Prisoners with Disabilities: Justice Delayed Means More than Justice Denied

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In 2013, Femi Ojebisi bought a Blackberry phone from a man on the street who, in fact, stole the phone. However, it was Femi who the Police charged with stealing the phone. He could not afford bail and was incarcerated in Kirikiri Medium Security Prison in Lagos State pending his trial which has since dragged on for years since his arrest and Femi is still awaiting trial.

Femi’s story of mistaken arrest and delayed trial would have been distressing enough, if it were not for the fact that while in prison he had a stroke and lost the use of his right arm and leg. To freely move around the prison, Femi turned to the prison for help, but was told they could not assist him physically nor provide him with the medicine or mobility aids he needed. With no other source of support, Femi has had to rely on the kindness of other inmates to perform daily basic functions, like washing, moving about the prison, and using the restroom.

The 1999 Constitution of the Federal Republic of Nigeria, as amended, guarantees every individual the right to the ‘Dignity of his Person’ and not to be subjected to degrading treatment. Femi’s right to dignity is violated when he is denied crutches or other mobility devices, rendering him incapacitated and living at the mercy of other inmates. Additionally, this denial also amounts to a violation of Femi’s right to personal mobility, which the Nigerian Government recognizes when it signed and ratified the Convention on the Rights of Persons with Disabilities.

It is not only prisoners with physical disabilities that face greater difficulties in prison. Prisoners with psychosocial disabilities (mental health conditions) also face the challenge of struggling to advocate for themselves within the complex bureaucratic system of criminal justice in Lagos prisons. Taheeb Ibrahim is one such person. Entering the prison in 2011, he had an undiagnosed psychosocial disability, which, in his own words, can cause him to become violent. The free medication the prison provides is enough to help him control his violent outbursts. However, it does not address the deeper issues Taheeb faces due to his condition.

Indeed, Taheeb cannot recall key details of his case, such as the crime for which he was awaiting trial, whether or not he had met with a lawyer or gone to court recently. Most distressingly, when prison officials tried to look up his case file in their registry, they did not find one. The prison did not have a record for a prisoner named “Taheeb Ibrahim” in their system. When asked again what his name was, Taheeb stared blankly at the officer and said, “I don’t know.”

The Prisons Act [CAP 366] of Nigeria recognizes that states provide appropriate modification to ensure that persons with disabilities are able to exercise their rights on an equal basis with others. For someone like Femi, reasonable accommodation can include providing him with his stroke medication and crutches to assist him in walking.

The Nigerian Prisons Service violates the rights of prisoners with disabilities in various ways. In the case of Taheeb, persons with psychosocial disabilities should be removed from prisons altogether and placed in treatment centers where they could be properly cared for, as is required by the Prisons Act. The complex bureaucracy of the reporting system needs to be streamlined and simplified, so that prisoners with psychosocial disabilities do not fall through the cracks of a lengthy and drawn out reporting procedure that is as unfamiliar to them as it is difficult to navigate. By refusing to provide such reasonable accommodation to Taheeb and Femi, the Nigerian Prisons Service violates the rights of these persons with disabilities.

This article was prepared by Adaobi Egboka, a legal practitioner and the Executive Programmes Director of LEDAP, and Jacob Bogart, an intern with LEDAP and a law student at Columbia Law School in New York, authors of a forthcoming report on the experiences of prisoners with disabilities in Lagos State prisons.