the purpose for which the Prison facility exist, however, the change of name will only be a myth if there is no corresponding implementation of the provisions of the Act, efficiency and effectiveness of the criminal justice system and a change in the methodology hitherto applied in the management and administration of Nigeria Prisons. It is hoped that the Service will be operated to reflect its new name.

# Human Rights Died on Sunday

By George Etamesor

ONCE UPON A TIME we would rush out at the sound of human click sounds – imitating the very fascinating Zulu ‘X’ sound - and the accompanying moo. It was interesting to watch how little petite very handsome curly haired Fulani boys controlled these gigantic white sluggish mammals with horns; Ah Yes, the horns! That they valued the life of the animals under their charge didn’t really stir up debates. Instead we were impressed with their smooth carved crosiers; along with the little daggers they wore around their waists like Navy Seals in full combat gear. Also, very inspiring was idea that these little dark handsome curly-haired bundles of calm confronted wild beasts in the wild regularly with their daggers to protect their mammalian wards.

I suppose the wild beasts in the wild grew more ferocious for soon, during the harmattan when the human click sounds accompanied by the moo passed by, in the stead of daggers we saw machetes not on their waists but held on their hands seemingly nonchalantly but at a ready. Then we heard on the news that they now carried riffles to protect themselves and their charge from the ever-evolving dangers of the wild. Logically following this projection, soon they may need RPGs and grenades and the likes and, in a few years, when the issue of Nigeria comes up at the UN General Assembly, President Trump and Kim of North Korea will have to shut up

because their quarrel will be petite in comparison.

Collectively, from the developing world of Europe and North America to the underdeveloped of South America, some of the far and Middle East and indeed Africa, we have all managed to make a pleasant mockery of the Universal Declaration of Human Rights. All other inalienable right every human is entitled to just by being alive is pinged on the right to life. To pull off the hinge is to render quite redundant the door functionality of a door. If only human beings who are alive are referred to as humans – dead ones are referred to as bodies or corpse -, and If every other right of a human is only valid because that human is alive, It therefore logically follows that by the wanton disregard and disrespect for the dignity



of human life, so passionately and fantasticaly exhibited throughout the world today and in Nigeria especially, we all have passively and actively destroyed the hinge on which all other rights revolve.

Ironically, while this rubbishing of all Human Rights in other climes have some sort of

not justifiable in any sense but at least dignified push behind it, Nigeria chose to align herself with the less dignified kind of genocidal tendency; - the ones that have an undertone reference to animals. Nigeria is proudly in the company of the likes of the Rwandan genocide – with their Cockroaches reference; but since we are the giant of Africa, why not choose a more gigantic animal – say Cows? Just why not? As if that is not enough disgrace, families and boarder communities continue to deprive people of their right to life in Ebonyi state over land disputes and sundry matters, the Izzis and Ukelles are killing themselves over something that happened before they were born, the youths of the Ngbos and Effiums jump at the most ridiculous opportunities to kidnap and maim each other over an issue many of them do not even know about, the Tivs and Jukuns continue to bask in the fame and euphoria of destruction; then kidnappers, cultists, ritualists, careless officers of the law, robbers – both armed and not, mob action/jungle justice and herdsmen graciously join in compounding the situation for us all.

It was remarkable to read some time ago a leader make subtle comparison between the life of cattle and the life of a human being. The Miyetti Allah Cattle Breeders' Association of Nigeria was alleged to have elusively alluded to the fact that the murder of more than a hundred innocent persons in Plateau State was a reprisal attack for cattle rustling in the town and even threatened - pardon me, cautioned that there would be no peace in the area (amongst other threats to the south east and south west of Nigeria) because of this great crime against humanity – cattle rustling. In-

stinctually, my first reaction was with great deference to his fundamental human right to speech and opinion, how dare he make a subtle defence of the inhumane murder of human beings right in their houses and compare it to the killing and rustling of cows, and even daring to justify his stance by saying there will be no peace. However, when Sowore calls for a nationwide protest against the flagrant abuse and disregard for Human Rights, the government immediately swings into impressive action to



deprive him and many others their God-given rights. I am sure many other Nigerians shared similar or even less agreeable sentiments. Today's issue nevertheless is that just like clockwork, Nigeria reacts. And this is what I have a problem with.

Whilst we moan, whimper, sniff and scream about the evolving tactics of protection employed by these curly haired shepherds, why is the government and security agencies tasked with the simple duty of protecting and securing lives of Nigerian Humans, not livestock, not learning from their positive cum negative - depending on your perspective - flux of protection? Or is that asking for too much from agencies whose sole task is securing our lives and upholding Human Rights? Why can't we learn to value human life like they value cow life? The curly-haired handsome fellows are being proactive while the rest of us – citizens,



security agencies and indeed the political class/elected government are impressively reactive.

Soon after the news of the mass killing break, the federal government as usual condemns the attack and as usual promises to bring the perpetrators to justice, and as usual promises to prevent a recurrence; members of the ruling and political class issue statements condemning the attack, the Nigerian Air Force deploys Mi-35P combat helicopters and an Intelligence Surveillance and Reconnaissance (ISR) aircrafts to the scene, the Commissioner of Police is most likely replaced, and of course social activists protest and are as usual harassed by security agents. The impressive list of reactions go on and on and on and all combined does absolutely nothing to comfort the grieving, resurrect those potentials cut short who just happened to be on the wrong end of a bullet or a machete, or even from experience prevent a recurrence. In fact, a week after an attack in Plateau State, and all the reactions and follow-up politicising of the event, it was reported that another attack, with the same MO, in the same State, and by the same

suspected handsome curly-haired fellows killed Human Rights again. And in a swift reaction, the Chief Executive of the Plateau State adjusted the already imposed curfew from 10pm – 6am to 6pm – 6am.

Human Rights are not passive, they are active. They are neither good nor bad, they just are. They are beyond the scope of morals or ethics or religion or I dare say even human judgement. Since their conferment is not reactive or a result of any human effort or even dependent on any human factor, it is safe to aver that the drive to safeguard them be commensurate. Like the developing world, think-tanks and intelli-

gence agencies should come up with -if they do not have already- operational preventive plans and measures for all foreseeable conflicts and attacks that are proactive; and if they cannot, they should bloody well say so, so that we can task persons both within and without our social entity to do so.

We cannot continue to wait for attacks to claim innocent lives and then go on a show of force to quell reprisal attacks or prevent the emotionally wounded to express their natural emotional frustration and revenge tendency. The hurt will result in a vicious circle of attacks and counter attacks that can breed hate and, well it just goes downhill from there. While the hypocrisy of persons, especially Christians rejoicing over reprisal attacks such as thunder striking dead about 37 cows in Ogun State is glaring, it is also emotionally understandable but out rightly condemned. The murder of Zayyan Gwandu, son of the Commissioner of SARS – Haliru Gwandu Abubakar for example is not only crazy but also senseless and irrational; and would remain this way until someone

“ It was remarkable to read some time ago a leader make subtle comparison between the life of cattle and the life of a human being. The Miyetti Allah Cattle Breeders’ Association of Nigeria was alleged to have elusively alluded to the fact that the murder of more than a hundred innocent persons in Plateau State was a reprisal attack for cattle rustling in the town and even threatened...”

convines me that he was among the group of first attackers in the Home of Peace and Tourism. And even after then, it would be illegal to deprive him of his right to life haphazardly without due recourse to legal procedure. One can understand the lack of faith in the security, legal justice system in Nigeria as one of the major reasons why mob action and unjust jungle justice is prevalent.

Also, professional conflict resolution experts should be employed to help intervene in these cases and their recommendations be implemented.

# Are We Ready For Human Rights?

By Precious R. Nwadike esq.

**Y**EARS AGO, PEOPLE CAME together and agreed on the essentials of a civilized nation and what it would take for us not to constantly descend to barbarism. The United Nations Declaration on Human Rights 1948, the African (Banjul) Charter on Human and Peoples Right 1981, which has been ratified by member states and codified in chapter IV of the 1999 constitution of Nigeria are products of our brave attempts not to become barbaric. These rights act as that shield which protects us simply because we are humans and alive, not because we are inherently good people, rich, law abiding tax payers, male or female. Some of these rights include: the right to life, the right to dignity of human person, the right to personal liberty, the right to fair hearing etc.

Human rights are moral principles or norms that describe certain standards of human behaviour and are regularly protected as natural and legal rights in municipal and international law. They are commonly understood as inalienable, fundamental rights “to which a person is inherently entitled simply because she or he is a human being regardless of their nation, lo-

and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They are regarded as requiring empathy and the rule of law and imposing an obligation on persons to respect the human rights of others.

These rights are therefore very sacrosanct. However, we have not actually lived in the reality of these rights. In some parts of the world they are yet to be realized, and in other parts of the world like Nigeria and other developing nations, these rights are currently under attack. Recently, the Governor of a South-eastern state, in a closed door meeting with Human Rights agencies and other stake holders said that there was nothing like human rights. Even if there was, we are not ready for it as a nation.

News of security operatives and law enforcement agencies who bully citizens and capitalize on their ignorance to extort from them is not a rarity anymore. Arresting a person for being in possession of a laptop without the receipt and charging him for armed robbery; arraiging an accused person before a court that obviously lacks jurisdiction, leading to his further remand in prison until his case is filed at the appropriate court; rounding up any young person found within a 200 meter radius of a crime scene and charging them for the offence of cultism - a non-bailable offence in Ebonyi state – which implies that they are remanded and forgotten to rot in prison as awaiting trial inmates; are almost conventional in the Nigerian society today.

The deplorably slow pace of our justice system has become a clog in the wheel of justice.



cation, language, religion, ethnic origin or any other status. They are applicable everywhere

This has made many assume that these rights are merely privileges, the respect and adherence of which we cannot assert. This should not be the case. Sometimes when we talk about rights, it feels as though we subconsciously exclude children. The abuse and neglect of children is an awkward discussion to have. It raises emotions in us and it raises questions about who we are as a people and how we relate to one another. There is a better way to protect and nurture our children, because it takes a community to raise a child. But this also means that it takes a community to protect the rights of a child. These children also share with us the same inalienable rights as humans.

“We haven’t reached the level where we should expose these children to their rights. It will make them too assertive.” This was commented by a principal of a secondary school in Abakaliki during our establishment of the Child Right Club in secondary schools across Ebonyi state. Sadly, the view of this principal is no different from the views of many in Nigeria. Consequently, children grow up seeing their

rights as mere privileges. However, we believe there is a need to sensitize both students and their teachers on the rights of the child. Protecting children should be everyone’s business.

Based on these prevalent situations, is it safe to aver that we are not ready for Human Rights? We all have and love human rights; our own and those of our family and loved ones. Unfortunately, it is the right of others that is a bit of a problem, probably because the acknowledgement of the rights of an individual connotes a duty on all others to respect that right. Sadly, we cannot approbate and reprobate at the same time. So, to fight for the rights of people (especially those handicapped by ignorance and other circumstances) is what we must do. It is what makes us human. It is what will guarantee the survival of our specie. This is the primary vision for the establishment of our organization. So the question of being ready for human rights is inconsequential until we answer this: can we survive without human rights?

## Cyril Ikechukwu Anadebe

By Eva N. Okafor

*Cyril, a native of Nise in Anambra State was born in 1951. He studied Economics at University of Nigeria, Nsukka. Cyril joined HRCRC in April 2003 on strong recommendation from Rev Fr. Leo Trenor SPS; with whom he had worked selflessly brokering peace in disputes at the Justice, Development and Peace Commission JDPC, Kontagora, Niger State.*

*He served as Coordinator of HRCRC from 2003 to 2008 and assumed the office of financial manager for HRCRC in 2009.*

*His active participation in advocacies, stakeholder meetings, sensitization campaigns especially in rural areas, trainings for women and youth groups, CSOs and CBOs, the police and the prisons, and the formation of the Child Rights Clubs in secondary schools in Ebonyi State are all attestations to his humanitarian work in Ebonyi state.*

*His smiling face even in the midst of tension and hurt is an image that is etched in our hearts for ever.*

*He died in April 2019 after a prolonged illness and was buried in his hometown of Nise in Anambra state. In reembrace and immortalization of his dedication, HRCRC celebrated a Requiem / memorial mass on the 13th of July, 2019 presided over by Rev. Fr. Kevin O’Hara SPS – founder and first Executive Director, HRCRC, and Rev. Fr. Vincent Agumbiade SPS. During the Mass attended by Cyril’s immediate family members and the HRCRC extended family – staff and volunteers as well as partners and media organisations, a plaque was unveiled in HRCRC office complex in his honour and a candle lit to keep his memory burning in our hearts.*

*Rest on Cyril IK Anadebe.*

*We all miss you*

# “A Fugitive and a Vagabond, Not Anymore There is Salvation in no other Name but HRCRC!”

By Emmanuel Nweke

CHILDREN ARE REGARDED GENERALLY as precious gifts from God throughout the world. They are mostly treasured in Africa in general, and Igbo land in particular, where childlessness is traditionally not only

globally. No wonder, therefore, women and children issues have become trending in our contemporary world. This is because of their inerrabili-



ty. It is to rise up to this challenge, and to give succor to these victims, that a separate department/programme was carved out and called women and children department/programme. During the first six (6) months of this year, this department alone has recarved a total of ninety (90) children and women related complaints. Thirty nine (39) out of these cases have been resolved while fifty one (51) are on-going.

“A fugitive and a vagabond, not anymore: and there is a salvation in no other name but HRCRC” was a cry of relief, restoration and assurance by a young boy, who was re-united with his family

regarded as a curse, but the victim, while alive is treated with great contempt, and at death, considered as flit worthy only to be thrown into the evil forest. This is because children are here not only seen as backup at old age, they are also means of family perpetuity.

It is against this backup that children warmly welcomed, joyfully celebrated, diligently cared for and jealously protected. It is also explains why childless couples go extra miles in order to have children even through adoption: legally, “customarily”, or even illegally. What is baffling however is that some parents have abdicated this noble role and vocation, and turned their children into objects of abuse, neglect, domestic violence, etc.

Here, at HRCRC, we are inundated with such complaints/cases of Child Rights Abuses. This is a microcosm of what is happening

after more than two (2) years of roaring about, like a sheep without a shepherd, because his father drove him out of his house. He suffered several forms of brutality in the hands of his father each time he tried to return to his family. It was the last of this circle of domestic violence that brought this boy in contact with HRCRC. On the fateful day, he was rushing to HRCRC office complex by a good Nigerian, who saw him lying semi-conscious in a pool and a deep bleeding wound at the back of his head.

HRCRC quickly mobilized two teams of her staff for action. One of the team was directed to invite the boy’s father, while the second team was charged with the responsibility of taking the boy to the hospital for immediate medical attention. This man now realizing the gravity of his offence, ran away from his house ignoring series of HRCRC’s invitation. In fact,

it took the combined surveillance mounted by the staff of HRCRC and officers of Nigerian police, Central Police Station (CPS), Abakaliki before the man was finally tracked and arrested. Meanwhile, one week has passed and the boy had recuperated. He was able to volunteer his statement. You can listen to his story.

“My name is Friday Odemigbo (not real name). I am fourteen (14) years old. I am the first child out of the six (6) children of my parents. My father’s name is Hyacinth Odemigbo (not real name). He is from Obollo-Afor Nsukka in Enugu state. My mother’s name is Elizabeth Odemigbo (not real name). She was married from Ezza, Akpoga Nike in Enugu state. My parents and siblings live at Onuebo-

ny, Inyimegu Izzi, opposite Rice Mill, Abakaliki. When I was about four (4) years of age, I was sent to live with my grandmother at Ezza Akpoga Nike.

I lived with her until I pass my First School Leaving Examination (F.S.L.C.E) and National Common Entrance Examination.”

“My ordeal started when my grandmother brought me back to my parents because she could not afford the cost of training me in secondary school. My father became angry because, according to him, he was finding it very hard to take care of my three (3) other brothers and two (2) sisters. He decided to give me out as a servant or labourer to his uncle, who works in cocoa plantation Ondo state. Having known the importance of education and the hardship associated with cocoa plantation, I refused to follow my uncle. My mother pleased with my father to leave me to stay with that because, according to her, “it is better to be managing life than to give away our first son to be a servant while we are still alive my mother cry and my mother’s plea fell on deaf ears as my father there and then decided that I must leave his house, unless I was ready to follow his uncle. Because I was too afraid to follow his

uncle, I refused. He instantly threw me out of his house and hated my mother like the devil, since that day”.

“Since then I have been roaming the street, and bushes scavenging for what to eat, during which I have been exposed to unfavourable whether, bad boys and girls with the attendant negative influence. Without God’s grace, I would have died. Each attempt I made to return home, when the condition became unbearable, was an invitation of beating and other forms of brutality, worse than what I suffer outside. What you are witnessing today is a tip of the ice-boxg when compared to what I have suffered these years. Please, serve me or I perish.”

The Police that arrested him directed him to the mediation table of HRCRC, after his several appeal for demancy, because according to him, he acted out of frustration. Hyacinth, his wife, his son, Friday, and the leadership of Nsukka Development

Union, Abakaliki Branch met with HRCRC team of mediators. After series of mediation meetings, the matter was resolved; and both Friday and his mother were reconciled with Mr. Hyacinth. Part of the settlement agreement is that Friday shall complete his secondary education after which he can learn a trade of his choice. Mr. Hyacinth paid the medical bills of Friday. Finally, Friday was welcomed back by his parents and was happily re-united with his siblings. That was when Friday shouted in jubilation, “So, I am no longer a fugitive and a vagabond! Now I know that there is salvation in no other name but HRCRC!. The rest of the story is better left to be a subject of another editor of our magazine.

This matter lasted for one month and two weeks, during which a total of eighteen (18) hours 35 minutes was spent. Over thirty eight (38) persons were contacted directly or indirectly and their awareness on Human Rights, especially children and women, were increased.

“ it is better to be managing life than to give away our first son to be a servant while we are still alive ... as my father there and then decided that I must leave his house, ... ”

# The Unjust Justice System



By Samuel Stephen Gana

**I**N NIGERIA, WRONGFUL CONVICTIONS often pass through our judicial system undetected for some time, and at an alarming rate that the walls of our prisons are beyond what will be considered as overcrowded. Why this doesn't plague the minds of individuals within the system is a mystery almost at par with the trinity. Remarkably, society is seemingly comfortable with the erroneous truth that everyone within the walls of the prison deserve to be there. Are there obstacles at all within the system itself that contributes to these problems? Is the culture of keeping suspects on awaiting trial the standard of practice? Are they actually rooted in a skewed interpretation of the law, or the law works more on paper? Does the system really give succor to indignant suspects? And if it does, how do victims seek relief in a judicial system that moves on a slow pace? Is there a political will to do justice? Certainly we cannot overlook these questions and neither can we be silent to the fact that with each passing day, the Nigerian system seems to work opposite to what our laws clearly provide.

At the policing level, which is the first active limb of the criminal justice system, there is overwhelming evidence showing that the po-

lice in carrying their basic duties compromise and practice far below global best practices. It is a common police procedure and in fact the standard for people to be randomly arrested and accused of grievous crimes as serious as murder, in the expectation that a case will be built around such arrest that is - working towards the answer - rather than via any scientific approach towards investigation of crime and regard to the rights of the accused person. This process is accompanied at most times with intimidation and show of force by police officers; it is in fact a norm that suspects are brutalized from the point of arrest and even in police custody.

A male inmate who had been tortured in police custody said, "The police used rubber to tie my hands and arms. They said I had committed robbery." His palms were blistered and peeling and his arms were crisscrossed with dark lines as a result of the wounds. His left hand hung limp. He was not treated for his injuries. Many inmates who have been in police custody get to court with injuries and wounds they got from arrest.

The ultimate goal of this practice is to extract confessions of guilt from suspects by any



means including the severest forms of torture as well as inhumane and degrading treatment. It is common practice for the police to hold accused persons under the nebulous principle called a “Holden charge,” with a view towards circumventing the person’s constitutional right not to be held for an unreasonable length of time, or be charged within a reasonable time as stipulated by the constitution. It is common place for accused persons to be kept in police detention well beyond the statutory 24 hour maximum within which they should be informed of the facts and grounds for their arrest, and indeed charged to court within 48 hours of arrest as guaranteed by Section 35(3) of the 1999 constitution.

Although bail is considered to be the right of an accused person, and as such advertised as free, police bail for the simplest of crimes carry with it a token of appreciation for a job well done, and even at that, it is normal practice to deny bail even for petty crimes. This practice is commonly referred to as “police bail.” This happens most a times without services of a lawyer at this preliminary stage of the process when they require legal advise the most, as suspects are been forced to sign confession-al statements or even tricked into admitting to commit a crime they know nothing about.

At this stage where a criminal matter is at its preliminary stages, a strong foundation of human rights abuses is prevalent. It is in fact where the suspects begin to contemplate the possibility that he actually committed the said offence.

Next is the arraignment, where a police officer charge the already defeated suspect to a magistrate court who in most cases lack jurisdiction to entertain the matter so, the suspect is remanded in prison custody pending the advice of Director of Public Prosecution (DPP); another process which expends time, or even culminate in charging the suspect for a higher offence than the one committed. An inmate in Abakaliki prison during an interview with HRCRC said, “Me and my cousin [sic] stole a motorcycle to sell and pay SARS operatives

who arrested my brother but we were caught before we sold the motorcycle. The owner said he does not want the case to go far but the police insisted we both pay twenty thousand naira for our bail or they forward the matter. My cousin was able to raise the money but I could not. On our first day in court, the magistrate granted him bail which he perfected and I was remanded in prison and this is two years since I last had my case in court”. After further investigation, HRCRC discovered that the said cousin who happens to be a co-accused was actually charged before the magistrate for stealing which isailable while the other was charged for armed robbery on which the magistrate lacks jurisdiction hence his long stay - awaiting advice from DPP.

From the moment the suspect enters the walls of the prisons; his case is a forgotten issue, a term the criminal justice system termed as “Holden charge,” and which our courts described as alien to our laws but still a norm utterly practiced. Statistics obtained from the two Federal Prisons in Ebonyi State suggest that awaiting trial inmates held under this nebulous practice of Holden charge constitute a large number on the list. Such is the case of Chukwudi mentioned above. He lamented that all he wanted was just his day in court. - “I just want to go to court let those who accuse me come forward and prove their allegations.” Chukwudi had been on Holden charge for over four years until HRCRC facilitated his release through Gaol Delivery in June of 2019.

Cases like these tainted with different types of Human Rights abuses get to courts from the police, only to meet a judicial system which in all fairness contributes amply to these abuses. Judicial officers write in long hand. Sometime they don’t sit on time or at all may be as a result of personal exigencies. The prosecution of criminal cases in the Magistrate Courts is done mostly by police officers. Most of the time, they don’t have their witnesses in court and as such will ask for adjournment. In such cases they need advice from the Director of Public Prosecution, it may take months or even years to

obtain because of the bureaucratic bottleneck in the administration of justice and general administration in Nigeria.

The case of Sunday (23), an inmate illustrates the situation of many awaiting trials: He was first brought before a magistrate on 6 December 2010. He was at that time fourteen years old, a minor, and arrested

on suspicion of armed robbery. The magistrate did not have the jurisdiction to handle his case and remanded him in prison, pending the police investigation. When his case was transferred to the High Court, he had two different judges assigned to his case and on each occasion, both started *de novo* – from the beginning. At the time of HRCRC visit, eight years and two months had passed and he is still awaiting trial. Sunday, who is now 23 said; “I have no lawyer and none was offered me either.” He denies that he had anything to do with the murder case. According to him, “There was a fight in my village between two gangs and one gang member was killed. Two days later, the police came and arrested me and eleven other persons.”

The Paucity of Legal Representation and the near absence of Pro-Bono Services have further worsened these abuses. In Nigeria, over 70 percent of accused persons are indigent and therefore unable to secure legal representation. To combat this problem, the government established Legal Aid Council, but the program is financially handicapped. In most cases, the accused person’s first real contact with a lawyer comes when they are charged before a magistrate after being remanded into custody, which is euphemistically referred to as an “overnight case.” This is clearly at variance with the requirements of the Nigerian constitution.

Suspects in Nigeria are systematically denied a range of human rights. Stakeholders throughout the Nigerian criminal justice sys-

“ Me and my cousin [sic] stole a motorcycle to sell and pay SARS operatives who arrested my brother but we were caught before we sold the motorcycle. The owner said he does not want the case to go far but the police insisted we both pay twenty thousand naira for our bail or they forward the matter. My cousin was able to raise the money but I could not. On our first day in court, the magistrate granted him bail which he perfected and I was remanded in prison and this is two years since I last had my case in court. ”

tem are culpable for maintaining this situation. This anchored around the inefficient machinery of the administration of justice, and hinges largely on how the police go about their duties usually in violation of the laws they are meant to protect. The judiciary in turn fails to ensure that all inmates are tried within reasonable time and then the prisons cannot ensure that facilities are adequate for the health and well-being of the prisoners. Severe overcrowding and lack of funds have created a deplorable situation in Nigeria’s prisons

Because the majority of wrongfully convicted persons or persons who suffer human rights abuses are indignant people, and huge legal fees and barrister’s fee note to contend with, it falls on the NGOs to take on the task. With funding as a major constraint, HRCRC did the little it could, with regular visits to police stations, prisons and the remand home, to review cases of indignant people facing human rights abuses by authorities meant to uphold these rights. This resulted in the release of over 30 inmates on Holden charge, free legal representation for indignant victims of Human Rights abuses, and reintegration for the released inmates.

Much needs to be done. There are a lot of things we cannot undo, but to allow the innocent and indignant suffer Human Rights abuses is one thing that can be undone and HRCRC is taking the charge.



# Domestic Violence and Crime in Ebonyi State



By Precious R. Nwadike esq.

**I**N THE CAUSE OF my advocacy work, I had seen the number of inmates at the Abakaliki prisons, the children at the Remand home (correctional facility), the nature of their offence, and I could not but be alarmed by the high level of violence amongst the youths in Ebonyi state; violence ranging from election violence, to communal clashes and cultism. I was pondering on what the root causes of this violent inclination could be until recently one Mrs. Chinwe Uche<sup>1</sup> came to our office with a battered face, and cried that she is constantly beaten up by her husband. Then Mr. Ikenna Uche<sup>2</sup> was invited. With bruised fingers pointing at each other accusingly, they both sat before my colleagues and I in an attempt to save the marriage. While the man was eager to save his marriage, the woman feigned a listening ear; she was done: “I cannot die. If I stay, he will either kill me or I will go insane. I am willing to let him keep the child. I just want to be alive.” On account of the torture of violence, she was willing to walk away from her marriage and her child. So, the bottom of their marriage was falling out, with its consequences playing out before their six year old son who had become emotionally shaken. I sat, listened and watched as they poured out their hurting hearts which broke out into decaying sores. With their mouths, they tore one another apart. Frankly, they both desperately tried to hold up the bottom of their marriage; to save it. However, with the inclusion of violence, the chances of their union surviving were bleak. Unfortunately, this little boy stood by and watched helplessly, whilst innocently suffering the trauma in a home that



should be a haven for him.

Domestic violence takes many forms: it could be physical, sexual, emotional and/or mental. Generally, females are more susceptible to domestic violence, and this speaks of the deepening problem we have as a people. However, males are not exempt because in our many years of intervening in matrimonial cases, there have also been instances where men are the victims of domestic violence.

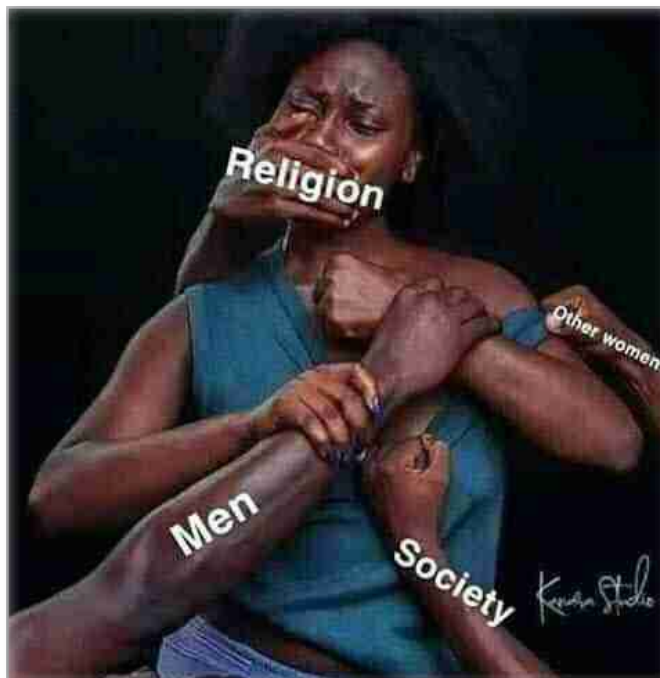
This is the fate of most couples in violent relationships—the last resort being *divorce*. For divorce to be granted statutorily by our courts, the petitioner must prove that the marriage has *broken down irretrievably*. **Section 15(1) (b) of the Matrimonial Cause Act** states that a marriage has broken down irretrievably if there is evidence of adultery and if the *petitioner finds it intolerable to live with the respondent* (provided it is statutory marriage). It is safe to say that one can think of no better way to establish that the petitioner finds it intolerable to live with the respondent than by establishing domestic violence. Under our custom, marriage can be dissolved unilaterally. Divorce is therefore deemed final upon the return of the

1 Disclaimer: This name has been changed to protect the identity and privacy of the person and is therefore fictitious and bears no semblance with any client I have.

2 Same as above.

bride price usually after negotiations and mediation for the purpose of saving the marriage between the two families has failed. However, many rural women have a rather honorable but helpless view about marriage; they believe they cannot leave the marriage. They remain married with and because of their children, whilst the violence gets worse. Sadly, these children become unwilling spectators, witnesses and learners; thus viciously continuing the circle of violence.

For those who decide to divorce at all cost like Mrs, Chinwe Uche, it still comes with a plethora of issues such as settlement of property, maintenance, and custody of children. However, the issue of domestic violence and divorce, like a pebble thrown in a body of water, has a ripple effect on the children and the society at large, *“for where two elephants fight, it is the grass that suffers.”* Parties in this violent relationship usually use issues like custody of children, settlement of property, etc. as a means to punish the other party, and the children are dragged into to whole bad blood unfortunately. The law is trite in situations like this—the court can allocate resources or settle property at the instance and for the benefit of the parties and children of the marriage. However, the court must consider what is just and equitable for both parties, and where children are involved, the court will act according to the best interest of the children. The primary consideration in awarding custody under the Matrimonial Causes Act and the Child Rights Act is *the welfare and interest of the children*. On that note, custody is neither awarded as a punitive measure on a party guilty of matrimonial offences, nor as a reward for the other party, but



strictly based on what is beneficial to the children. The reason is seen by asking: when the marriage ends, what happens to the other relationship—the children—that sprung out of the marriage? The dissolution of the marriage does not address the psychological impact it has on the children.

*Without even realizing it, children born into these unions are subconsciously submerged in a sea of violence. This has inadvertently developed the myriad of societal problems we face. In our numerous dealings with children in the Remand Home, Abakaliki, it is pertinent to note that most of these children*

*are products of either broken or violence-laden homes.*

Children do not only learn what they are taught, they also learn what they see. The family as the first agent of socialization shapes the life of children. These children are most affected by parental separation or divorce because the lack of love and guidance, and a blatant show of violence and hostility in their homes create broad social consequences which manifest in pain that is released through anti-social or delinquent behaviors. Many broken homes create the condition for criminal behavior. The typical reaction of a child from a broken home is confusion, denial, fear, depression, panic attack, and finally, anger. These children go into the society, become delinquents, and hurt other people. This invariably increases the crime rate. They thereafter become husbands and wives themselves, replicating the same vice. Hence, the vicious circle ensues.

According to UN statistics presented at the

Continued on page 12

# LAND CONFLICT; MOTHER OF DISPUTES



By Moses Ekeke

**C**ONFLICT MAY BE DEFINED as “the strife for the mastery; hostile contest, battle, struggle, fighting between opposition, simultaneous but incompatible feelings or an opposition between persons or ideas; disagreement or argument about something important”<sup>1</sup>. “Land dispute involves conflicting claims to rights in land by two or more parties, focused on a particular piece of land, which can be addressed within the existing legal framework”<sup>2</sup>

Land is a free gift of nature, and so pervasively underpins human activities that it usually plays some roles during civil unrest and conflict. With globalization and rapidly growing population, the demand for land increases. This has also heightened the possibility of land disputes. Dispute over access to land and valuable resources have driven nations, cities, tribes and even families into long drawn overt or covert conflict. It is therefore important that we address the role land plays in the conflicts of many cities - particularly in Ebonyi state. This will help our policy makers develop strategies to ease tension among warring groups, limit conflict and avoid violence and the pover-

ty trap that comes with cyclical violence. Failure to address these issues may increase the likelihood of conflict and perpetual poverty.

Land is the object of competition in various ways: as an economic asset/factor of production, as a connection with identity and social legitimacy, and as political territory. Competition over land and its resources is at the centre of the nexus between land and conflict. This Competition occurs between any number and type of identity groups, based on ethnicity, class, religion etc. However, when the competition involves a group of people rather than individuals, the risk of large-scale violence increases. From personal experience, the struggle over land has posed one of the biggest problems in Ebonyi state. In our society, the struggle over land use and its mineral deposit has been a constant bane.

When land lacks adequate legal, institutional and traditional/customary protection, it becomes a commodity subject to manipulations and abuse. On that note, the Land Use Act 1978, in section 1 provides that all land in the

1 Oxford Advanced Learners' Dictionary

2 John Bruce, Karol Boudreaux; Land tenure and Resource Rights Practice Lead, 2013

state belongs to the governor, who holds same in trust for the people. Therefore, for a person to acquire interest in land, he must possess a statutory or customary right of occupancy. However, to obtain a right of occupancy, one must have root of title. Under customary right of occupancy, root of title can be established either by being first settlers, by inheritance, by gift or by conquest.

Land conflicts can be persistent as in the case of the *Mgbalukwu* and *Ojiegbe* land conflict that lasted 97 years which was finally resolved by HRCRC and the conflicting communities were reunited. It needs to be pointed out here that while local and traditional institutions like village council of chiefs/elders, religious heads, traditional rulers and other local bodies can often resolve local land conflicts, at a certain stage the government must intervene swiftly. When land conflicts escalate to the governmental level, the conflict can be properly managed in a constructive manner.

To properly address land-related conflicts, it is essential to correctly identify the roles played by land in the conflict. What factors create vulnerability to land conflicts and exacerbate tension? Some of these escalating factors include; land scarcity, insecurity of tenure, the lure of valuable resources, historical grievance etc. In the presence of such vulnerabilities, violence is often sparked by a trigger event. These trigger event can be anything that intensifies the vulnerability, even though the conflict was not caused directly by a land issue. *For example, in the boundary dispute between Izzi and Ikwo, the subject matter of the dispute was not the land, however based on accumulated grievance and fights, each community barred members of the other community from crossing the border into their territory.* By virtue of the not so clearly defined boundary, conflict and violence erupted and many lives were lost.

As conflict mediators with Human Rights and Conflict Resolution Centre, department of Peace-Building and Conflict Resolution, we have been going from one community to another reconciling people in conflict over land use

in the family level, village and community such as the *Mgbalukwu - Ojiegbe* conflict mentioned above, the *Umu-Oke-egwu - Umu-Aluma of Umu-nochi* Local Government Area in Abia State that lasted for 23 years, and we are currently working on the boundary conflict between the *Ukele* people in Cross-River state and the *Igbagu Izzi* people in Ebonyi State.

We register and mediate over 1000 interpersonal, familial, workplace, communal, apprenticeship, landlord-tenant conflicts annually. In my experience as a customary land mediator, I have gathered knowledge in the **land tenure system** -which works as the mechanism for the acquisition of land in *Ikwo, Izzi* and *Ezza*. This tenure system in these communities dictate that all land belong to the community where the land is situated. Under the customary land tenure system, the community together owns the land, and equally holds it in trust for communal and personal use. This power is usually exercised by the elders of the community and the members of the land committee. Whenever there is conflict over land; especially customary land, it is usually because of animosity and unresolved misunderstanding, or parties are not agreeing on what law should apply to them; customary law or the Land Use Act.

There are a couple of measures that can be imbibed; however, there are things only the government can do. Criteria such as efficiency, accountability, public participation, security should be added to the land tenure and urban land management, which will form a good basis for development in the land tenure sector. In all these conflicts regarding land, there is need for mediation, conflict resolution, and involving traditional rulers in land management. This is because court adjudication will be very unsatisfactory to one side, which may fuel another conflict. So mediation is often the best option.

Land conflicts can be minimized if all these aforementioned approaches are combined as required in specific cases with respect to existing laws, culture, political and economic conditions of the prevailing social framework of the communities.



# The Nigeria Correctional Service Act, 2019

by Chioma Okoro Esq



**T**HE NIGERIA CORRECTIONAL SERVICE formerly known as the Nigeria Prisons Service is a Government Institution established to support the criminal justice system and guarantee public security by providing support in the reformation, rehabilitation and reintegration of those who violate criminal laws. The Correctional Service is a parastatal under the Ministry of Interior and is headed by the Controller-General, Ahmed Ja'afaru.

The Nigeria Correctional Service Bill 2019 was sponsored by the former Chairman of the Senate Committee on Interior, Senator Andy Uba in his desire for a total transformation in the management and administration of the Prisons. The former Senator noted that the new law will foster a better administration of criminal justice in Nigeria, bring about prison decongestion and ensure that the Nigeria Prison Administration System is at par with International best practices. On 14th August, 2019, President Muhammadu Buhari assented to the Bill which is now known as The Nigerian Correctional Service Act, 2019. The Act repeals the Prison Act Cap P29, Laws of the Federation, 2004 and changes the name from Nigeria Prisons Service to Nigeria Correctional Service.

According to the Act, there are two main faculties of the Correctional Service namely; Custodial and Non-Custodial Service.

The Custodial Service relates to the administration and supervision of persons remanded in custody while Non-Custodial is the aspect that serves as an alternative to going to a custodian center. It is responsible for the administration of measures which include community service, probation, parole and restorative justice.

In recognition of the fact that overcrowding was and still is one of the problems that bedevil Nigeria Prisons, the Act contain key provision authorizing the State Controller to notify the relevant bodies within one week where a Custodian Centre has exceeded its capacity. The notified bodies shall within 3 months of the notification take necessary steps to rectify the overcrowding.

*The Act also empowers the State Controller in conjunction with the Superintendent to reject more intakes of inmates where the Correctional Centre is filled to capacity. The State Controller and the Superintendent shall be sanctioned where they respectively fail to notify the relevant body within the stipulated time that the Correctional Centre has exceeded its capacity and accept inmates after the expiration of the notification timeline.*

Further, the Act gives those sentenced to death a ray of hope by providing that where an inmate sentenced to death has exhausted all legal pro-

Continued on page 12



## What is in a Girl Child?

By ChukwuEmika Udedibor ESQ and Chioma Ikegbunam ESQ

**I**N IGBO LAND CHILDREN are highly valued and cared for because they are regarded as wealth – both in the literal and metaphorical sense. In most Igbo cultures including Ebonyi, extended families look with anticipation to the eventual celebration of their daughters' marriages and the *Umunna* cannot wait to partake of joyous feast and of course the bride price and cultural demands from the groom's family. Their sons on the other hand are cherished for a more apocalyptic reason – the fear of losing a lineage or the continuation of a family name.

Thus, lack of children is suggestive of a curse by the gods or consequence of an action or inaction by the couple; or even worse still not by the couple themselves but their generations past. Children are therefore imperative for couples.

However, over time, families began to value the continuation of the family name – which a female child losses at marriage - and male children gradually began to assume more significance over female. And so there is not-so-complete joy at the arrival of only female children in a family. The birth of a male which is considered as a good omen to an Igbo family is often heralded with greater delight than that

of a female child. This preference of male children has become so unhealthily intense that in emergencies and disasters, many Igbo parents selectively attend to their male children. A pathology such as this was one of the unreported and undocumented tragic tales of the civil war - many parents fled with their sons, livestock, bicycles, clothing and jewelries, leaving their female children behind.

After all the hullabaloo of the birth, the children are then raised and nurtured differently as occasioned by cultural constructs and circumstances before their birth. Male children are consequently raised and socialized to see themselves as future heads of households, breadwinners and possessing superior authorities over their wives and children while the female children are taught to be obedient, submissive, meek and humble housekeepers; trained and prepared almost exclusively for the inevitable task of child bearing, nurturing, rearing and protection. Thus socially, the male child suffers less rejection, prejudice, discrimination abandonment than his female counterpart.

This evidently irked Chimamanda Adichie as much as it irks me to make her lament 'We

*police girls. We praise girls for virginity but we don't praise boys for virginity and it makes me wonder how exactly this is supposed to work out; since the loss of virginity is a process that usually involves two people of opposite genders'.<sup>1</sup>*

Furthermore and ironically, some families devote more and sometimes unhealthy concentration on the girl child to the detriment of the boy child because the former are perceived as more vulnerable, prone to abuse and social vices; and the latter do not need as much attention. A conventional parlance the traditional society employs to forgive the excesses of the boy child is *Boys will be Boys*. This imbalance in their perception, acceptance and upbringing thus culminates in a society prone to abusing the other gender; if for no other reason but to compensate for the lack or excess they see in the other gender but do not enjoy. Whilst the boy child is prone to abuse, social construct of the traditional Igbo society has cultivated the soil for the physical, emotional or sexual abuse of the girl child. Sad! What is even sadder is that these children are very under aged; – a crime known as Defilement.

This crime - defilement is now very rampant in Ebonyi state and the world at large – maybe because due to civilization more victims are speaking out.

Section 277 of the Child Rights Act of 2003 defines “a child as a person who has not attained the age of eighteen. Definition of Sexual Defilement varies in different jurisdictions as there is no universal accepted legal definition to it. Child's sexual defilement is defined by African Network For the Prevention and protection against Child Abuse and Neglect (ANPPCAN) Nigeria Chapter Annual Report (Abuja ANPPCAN 2007) ‘as a behavior that exposes a child below 18 years of age to sexual content in which the child is used to obtain sexual stimulation and gratification’. The rampancy of these cases of defilement of minors in Ebonyi State has given rise to the contemplation of making it a capital offence in order to curb the steady alarming trend.

It is more disheartening that Parents, uncles, religious leaders and generally persons of trust are the prime perpetrators of this crime and pitifully, society has made it uneasy for victims and their parents/guardians due to stigmatization thereby worsening the trauma. It is pertinent to note that a civilization relies on the individuals it produces and these individuals in turn rely on the civilization that produce them. Therefore, it is safe to aver that the vices perpetuated today such as defilement of minors are a product of the civilization that has produced our children and these children are now birthing a civilization of defilement. The vicious circle continues unless drastic measures are taken.

Measures such as balancing the imbalance of nurturing genders differently and disproportionately because of cultural dictates must stop. The idea that the girl child needs more attention thus is overly protected socially especially to the detriment of the boy child breeds an unhealthy disparity. The boy child slowly develops the abusive tendency from childhood, which is either not noticed due to inadequate attention or ignored because of societal and cultural tolerance for chauvinism. Thus parents must learn to be very proportionately observant and curb these trends and tendencies. Respect for the female gender must be inculcated into the male child.

All staff and volunteers of HRCRC have undergone a child safeguarding and protection training and have signed up to the Safeguarding Policy of St. Patrick's Missionary Society – our mother organization. It is armed with this policy and other instruments such as the Child Rights Act/Law and VAPP that we go sensitizing the public on safeguarding not only the girl child but all children because they are the civilization and future we live for today. Let us collectively build a non-gender biased society that guarantees equal rights, equal opportunities and equal benefits for every individual.

<sup>1</sup> Chimamanda Ngozi Adichie's We should all be feminists

# Current Existential Priorities Needing Partnership and Funding

## Prison Decongestion and Implementation of ACJL

Abakaliki Prisons with a capacity for 300 now houses over 1000 inmates in the most inhumane conditions and 95% of these inmates are awaiting trial. Afikpo prisons too share a similar fate. This effort is therefore aimed at facilitating the release of these inmates through legal representation, Goal Deliveries, Advocacies and reintegration into the society for freed inmates. Also, this intervention intends to pursue vigorously the implementation of the newly domesticated Administration of Criminal Justice Law 2019 of Ebonyi State for prevent the miscarriage of criminal justice and the repopulating of our correctional facilities.

## Enhancing the Civic Consciousness and Rights of the Child in Ebonyi

This intervention is ultimately aimed at creating platforms such as Child Rights Clubs and Students Parliaments and Peace Committees in secondary schools across the state to amongst other things improve and de3velop the civic consciousness and problem solving capacities of the youths (students).The

intervention will also include sensitization efforts to curb all practices that infringe on the rights of Children such as child marriages and domestic violence.

## Women Empowerment and Campaign against female subjugation

Domestic violence, boy-child preference, sexual abuses and rape/defilement, FGM and other practices against the female gender are still very prevalent in Ebonyi society. This campaign aims to mitigate against these practices, whilst aiming at empowering women to be more assertive and participate in governance; especially in the predominantly male traditional ruling class.

## Peace building and Conflict Resolution in on going violent Conflicts

Ebonyi state is awash with several intra communal and inter communal conflicts that are violent; with some purported to have lasted almost a century. This intervention is aimed at employing ADR, advocacies and other Conflict Management skill to permanent resolve the conflicts.



**ABAKALIKI CAPITAL TERRITORY DEVELOPMENT BOARD**  
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**THE CHAIRMAN**

Our ref: **ACTDB/AD.076/I/22**

Date **19th September, 2018**

The Director  
Human Rights & Conflict Resolution Centre Abakaliki  
Sir,

## **APPROVAL OF STREET NAME - REV. FATHER KEVIN O'HARA CLQSE.ABAKALIKI**

With reference to your application and in accordance with the enabling legal status of Ebonyi State Law No. 010 of 2015, as amended, we hereby convey approval for the naming of the Street as **Rev. Father Kevin O'Hara Close.**

This is in consideration and recognition. of your Organisation as an NGO (CLO) that has contributed immensely to the maintenance of peace and protection of lives and properties in this country, and appreciating that your Organisation took

off from the present Ebonyi State and has touched: in no small measure the lives of many people within and outside tip State.

We consider it necessary to approve the naming of the Close after Rev. Father Kevin O'Hara because of his immense contribution to the wellbeing, protection and peaceful coexistence of the natives of our dear State, the entire country, and maintenance of justice amongst our good people. |

In view of the foregoing, We wish to convey to you the approval of the above named Street as **REV. FR. KEVIN O'HARA CLOSE.**

Accept our congratulations

**Elder Fred Udeogu FCAI, FIICA**  
Chairman

Elder Fred Udeogu  
Board Chairman

Udu Fomere Nigbo  
Board Secretary

Hon. Ogori Nigbo  
Board Member

Hon. Ben. Ray Akana  
Board Member

Hon. Nwaeze Okoro  
Board Member

Chief Geoffrey Nigbo  
Board Member

Hon. Wkari Ugo  
Board Member

Hon. Eneke C. Nwankwo  
Board Member

...In God we Trust





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Special thanks to IrishAid and St. Patrick's Missionary Society SPS for sponsoring this newsletter

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