



NIGERIAN PRISONS SYSTEM AND THE RIGHT TO A FAIR TRIAL WITHIN A REASONABLE TIME

In a prison cell in Apapa Correctional Facility, Ebuka who has been arrested for petty theft for over seven years sits close to the window, awaiting the moment in which his case would be tried. It has been seven whole years of serving time in a congested, unpleasant cell without trial. Ebuka is not alone in this fate. There are many like him who have been locked up for up to two decades now, yet they have never seen the face of a judge—an action that obviously defies their right to be tried fairly and timeously, invariably leaving them at the mercy of the whims and caprices of the prison guards.

What Does A Fair Trial Within A Reasonable Time Envisage?

Section 36(1) of the 1999 Nigerian Constitution guarantees the right to a fair hearing in the determination of civil rights and obligations, requiring that a person be heard within a reasonable time by a court or tribunal established by law and constituted to ensure independence and impartiality. This therefore raises two key elements that must be met.

The trial must be fair and impartial.

Article 14 of the International Covenant on Civil and Political Rights (ICCPR) solidifies the rights to fair hearing and a fair trial. Moreso, the *Merriam Webster Dictionary* defines a fair trial as a trial that is conducted fairly, justly, and with procedural regularity by an impartial judge and in which the defendant is afforded his or her rights. This therefore presents a fair trial as a trial which must be public, with the defendant being accorded his right to fair hearing and the said trial being conducted before a competent court or tribunal that is capable, independent, and impartial.

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power of legal advocacy in transforming lives. These feats must truly be celebrated as this is what true democracy should be – a hand of grace and mercy to lead all persons to justice and an acknowledgement of their dignity and human rights. Now, Ebuka and other inmates with same fate can stand a chance at obtaining justice.

The strides of the Young Lawyers Forum bears the undertone of some sort of motivation to the Nigerian government to review the poor state of the correctional facilities and make them less congested and more inhabitable for detainees. More visible work should also be done to ensure that everyone is a beneficiary of a fair trial within reasonable time, including the lonely forgotten prisoner deep in chains, with no one to champion his course.

Olachi Angel Iwehee.