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**FEDERAL REPUBLIC OF NIGERIA**

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**Thursday  
22<sup>nd</sup> April, 2010**



# **NATIONAL ASSEMBLY DEBATES**

**FOURTH REPUBLIC  
THIRD ASSEMBLY  
(SIXTH SENATE)**

**THIRD SESSION**

**SENATE OFFICIAL REPORT**

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**SENATE OF THE FEDERAL  
REPUBLIC OF NIGERIA**

*Thursday, 22<sup>nd</sup> April, 2010*

*The Senate met at 11.40 a.m.*

**PRAYERS**

(The Deputy President in the Chair)

**VOTES AND PROCEEDINGS**

**The Deputy President:** Distinguished Senators, we have the Votes and Proceedings of Wednesday, 21<sup>st</sup> April, 2010 before us for approval: Pages 749, 750, 751, 752.

**Senator Ayodele Sylvester Arise** (Ekiti North): Mr. President, I rise to move that the Votes and Proceedings of Wednesday, 21<sup>st</sup> April, 2010 be approved.

**Senator Munirudeen Muse** (Lagos Central): Mr. President, I rise to second the Motion moved by Senator Arise that the Votes and Proceedings of Wednesday, 21<sup>st</sup> April, 2010 be approved.

*Question put and agreed to.*

*Resolved:* That the Votes and Proceedings of Wednesday, 21<sup>st</sup> April, 2010 be approved.

**MESSAGE FROM THE ACTING PRESIDENT**

**The Deputy President:** I have a letter from the Acting President of the Federal Republic, which reads thus:

*The President of the Senate,  
Senator David Mark, (GCON)*

*Dear Brother,*

**SUMMARY OF THE 2010 EXTERNAL  
BORROWING PLAN OF GOVERNMENT**

*I hereby forward to your Excellency, the summary of the 2010 external borrowing plan of government as a major component of the 2010 Appropriation.*

*Please recall our discussion during our interaction on the 2010 Budget of the Federal*

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*Republic of Nigeria, held on the 20<sup>th</sup> of April, 2010, to formally transmit the 2010 external borrowing plan of the Federal Government to you for consideration and approval.*

*You will also further recall that the Senate Committee on Finance had on several occasions invited the Executive to present the 2010 borrowing plan and explain its content including sustainability and impact on the economy. This is in compliance with the due process. The borrowing plan for 2010 is hereby presented for your kind consideration and approval.*

*You may wish to note that Nigeria is in dire need to fund its huge infrastructural. Deficits critical to rapid development and highly constitutional credit facilities offered by multilateral agencies of which Nigeria belongs, and commits substantial resources as affiliation fees, has been identified as an inevitable source to complement the budgetary allocation as appropriated. The World Bank portfolio of the facilities totalling \$915 million out of which \$179 million will be drawn in the fiscal year 2010, is of particular essence as it will be deployed to urban water and transport, human capacity development and power infrastructural projects across the country.*

*In view of the above, Your Excellency, you may wish to consider the external borrowing plan for 2010 in order to facilitate the immediate legislative considerations.*

*Please accept, your Excellency, the assurances of my esteemed regard.*

(Signed)

**DR. EBELE JONATHAN GOODLUCK (GCON)  
ACTING PRESIDENT OF THE FEDERAL  
REPUBLIC OF NIGERIA**

**ANNOUNCEMENT**

**Creation of E-mail Address for Senators**

**The Deputy President:** This announcement is from Senator Ayodele Arise and it reads:

*Distinguished Colleagues, this is to remind all Senators that E-mail addresses were created for every Senator in May 2009 by the Senate President, Senator David Mark through the Nigerian Senate website. Since we are now embracing the spirit of internet technology as an efficient and reliable means*

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of communication, we are urging every Senator to embrace this technology and utilise it effectively. You can access your E-mail anywhere in the world by visiting [www.nigeriasenate.org/webmail](http://www.nigeriasenate.org/webmail) or [mail nigeriasenate.org](mailto:nigeriasenate.org). This is safer and secure than most public messaging websites such as yahoo, g-mail or hot-mail.

Please note that most Senators have e-mails awaiting response in their e-mail boxes. To change your password visit [www.nigeriasenate.org/webmail](http://www.nigeriasenate.org/webmail) and then sign in with your user name as the first letter of your first name joined together with your surname. Your password is senate and from there you can change the password to your choice. For example, Senator David Mark, the users name will be [dmark@nigeriasenate.org](mailto:dmark@nigeriasenate.org) and the password will be senate.

For further details and information on the website, please contact the office of Senator Ayodele Arise at Suite 1.03 New Senate Wing, National Assembly Complex.

You can also put your Aides through since most Senators are very busy.

(Signed)  
Senator Ayodele Arise

**The Deputy President:** The next announcement is from Senator M. K. Jibril:

Your Excellency,

**Request for Special Appreciation Announcement to my Colleagues distinguished Senators who supported me during the turbaning ceremony of my father, Alhaji Abubakar Jibril as Magakin Zanzau.**

Permit me to once again crave the very indulgence of your Excellency to use the exalted medium of the Plenary to express my profound gratitude to my distinguished colleagues who supported me during the turbaning ceremony of my father, Alhaji Abubakar Jibril, as Magakin Zazau, by His Royal Highness, Alhaji Dr. Shehu Idris (CFR).

To say that I am overwhelmed by your show of love, support and solidarity, is an understatement. I am particularly elated by the turn out of distinguished Senators who came all the way to Zaria to personally celebrate with me and members of my family. It is my prayer that God will replenish all the resources expended in supporting us.

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My family and I remain grateful for your presence in spite of the short notice and your busy schedule, for your contributions to making the occasion a colourful one.

Finally, Mr. President, permit me to also thank the Deputy Senate President particularly for leading the team of Senators to the turbaning ceremony.

Please, accept once more, the assurances of my esteemed regard.

(Signed)  
Senator Mohammed Kabiru Jibril

### **Doctorate Degree Award on the Senate President**

**The Deputy President:** The Senate President will be receiving a Doctorate Degree Award at the University of Makurdi on Saturday. He has requested those who would be free and desire to travel to put their names together and a special flight would be arranged for Saturday morning.

### **Visit by Students of Kent Academy, Miango, Jos, Plateau State**

**The Deputy President:** I wish to acknowledge the presence of students of Kent Academy, Miango, Jos, Plateau State, who are in the Gallery to observe Senate proceedings.

Can you stand up? (*Students stood for recognition*).

I welcome you and wish you fruitful observation of the Senate proceedings of today. You can take your seats.

### **ORDERS OF THE DAY**

#### **CONSIDERATION OF BILLS**

#### **Maritime Security Agency (Establishment) Bill, 2010**

**Senator Teslim Kolawole Folarin** (Oyo Central): Mr. President, the first Order of the Day is the Second Reading of an Executive Bill on the Maritime Security Agency (Establishment) Bill, 2010.

You will recall that this Bill was read the first time in this hallowed Chamber on Tuesday, 3<sup>rd</sup> November, 2009. With your very kind permission, I will like to start the lead debate.

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**The Deputy President:** You can proceed.

**Senator Teslim Kolawole Folarin:** Once again, I thank you for the privilege to lead the debate on the General Principles of a Bill for an Act to Establish the Maritime Security Agency (Establishment) Bill, 2010. This is an Executive Bill which was read the First Time in this hallowed Chamber on the 3<sup>rd</sup> of November, 2009.

This Bill is a deliberate attempt by the government to establish a Maritime Security Agency which shall be charged with the responsibility of providing security and safety information and communication facilities for all categories of users of the Nigerian Maritime industry. It shall apply to any person, ship, aircraft or any other craft or object in the internal and territorial waters of Nigeria. It should however be noted that this Bill does not contemplate or apply to warship or military patrol ship.

The Agency, when established, shall be vested with the following objectives:

- (i) Provide clear direction and leadership in the establishment of a platform for National Maritime Security.
- (ii) Encourage the development of expertise in local and global Maritime security and awareness on marine information and communication technologies for the Nigerian Maritime Industry.
- (iii) Provide security information and mechanism to produce all the National Maritime and Maritime related infrastructure within the Nigerian territorial waters.
- (iv) Regulate corporate body or person engaged in the provision of Maritime Security Services within the Nigerian territorial waters.

It is my belief that the establishment of this Agency will revolutionize our Maritime Industry in the following areas:

- (i) The provision of adequate and relevant infrastructure will make maritime transport a pleasurable experience.
- (ii) The provision of modern security in the industry will ensure safety of both personnel and equipment on the nation's territorial waters.

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It is a fact that Nigeria stands to gain immensely from the passage of this Bill. I, therefore urge you all to give it an accelerated passage into law.

I thank you for your attention.

**Senator Enyinnaya Abaribe** (Abia South): Mr. President, on the first look at this Bill, it would be a worthy Bill to support but I get a few things I would like to say about it. First of all, the Bill says it does not contemplate or apply to warship or military patrol ship. My first intention on sighting this bill was that it was going to be tailored like a coast guard like we have in the United States of America.

If you talk about security without having the instruments and the equipment, I do not know what manner of security that you would provide. The Bill says that it will provide security and safety information and communication facilities. Communication facilities within the Maritime Industry are usually provided by the Agency which is the Maritime Authority.

The question of communication is a different set of thing altogether. If you want to talk about security in our maritime waters, we know that our recent experience has been that our maritime areas stretching all the way from Lagos down to Calabar and our international territorial waters have been very porous.

In fact, we have had a real problem not just in our own country but the whole gulf of Guinea which includes Nigeria. Part of the real problem that we face now with illegal oil bunkering and the question of pirates and other illegal things being done has related to the fact that there has never been a clear demarcation of functions of those who should provide security within our territorial waters.

The Navy is given part of the functions. The Nigeria Marine Police is also given part of the functions. The Navy sometimes is unable to provide the needed security because the laws establishing the Nigeria Navy do not also allow them to do certain things.

We have also found that companies that operate within our territorial waters especially those who are either prospecting for oil in the shallow waters and in the deep waters have had to also provide for themselves their own security guards and sometimes

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have to call on the Nigerian Military to provide security for them. You now find that the Nigerian Military is coming in through the joint tax forces and helping the Marine Police. There is a lot of confusion there.

This bill, if properly done should help us to clearly demarcate where you could provide security for those who come to Nigeria to do business.

I do not also understand one other part of this bill because it talks about the internal territorial waters. The internal territorial waters that we are talking about is the Niger and Benue of which you will now have to say that in those lines that go all the way from the north to the south, the river port and all those areas must be protected from river pirates and those who also do some nefarious things there.

I think we should support this bill and when this bill comes up, it should be very well streamlined and we should be certain that when we go to the consideration of this bill when it goes to the Committee, it must be very clear that you cannot provide a cover for security when you do not have the means of doing it.

**Senator Mujitaba Mohammed** (Jigawa South-West): Mr. President, I want to begin by expressing my support to this very important Bill. The importance of this Bill has already been fully explained by the Leader during his lead debate.

Nigeria falls within the Maritime Region of the Gulf of Guinea which comprises eleven countries along the coastal line of Africa from Ghana to Angola. The Maritime security in this region is very disheartening because by the insecurity in this resource region of the Gulf of Guinea has resulted in more than two billion dollars lost in revenue to these countries last year alone.

The establishment of this Agency is timely and it would go a long way in addressing some of the challenges facing our maritime region and indeed other coastal areas of the West Africa sub Region. The coastal waters of Nigeria is experiencing a lot of problems ranging from poaching by foreign investors from Europe, Asia and some other African countries because we do not have an existing effective and efficient maritime agency that would guard against this menace.

Besides poaching in fisheries which has resulted in colossal loss of money to the country amounting to

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about 200 million dollars last year alone, there is also the security problem of piracy. The International Maritime Bureau ranks the Gulf of Guinea as one of the most troubled global waterways. Since the late 90s, this sub region has consistently been ranked as piracy hot spot in the world.

There is also the issue of national and trans-national crime. The issue of which is popularly referred to as oil bunkering is also very prominent in our coastal waters. Besides the issue of oil bunkering, there is also the proliferation of small and lighter arms by the armed gangs that are engaged in this lucrative trade of oil bunkering.

It is my belief that when this Agency is finally established, it would work out modalities, enhance infrastructure, and provide equipment and all other necessary logistics to curb this menace. I support this bill and I urge my Colleagues to equally lend their support to this very important bill.

**Senator Abubakar Danso Sodangi** (Nasarawa West): Mr. President, I rise to support this very important Bill being presented to us by the Senate Leader. In doing so, I have a kind of mixed feeling because of the inadequacies that I have seen in not the presentation as such, but in not seeing the Bill itself. There is a kind of discrepancies even in the presentation. For instance, it has been said that this Bill, if passed, would be for all categories of users of the Nigeria Maritime Industry. In another way, it is said that this does not avail the warship for our Navy and the rest of them. It baffles one to note that if there is going to be this important agency and the Bill would not cater for the Nigeria Navy or our warship Maritime in high waters, then one would be wondering for what purpose it would be.

If it is for security, which security in our territorial water that would surpass the services of Nigeria Navy and other services. So, it is surprising to say that this very important Bill is like a kind of legal instrument that would provide *modus operandi* of the security operative within our territorial waters; taking care of the illegal and even legal bunkering and so many other things but it would not affect the Nigeria Navy.

One other thing that makes me happy with this Bill is that our legal profession has been suffering a kind of deficiency. There is no legal instrument guiding the administration of persons and goods within our territorial waters and it is giving a lot of headache to the Lawyers and indeed the Judges. Of there is bound to be dispute on what legal instrument

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should be used. It is this Bill that has to do with the security, administrative, Technical-know-how and the rest of them.

So, if passed and if it is given a real legislative kind of attention, it may surely help both the Lawyers and every other person involved in the administration of our territorial waters not only security or the warship that is exempted in this Bill.

I therefore urge my Colleagues that for whatever deficiency that we have seen on the surface of this presentation, we should pass this Bill into law and when it goes to the appropriate Committee, I believe further legislative surgery would be done there so that a mere perfect document that would cater for all and sundry would be achieved.

I urge my Colleagues who have the kind of mixed feelings like I share with them to pass it for whatsoever it is worth.

**Senator Osita B. Izunaso** (Imo West): Mr. President, I rise to support this Bill because to my mind, this is a very important Bill. This Bill is seeking to harmonize all the efforts of other Maritime Agencies like the Navy and the rest of them towards protecting our internal territorial security in our seas.

One very important aspect of this Bill is that it will also provide adequate information and communication. Some previous speakers here have mentioned about Naval warship and the rest of them. Most of the Naval Warships we have in this country today are obsolete, they do not even have the adequate communication facility to be able to communicate to know from one point that a ship entered and to another point that the ship departed.

It is important for us to know that today in our territorial waters often times, there would be all manner of ships moving from one place to another without giving proper account of where they are going to, where they are heading to and whether or not they are not returning.

Only recently, a ship berthed in Lagos carrying Nigeria oil that were imported by NNPC and within the process of lifting the product, the same product was deviated from Nigeria to one or two countries in the West African Sub-Region. It is because these things are not properly monitored. Assuming they are properly monitored, once that ship berth in Lagos, it would be almost impossible for them to move again

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to another West African country without proper monitoring.

I believe that this is a very important Bill but in working on this Bill by the time it goes to the Committee level, it is important that it is harmonized with other agencies that are involved in protecting our territorial water ways.

I would also recall that only recently here in this Chamber, there was a Motion by Senator Victor Ndoma-Egba about our ship that was seized in far away Somalia by pirates for 11 months or thereabout. These are some of the things that if we have proper security and safety control of our water ways, we should be able to monitor even that ship that berthed from whichever country and heading to Nigeria; and if there is going to be anything on the way, we should also monitor it and know what to do next. So, our response action must be taken seriously. It is not when things happen that we should begin to react after it has already happened.

I believe that this Bill is proactive and it should be supported. Because it is seeking to establish an agency of government, it is important that we also have the financial compendium of this Bill as we move it to Committee level.

**Senator Nuhu Aliyu** (Niger North): Mr. President, as my Colleagues did say, this is a very important Bill, the only thing about it is that we do not have good information about the Bill itself so that we can make useful contributions. But what I know is that it will certainly protect and improve safety in our Nigeria waters.

**Senator James Ebiowou Manager** (Delta South): Mr. President, I have a Point of Order.

**The Deputy Senate President:** Point of Order, Senator James Manager.

**Senator James Ebiowou Manager:** Mr. President, I have nothing against the Bill, although the information is very scanty about the Bill. – *(Interruptions)*

**The Deputy Senate President:** Which Order are you coming under?

**Senator James Ebiowou Manager:** I am coming under Order 77(3); but this Bill being an Executive Bill and the intent is to set up an important agency of government, I think this hallowed Chamber is entitled to know the financial implication of setting up this agency. With your permission, I beg to read:

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Order 77(3) states thus: *A compendium of the background information and financial implications shall accompany every Bill.*

Of course, Mr. President, I know you are my Learned Friend and you know the implications of the use of the word *shall*, it is very compelling. That is what Section 77 (3) is talking about. This is an Executive Bill. This is the Second Reading, that is the general principles of this Bill. We are entitled to knowing the financial implications of this Bill. By extension, Nigerians are also entitled to know the financial implications of the Agency.

That apart, the information about this Bill is very scanty. There are so many Agencies of government doing exactly the same thing this Bill is seeking to do. We need to look at all these things together in a most robust manner so that when this Bill comes back by the grace of God, depending on your own ruling, we need to know more about this particular Bill. For now, it is very scanty and this is Senate of the Federal Republic of Nigeria, we are here to do justice, we are here to make good laws for the government and people of Nigeria. That is my case.

Thank you for the understanding.

**The Deputy President:** Thank you Senator Manager. As much as possible, we would try to abide by our Rules and the Constitution. We have said severally in this Chamber that we should as much as possible abide by the rules we made for ourselves. In respect of the issue whether it is scanty or not, I think you are making reference to the lead Debate. This is because the details of the Bill are contained in the Gazettes. We distributed the Gazette.

So, if you do not have it, it is not any person's fault. I am sure, that should take care of the issue of the scanty nature of the information available. If you look at the Gazette you would get more information.

Having said this, we would like to hear from the Senate Leader before I finally rule on this.

**Senator Teslim K. Folarin:** Mr. President, I partly agree with the submission of Senator Manager. As regards the lead debate being scanty, I do agree with that. But on the issue of the financial compendium, he made a very salient point. It is an Executive Bill, it is very important that Senators have all the information before taking decision. So, for this reason I want to move that I will step down this Bill for further legislative action.

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**The Deputy President:** It is all right. We would grant the Leader his request. He will step it down for now and represent it at a future date.

*(Bill by leave of the Senate stood down)*

### **Nigerian Prisons Service Bill, 2010**

A Bill for an Act to Repeal the Prisons Act Cap E29 Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian Prisons Act to make comprehensive provisions for the Administration of Prisons in Nigeria and for Related Purposes 2010 (SB.52)

#### *Order for Second Reading*

**Senator Teslim K. Folarin:** Mr. President, the Second Order of the Day is the Second Reading of Nigerian Prisons Service Act, Repeal and Re-enactment Bill, 2010. This Bill was read First Time in the Chamber on Wednesday, 30<sup>th</sup> January, 2008. Without wasting so much time, you may invite the Deputy Leader of the Senate, Senator Victor Ndoma-Egba to move the Motion for the Bill to be read the Second Time.

**Senator Victor Ndoma-Egba** (Cross River Central): Mr. President, may I seek the leave of this Senate to proceed with the lead Debate of the Second Reading of a Bill for an Act to Repeal the Prisons Act CAP P29 Laws of Federation of Nigeria, 2004 and to make comprehensive Provisions for the Administration of Prisons in Nigeria and For Matters Connected Therewith 2010.

**The Deputy President:** You may proceed.

#### *Question proposed*

**Senator Victor Ndoma-Egba:** Mr. President, Distinguished Colleagues, let me thank you for the opportunity to lead the debate on the Second Reading of a Bill for an Act to Repeal the Prisons Act and to make comprehensive Provisions for the Administration of Prisons in Nigeria and for Matters connected therewith, 2010.

The Bill was read for the First Time in the Senate on the 30<sup>th</sup>, January, 2008.

Mr. President, Distinguished Senators, this Bill seeks to address fundamental lapses that are inherent in the extant Act.

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The existing Act makes no provision for reformation and rehabilitation of prisoners during incarceration. Basically, the major aims of imprisonment as part of a criminal justice system are the execution of court judgments, protection of society from criminals, reform and rehabilitation of prisoners with the aim of re-integrating them into the society. However, the Nigerian Prisons Act as it is today only emphasizes the penal and punitive role of imprisonment and makes no provision for reformation and rehabilitation of prisoners during incarceration.

The resultant effect of this omission is a situation where instead of prison's helping inmates become law-abiding citizens, prisoners become worse than they were before incarceration. The Bill addresses this lapse and also makes provision for counselling services for prisoners. Although imprisonment is generally punitive in nature, it is universally accepted objective is to reform and rehabilitate people who pass through it. The absence of this provision is the existing Prison Act has a negative effect on prisoners who after serving their terms get back into society in no way reformed. Whenever ex-convicts return to the society not being transformed, they end up committing the same crimes again or even graver ones and are resented. This accounts for the overcrowding of most of our prisons and the resultant increase in the cost of feeding and sustaining inmates on the government.

Another issue which the Bill seeks to address is inadequate funding of Nigerian Prisons. Our prisons today rely exclusively on public funding for sustenance and maintenance. The Bill through its administrative reshuffling seeks to generate revenue through prisons farms and industries. The Prison Service's current dependence on public funds for its operation is responsible for the pitiable state we find our Prisons today. The Bill suggests this alternative means of generating funds for the maintenance of Prisons.

In order to actualize its set objectives, the Bill establishes Prisons Service Board with the aim of identifying the causes of anti social behaviour of convicted prisoners; reforming and rehabilitating prisoners towards their re-integration into the society; providing medical, psychological and counselling services for prisoners and as earlier mentioned to also help in generating revenue through prison farms and industries.

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The Bill in its move to enhance the administration of the of the country's Prison Service, apart from the Comptroller-General of the Service, introduces a Deputy Comptroller-General and such other subordinates to the Comptroller-General as may be necessary for the administration of the prison service. It empowers the Comptroller-General to establish Zonal Headquarters of the Service and the States Commands.

Mr. President, my distinguished Colleagues, the crime rate in the country has become worrisome; for this reason, the importance of a Bill which seeks to address this issue cannot be overemphasized.

The objectives of this Bill would be fully realized if convicted criminals pass through our prisons totally rehabilitated and reformed. This will largely reduce the crime rate in the country and further guarantee the safety of Nigerian citizens.

The Bill does not introduce any further cost for maintenance of Nigerian Prisons other than what is currently being used to run the Prison system as appropriated.

Mr. President, my Distinguished Colleagues, I urge you all to support this Bill and ensure that it is given speedy passage into law.

I thank you for your attention and anticipated support.

**The Deputy President:** If there is no contribution I will put the question?

**Senator Manzo G. Anthony** (Taraba North): Mr. President, this is a very good Bill and I have no reservation whatsoever than to support it because prison reform is something that is fundamental to any democratic government. We have a system in this country where our lock ups are overcrowded. There is total lack of incentives for those working in the Prison Service. I believe that in amending this Act it is going to streamline a lot of activities. Since the mood of the Senate is that you should let it go, I think you should put the question.

**Senator Wilson Asinobi Ake** (Rivers West): Mr. President, if there is no record to show that this Senate supported this Bill by ways of contribution



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it will not be proper. I rise to express my support for this Bill and also to say that what the Bill seeks to address is very fundamental. We will find situations where our prisoners come out of prison instead of being reformed are much more hardened than they were. It is also important that our society addresses the issue of selective actions.

There are certain persons who today are not supposed to walk freely on our streets but today they are walking free. Most of those people who are imprisoned looked at these people and rather than being encourage to change become hardened.

There was a story of a young man who got himself involved in a fraud case with some senior members of his office. When the case got to the Police, he was imprisoned and how his bosses managed to wriggle themselves out, he was not aware. When he came out of the prison he learnt a skilled experience. This young man said if he had stolen more than he did that he would have find a way of not getting to the prison and if he had stolen small in this country that he will always go the prison. So, the society should put hand on deck to ensure that any person who commits known crime should be punished for such crime no matter his position in the society. With these short comments I support this Bill.

**Senator Dahiru A. Kuta** (Niger East): Mr. President, I cannot say otherwise. Certainly I will endorse and support the Bill. In fact it is high time for us to reform our prison system. It is part of our fundamental human rights. You can see the kind of abuses we are getting in our Cells and Prisons system. We have been receiving complaints all over the world condemning the way and manner we are incarcerating our people. We are treating them as if they are not human beings. They are part and parcels of us.

The issue of confinement is enough but to take somebody and confine in such a condition that is so inhuman, I think we are going beyond our limit. That is why the international communities are calling on us that prison system should be part of our political reform. We shall ensure that we reform our present system. Come and see the kind of concentration! A prison house which supposed to maintain fifty to hundred convicts, you will find them maintaining over two or three hundred convicts. That is why we have this kind of all atrocities we get in our prison system. We cannot

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control them and by the time they come out they are the worse convicts.

I will support this Bill at all cost and I am sure that the relevant Committees to deal with it will certainly do a great job. I will appeal that Judiciary will be part and parcel in treating this kind of Bill.

**Senator Mohammed Mana** (Adamawa North): Mr. President, our Prison system has completely decayed. Even the warders themselves look like prisoners because they are not being looked after. This week there was an attempted Prison brake in Kaduna and seven people were killed. This Prison brake started as a result of condemned prisoner who have been moved from prison to another, from Lagos to Ibadan, Enugu and any where he goes he starts a riot. It is unfortunate that our Prison system has decayed.

I think we should use the urgency with which we are tackling the Police system to also tackle the Prison system. Inmates who go into the Prisons come out worse than when they first went there. Some of these atrocities that are being committed in this country are committed by ex-prisoners because rather than being reformed they turned into hardened criminals.

Firstly, we need to completely reinvigorate the system. The Warder themselves must be properly paid. The Prison system must be expanded. The justice system must be very quick and fast. I therefore support this Bill.

**Senator Ayogu Eze** (Enugu North): Mr. President, I rise to support this Bill. I was of the opinion that we should give it an accelerated treatment. On a second thought and because of the importance of the Bill, I want to lend the voice of the people of Enugu North Central District to the Bill.

The Bill seeks to do three things that I believe if it does will bring back the total reformation of our Prison system in line with democratic culture which Senator Mana had referred to.

(1) It seeks to approve the administrative structure of administration of prison service by creating the position of Deputy Comptroller General and other positions which I believe is very necessary.

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- (2) It seeks to create more funding for prisons.
- (3) It seeks for the law to ensure that the Prison system is repositioned to recapture its role of reforming and re-habilitating those who go to prison rather than turning them into harder and more potent criminals.

I was watching a picture that was quite disturbing where the prison is so decongested and Prisoners were using the heads of people who are sleeping with them as pillows. They were putting their heads on top of each other's head, depending on who has slept first. I believe that the law we are discussing today is a very fundamental law because it is the law that talks as one of the fundamental objectives and directive principles of state policy.

Section 14(1)(b) of the Constitution *says that the welfare and security of the people shall be the primary purpose of government.* We cannot ensure the welfare and security of persons if we have Prisons such as that in Kaduna where people are rioting, killing themselves and constituting further menace to the society. I believe we should give this Bill the kind of attention it deserves rather than treating it cursorily and walking away. It is a very fundamental Bill, I support and urge my Colleagues to support it and also to show interest when it gets to the Committee level so that it can be enriched by the views that Members would bring to bear during the Hearings and all the consultations.

With this few remarks, I support this Bill completely.

**Senator Aloysius Akpan Etok** (Akwa Ibom North-West): Mr. President, this Bill is very important and I want to congratulate the movers especially our Deputy Leader, Senator Ndoma-Egba, for bringing this Bill at this moment.

Permit me once again to refer to the recent issues in Kaduna. From what we saw, heard, read and what happened there, this Bill becomes very necessary and important especially in the light of the fact that Prison Administration is a vital part of any democratic development in any country because, apart from the fact that, we must see the government to be moving and governing well, there should also be an avenue of remediation of those who run the system.

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Those who perpetrate evil and break the laws of the land must be punished to ensure that they are reformed and not to be hardened. With the system and the type of Prison that we have today, when you send any minor criminal to the Prison he comes out more hardened than when he went into the Prison. Therefore, this Bill becomes very imperative that we must reform the Prison system, its administration and creation of all the parameters that must enable the prison to be managed very well and in consonance with democratic norms and principles that would guarantee the rights of every Nigerian whether he is an offender or not.

If we are to reform our system by bringing back criminals and reforming them to become good and reasonable Nigerians, there must be a cordial and proper environment that could only be presented by a Prison environment that would be able to reform them.

Therefore, I want to say that on behalf of the people of Akwa Ibom North-West, I lend my voice and support to this Bill and to say that we must do everything to ensure that we give a speedy passage of this Bill into law so that we can reform the Prison situation and make sure our democratic benefits are commensurate with our development especially in the area of prison formation.

With these few words, I want to urge my Colleagues to support this Bill and ensure a speedy passage into law.

**Senator Dahiru A. Kuta** (Niger East): Mr. President, I believe that everything has been said but I want to share with you my experiences in the Prison. (*Laughter*) In one of the detentions I went through as a politician, I was clamped in a small room with about seven others; five were armed robbers and we were sleeping on bare floor. All the armed robbers recounted their stories and told us exactly how they operated; and they were learning from each other, saying that that after leaving that Prison they were going to be more daring.

The second experience I had was just before this Election when I was in the Prison for five weeks. We had an armed robbery suspect who, because he was being visited by some of these religious leaders was able to memorize the Qur'an and was leading us in most of the prayers in the

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Prison. It is important that we give this issue of reformation a very important attention.

One of the problems is that, the Federal Government has attempted to establish skill acquisition centres in Prisons but unfortunately, those centres are seriously underfunded. What we would do when we go home as politicians, particularly for those who have never been in the prison, is to try to give encouragement as much as possible to the skill acquisition centres so that some people would be reformed.

I therefore lend my support to this Bill and urge my Colleagues to ensure that we do not give it a half-hearted implementation. The Prison and all its reformatory activities must be well funded.

I support this Bill.

**Senator Grace Folashade Bent** (Adamawa South): Mr. President, this is a Bill that every Senator would want to rise up to support. It is a Bill that all Nigerians have been yearning for. It is a very credible Bill that we do not need to waste more time on its passage, apart from the fact that everybody is so happy with this Bill and would want to contribute one thing or the other.

I believe that, it is high time we call *a spade a spade* in this country. The state of our prisons in Nigeria is condemnable. It is regrettable that, this year Nigeria would be celebrating her 50<sup>th</sup> year of Independence and yet our Prisons are in such state of dilapidation and gory. We are all aware of what happened a couple of days in Kaduna - the jail break - where the hardened criminals, after a lot of frustration, because of delay of justice, had to put laws into their hands for whatever reasons, pounced on the Warders, broke into their Armoury, picked up weapons and started shooting and few people were feared dead. That is the bad state that we have found ourselves in this country.

We keep talking about the state of the Nigerian Prisons day-in day-out yet, nothing has been done to change the situation. We have all had one opportunity or the other to go abroad and we saw the state of Prisons in advanced countries. Prisons are meant to reform, make individuals and the society a better place but the reverse is the case in Nigeria. What is the problem for God's sake?

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Let us take a look at this situation from two different perspectives: the perspective of the Judiciary and that of the actual management of the Prison itself. The Judiciary, according to the Comptroller-General of the Nigerian Prisons yesterday, has played a very major role in making our prisons in Nigeria to become too congested. For instance, how can you have prisoners who are awaiting trials for 10 years being kept in that place? Their cases have not been mentioned, they are just there indefinitely, no guarantee of anything. Of course, what do you expect? The people will have to react and the violent reaction was what we witnessed in Kaduna State some couple of days ago.

I dare say that it is high time we stopped paying lip service about the Nigerian Prisons. Now is the time for very serious action to be taken.

This Bill must be given a very serious priority. It is not a Bill that we should waste time on. I want to suggest that all the present prisons that we have should be demolished. They do not befit a great country like Nigeria; a giant of Africa for that matter. I am lending my voice to this Bill to the extent that the reason we are in the National Assembly is for us to make Laws for the good governance, peace and order of this country. It is our responsibility to ensure that the Nigerian Prisons are truly reformatory centres and not defamatory centres.

The Nigerian Prisons for whatever they are worth is a place where people are deformed; they are reduced to less than what they were before they went there. Their psyche is bruised, their mentality is completely destroyed and their sense of being humans completely eroded, so what are we talking about?

I want to commend the sponsors of this Bill; it is one Bill that is very credible and we should do everything that is possible to make sure that we quickly send it to the committee, and the committee should not waste time in ensuring that it conducts a Public Hearing so that every other Nigerian may have the opportunity to make input and let us send the Bill to Mr. President for his assent. I think that is the best we can do for this nation as at today.

I thank you for the opportunity, Mr. President.

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**Senator Abidemi Andrew Babalola** (Oyo North): Mr. President, I rise to support the Bill because as most of my Colleagues who have spoken before me rightly said that this is a very important Bill at this juncture in the development of this country. Being a prisoner or a criminal or a Court convict does not make one less a Nigerian than any other person. Every developed country tries as much as possible to treat its prisoners as humane as possible. We need to realise the fact that the essence of building prisons is to have a reform centre. It is to reform people so that when they come back to the society, the society is better for it.

If you look at some crimes in the world today, you imagine why the committers should be killed immediately. The developed world have reached a stage that they keep such people in confinement for sometime and let them out of prison when they have considered that their behaviours have been reformed. This is the essence of Prisons in the first instance.

However, what we have in Nigeria is not a prison yard. They could be given other names. Apart from that, every Police Station in this country has a mini-prison, which is unconstitutional. They keep people in one room or the other which they call detention room. This is not necessary. If we have good prison system when the police is investigating you, they should go to the Court and get Court injunction which gives them the right to take you to the prison. You are then taken to a prison where there is life, not death trap like what we have today. Until the person is convicted by a Court of record he is not yet a criminal. The Law provides for everybody. According to Senator Ayogu Eze, this borders on the Constitution of this country, particularly Section 14 (2) (b) that says that the security and welfare of the people shall be the primary purpose of government. The fact that somebody is a prisoner or convicted does not make him or her less a Nigerian. Therefore, we need to reform our prison system.

One of the Supreme Court Justices, retired Justice Akintade, said in his valedictory speech that what Nigeria needs to be rebuilding today is the Prisons instead of roads. This is because an organized society cannot be overemphasized. As postulated by Senator Folashade Bent, we need to demolish what we have today as prisons because they are not prisons, they are death sentence traps. People that are convicted are not supposed to be sent to death, they are supposed to be sent to a reformatory centre called prison; where they can be encouraged to know what life is all about and to know that what they have done is wrong so that by the time they come out they

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would be new people that can contribute to the development of the society.

On this basis, I support this Bill. As canvassed by many of my Colleagues, this Bill is more than something that we should gloss through and hurriedly pass. It is something that we need to attract the attention of Nigerians to, to make it more all encompassing so that at the end of the day we should have a good prison system that is presentable outside this country.

**Senator Joy Emodi** (Anambra North): Mr. President, I stand to support this Bill in its entirety. This is a Bill for social and economic development. The bane of Nigeria society today is that of criminal activities especially from ex-convicts. The problem is poor prison condition that has touched on their psyche and made them forget that they are human beings. They come out of prisons to be hardened and commit more crimes. What we need to do is to stop paying lips service to this. This is not a Bill we stand to continue debating because it is a very straight forward Bill.

Our Prison system should not be only punitive but reformatory so that prisoners can come out and be useful to the society and contribute to economic development. This is why I support that we make more funding available for the development of our prison system to enable them engage in activities such as Crafts and Agriculture. Some of the crafts exported from Malaysia today, are from the prisoners and they are gaining a lot from it economically. That was why I said early that it is an economic Bill. We can do the same in Nigeria.

We have better ex-convicts that will come out of prison and be useful and get something doing. Many of them commit these crimes because they do not have anything to do, but in the prisons they can learn crafts and come out to be useful to the society. It is a very straight forward Bill. I do not want to dwell on its importance but only to urge my Colleagues to support it and for us to give it speedy consideration so that before long it will become a Law.

Thank you very much and I commend the sponsors of the Bill once more.

**Senator Abubakar Danso Sodangi** (Nasarawa West): Mr. President, talking out of experience, you will recall that in 2003 to 2007 I was the Chairman, Senate Committee on Internal Affairs and I had a cause to travel to almost all the Prison Centres in this

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country and I saw all these things you are saying physically and we made far reaching recommendations.

If you want to be realistic, all the Prisons Centres that are in existence today in Nigeria were built by Colonial Masters; that is truth of the matter. Go to any of the prison centres and just knock on the wall, you will see that it does not sound well because it is not a cement block but an ordinary mud block; almost all of them. So it is easy for the prisoners to break through it.

In Ikoyi Prison, when we went there, we saw what Senator Kuta said. I think the DSP was a member of my Committee; it was an eye sore. You cannot allow that to happen in any country not even Nigeria where we are advocating human rights value. Human rights value is not for all of us who are free walking on the street and in our houses; even though for whatever reasons, they found themselves in the court of law and they are detained, whether wrongly or rightly, you must give them a decent and a befitting place of habitation including their medication. Some of them get rabies and so many ailments; they do a lot of bad things because of the congestion. They do not get good food. Based on what we saw then, we made far reaching recommendations.

When Shagari came in 1979, he brought a Prison Decongestion Reform by building more befitting modern prison centres. He started by giving at least two to three blocks in every zone. But they were not completed at all because there was no fund.

In 2004, we gave money to the Ministry of Interior and those centres in almost every zone were completed; that is the kind of thing you have in Kuje and other places and it has really decongested the prison. It is not a question of decongestion by word talk, Human Rights advocates will talk; we have to be pragmatic and realistic. We as members of the National Assembly have to kick start it through the legal instrument.

Since 1980, in fact, this is the first time the Prison Act is being amended, surprisingly. So, the reform like it has been captured here, the Prison Board like it has been brought to bear that there must be a Prison Board like you have in Ghana and other advanced countries would take care of not only the prisoners, even the Prison Warders. If you see them, they do not have berets as it used to be in the early days. They do not have good uniforms, their salaries are not paid as at when due and all these other things;

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but this Bill has taken care of even the people who are taking care of the prisoners themselves, who would now give a good service delivery to the prisoners.

On the decongestion of prison, whether we like it or not, all hands must be on deck. It is not a question of talking here, it must be taken holistically. Three agencies are involved, police who are prosecuting, the area court and the rest of them. I am happy to say that the present Attorney General said that he is going to partner with NGO, the Human Rights etc. so that police will not be prosecuting and dumping people there and forget about them. They would bring an independent prosecutor, which is very good.

Another point is that the court should not be sending people to be locked up in prisons and forget about them. And lastly, even our legal practitioners who are also in court must also be ready to give free legal service and that is what an ordinary lawyer is all about. You cannot only be a professional lawyer; you must give a free legal service.

Mr. President, this is a very important Bill. As I speak with you today two radio stations in Abuja were talking about jail break, prison decongestion and prison service. It is not a question of talking, we have to begin and this is the beginning of it here. This Bill should be given accelerated hearing so that all the good intentions that is carried here could be put to the letter and some of us that said that we are also potential prisoners, we pray we do not go there but whatever reason it is, let us do this because of human rights value in Nigeria, in African and in the whole world. We should not dump people in a very dehumanized condition.

**The Deputy President:** Senator Jibril Aminu, do you have any experience?

**Senator Jibril Mohammed Aminu** (Adamawa Central): Mr. President, I have not. I have been a very good citizen and doctor. I would like to congratulate the sponsors of this Bill. I have a moral duty to support it anyway. I think a lot of us made sense in our contributions. What we need to do in my own opinion is to organize a Public Hearing on this Bill and I hope the Committee can do it. Let me say first of all that we should be very careful not to be carried away by sentiments about reforms and what goes on elsewhere.

A prisoner is a prisoner because he is a criminal and we should not go and advocate that a prisoner should have more rights and pleasure than the innocent citizen outside. In the days of the British,

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because a prisoner was connected with government, if they went to government hospital they see the students, the clerks and the prisoners before they see the public who were paying tax. I do not think we should allow sentiment to veer us too much to the other side.

The prison can only be as good as the rest of the society outside. If the society outside is very poor, it is very difficult for the prison to be any better. My Colleagues are advocating for prison like the type they found in California when they visited or when they were inside there; I think we should be very careful.

This is a good Bill but I do not think you can achieve prison reform with A Private Members Bill. I think what the Senate needs to do and I recommend it strongly to the Committee or the Senate, is to have another Presidential Reform Commission.

If you want to reform education, this is what you should do. If you want to reform health, this is what you should do. If you want to reform the civil service this is what you should do; and I believe that if you want to reform the prison system, we should call for a Presidential Review Commission on Prisons.

There are three key institutions that should be looked at because without reforming them, you cannot do anything in the prison. The first one would be the police. They are the people who will report, apprehend, prosecute and decide not to prosecute people. So the police is number one area to look at in this.

The second institution is the judiciary; the judiciary of all types. The third institution is the Ministry of Interior.

Let me talk about the last one. In 1966 or 1967, in the North they began by the government taking over prisons. They were doing it because they felt that the Emirs Courts were oppressing political opponents; so the government took over the prisons as a reform and you know that it is a disaster. It should be looked at because there is no reason why a State government cannot run a prison. We used to have even NAs, District Offices running Prisons. That is why if you go to Yola today, outside the Lamido's Palace is the Mosque, the Prison is lunatic asylum because these used to be the responsibilities given to Chiefs. Today, that prison in Yola is still there because nobody has cared to move it because there is no money.

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From all the things that we are saying here, there is one basic fact that keeps on emerging - congestion. But you find congestion in hospital. You find congestions in schools, and therefore you will find congestion in the prisons.

I thought that Senator Sodangi was going to say what is needed. All the Prisons we have were those built by the colonial masters. There are no new ones built; and if you multiply the population by 10 and the number of criminals by 20, how can you not expect your Prisons not to be congested? We really must have more spaces and more Prisons here.

Secondly, what we need to do would be to have the Judiciary to look at our laws very well. I do not think that we will go very far unless we have a National Commission to look at Prison Reform, but as we do it, we should not be carried away by sentiments. The citizens deserve greater protection than the criminals; that should be our law. I support the Bill, but I urge the Committee and Senator Ndoma Egba and of course the President, to look at the possibility of setting up a Prison Reform Commission in this country and that is the only way to move forward.

**Senator Munirudeen Muse** (Lagos Central):  
Mr President, my contribution on the debate is on the Lead Debate; the penultimate paragraph which says that *the Bill does not introduce any further Cost for the Maintenance of Nigeria Prison other than what is currently being used to run the Prisons system as appropriated.*

In our course of going round the Prisons, as a member of the Interior Committee, there were complaints galore from officials that the Prisons were not well funded. I believe that the reason is simple. If you go to any prison now you will discover that those who are awaiting trial are more than those who have been convicted. Like in one of the Prisons in South West which we visited, it had about 520 inmates; those awaiting trials numbered about 400.

What I am saying is that if the Prison is decongested it will provide a panacea to the problem. I know that the Ministry of Justice is doing something on it for now but they should expedite action. If the Prison is decongested then the fund that is made available will definitely be sufficient to carry out what this particular Bill seeks to achieve. My contribution is that the Prison must be decongested because there are so many people who are there that are languishing in jail on a mere flimsy excuse for several years.

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So many other Senators have talked about that; so I believe that if the Prison is not decongested early enough they should give more funds to the Prison Department.

**Senator Mimi Barigha-Amange** (Bayelsa East): Mr President, I quite agree with Senator Jubril Aminu that if we must get total reform of Prisons, we must have to reform the Courts. The idea of using long hand to record evidence should be reformed first. We should computerize our Courts so that the Judges will have less to write. The Police too must be reformed. We must quicken investigations so that they do not keep people in Prisons using the name *holding charge*.

Again, if we must have to reform the Prisons, we must have to identify those that are first offenders. As first offenders, if their offences are in the category of minor; we should send them to Community Service and rehabilitation centres. By Community service, I mean, sending the person to his own Community to serve so that his people will know that this particular man has committed an offence and is now serving the nation. Again, for us to get total transformation of our Prisons, when a Prisoner is condemned to death either you commit it to life imprisonment or you execute the person. This is because I am an Assistant Warder here in the Senate and I have been able to tour almost all the Prisons in Nigeria.

I have also been able to tour some Prisons outside Nigeria too. I know what I am saying. There are some condemned Prisoners that are there for about 20 years and they are still under the record tagged *condemned Prisoner*.

On the issue of awaiting trial, 85 *per cent* of Prison inmates today are awaiting trial; only 15 *per cent* are convicts. If you can reform the Courts and the Police then you can reduce the number of inmates who are on awaiting trial list.

We should also encourage workshops - Mechanical, Carpentry and what whatever Workshop that you can think of. Overseas, they have lots of them. Prisoners after serving their term go home with so money because while they serve they have opportunity to do some minor jobs in the Prison and make some savings; so when they are leaving, with the Savings they had made and the amount of money that will be given to them by the government, they can go and establish on their own.

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Like Senator Kuta said when he was in Prison he was staying with Armed Robbers; five of his inmates were Armed Robbers. I do know what his offence was, but at the end of the day, he could be converted to an Armed Robber because if we allow person like Senator Kuta to be with Armed Robbers he will come out as an Armed Robber; so we should discouraged that too.

I end my contribution here but I will say that we give full support to this Bill. Definitely it will come to my Committee and I will like to add all what I have said here.

**The President:** Thank you distinguished Colleagues. We have had a very fair debate and we have x-rayed all sides of this Bill. Let me just add that I was in the Committee of Internal Affairs as it was then called with Senator Sodangi and we toured most of the Prisons. I did not have the type of experience that Senator Kuta had; but I was part of the team that toured most of the Prisons. In fact, when we are in Port-Harcourt Prison, we were almost mobbed.

One of the Prisons we visited was the one in Calabar close to Senator Ndoma Egba's House. So no doubt he is inspired today to sponsor this Bill. I must add, Senator Kuta; when next you are going back try the one in Calabar; it is very clean and better than the rest – *laughter*.

On a very serious note, I think that most of the problems have been pointed out here. The key word is that we have a problem in this country where development in our infrastructure is not commensurate with the increase in our population. We are bringing more people into this world and some of them turned out to be criminals but we are not providing a place to keep them and how to reform them. We need to match our population growth with the infrastructural development as well.

The other point made by Senator Jibril Aminu where the Federal Government now moved the issue of prisons from native authorities to the exclusive list is unacceptable. I am sure that we need to do something about the exclusive list to make sure that some of these issues are decentralized because the Federal Government knows that it has no capacity to deal with some of these issues.

So, we need to return to the old days where the Local Governments are in-charge of prisons so that they can build more prisons and find a way of reforming those who are unlucky to find themselves in such circumstances.

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Having said this, I will like put question that the Bill be read the Second Time.

*Question put and agreed to.*

*Bill read the Second Time and referred to the Committee on Interior to report back in two weeks.*

#### **Suspension of Last Item on the Order Paper**

**Senator Teslim Kolawole Folarin:** Mr. President, I want to move that we step down the last item on the Order Paper till another legislative day.

**Senator Bukar Abba Ibrahim** (Yobe East): Mr. President, I have the singular honour of seconding the Senate Leader in the Motion he moved to step down the remaining item on the Order Paper till another legislative day.

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*Question put and agreed to.*

*Resolved:* That the last item on the Order Paper be stood down till another legislative day.

#### **ADJOURNMENT**

**Senator Teslim Kolawole Folarin:** Mr. President, I move that this Senate do adjourn till Tuesday, 27<sup>th</sup> April, 2010 at 10:00 a.m.

**Senator Bukar Abba Ibrahim:** Mr. President, I again have the singular and very rear opportunity to support the Senate Leader in moving that we adjourn sitting till Tuesday, 27<sup>th</sup> April, 2010 at 10:00 a.m.

*Resolved:* That this Senate do stand adjourned till Tuesday, 27<sup>th</sup> April, 2010 at 10:00 a.m.

*The Senate adjourned accordingly at 1.15 p.m.*