



ILLEGAL TORTURE CENTRE AND CORRECTIONAL SYSTEMS: IMPLICATIONS FOR CRIMINAL JUSTICE IN NIGERIA

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ABSTRACT

No society is crime-free; this emphasizes the place of correctional institutions for effective behavioral adjustment for society's stability. In the advanced countries, there is more attention to the reform and restructuring of the correctional centers as a mean of achieving the ultimate goals of the criminal justice system. The criminals establish illegal torture as means of perpetrating criminalities like organized rape, assault and battery, illegal and forced detention, baby manufacturing and other criminal activities that undermine humanity. Hence, this paper examines the relationship between illegal torture centers and unstructured correctional systems in Nigeria. The paper is anchored on social control theory by Travis Hirsch and disorganization theory by Shaw and Mackay. The data for the study was obtained through qualitative methods which were descriptive and explorative. Findings showed that there are correctional centers that are operating without legal backing; they perpetrate acts that constitute threats to the security of life and frustration of the criminal justice system. It recommends effective punishment of the culprits of illegal torture centre and aerial surveillance system to fish out illegal torture homes. This paper will be useful to individual citizens, government agencies, non-governmental agencies and researchers in the field of security and criminology.

Keywords: Illegal torture center, correctional systems, criminal justice, crimes, offenders

INTRODUCTION

There is no society without crime; hence, there are established institutions for the rehabilitation of erring individuals through structured institutions and orientations under acceptable buildings or houses. As societies advance in the different aspects of human endeavors, criminals are also finding ways of penetrating different areas of human activities (Association for Prevention of Torture, 2008). They exploit the existing security lacuna to unleash their criminal activities. In recent times, operations of illicit torture centre are on the increase in Nigeria. In the advanced part of the world, there is a commitment to the development of the criminal justice system through an improved correctional system and human right enforcement regime (Murhala,

2019). The current perversions of the correctional system in Nigeria where torture centers are being established to perpetrate various criminal activities are activities are worrisome. These torture places commit a high level of atrocities that violate the fundamental human rights of the victims and also put the lives of the captives under threat. The operators of the torture center perpetrate illegal detention; they hold the victims in a house or other structures forcibly or through deceit without the knowledge of the victim's significant others. The torture institutions are scattered over places in Nigeria (Platt, 2013). The recent discoveries of torture places show how some criminally inclined demonstrate inhuman value for the lives of another citizenry, they force female victims into sexual affairs, and sell babies



that are produced from that union, ritual killings for money and other heinous crime are the characteristic features of illegal detention places. Several studies have been conducted on torture. Wisnewski(2010) ,conducted research on rehabilitation of torture survivors in four countries, Taylor (2019), the torture machine, racism and police violence in Chicago,Schulz (2013) examined phenomenon of torture. To the best knowledge of the authors' knowledge, no study has been conducted on the torture center and unstructured correctional system in Nigeria. Therefore, to fill the gap this study is necessary. The specific objectives are; to verify the reasons for torture centre's;; to verify criminal activities in illegal torture centres; to assess effects of torture centre on criminal justice system in Nigeria. .

METHODOLOGY

The paper applied exploratory research method which was based on the content analysis of the journals, textbooks, and online resources. The meanings of the concerned variables like illegal torture centers, criminal activities in the illegal torture centers, their effects, meanings of correctional institutions and their roles the social structures were explored. The effects of the torture center on both the correctional settings and the criminal justice system were explained.

LITERATURE REVIEW

The concept of illegal torture centers according to Einolf (2017) denotes unauthorized places where physical or mental pains are inflicted on innocent citizens. There are many secret places where people inflict the punishment of persons to achieve their sinister activities. In recent times several torture centers have been discovered by law enforcement agencies. These illegal places exist in cities like Ibadan, Lagos, Kano, Kaduna and the rest are impacting negatively on the formal correctional system. These are the institutions they are set up to complete the criminal justice system (Bederd, Metzger & Williams, 2016). The violation of formal rules and regulations are inevitable in every social structure, therefore, there is a need for the formation of those who have been adjudged as threats to society. This warrants the establishment

of correctional systems by the extant law of the land. In every social structure, correctional institutions are set up to achieve the following objectives (Lightcap, 2011; Roth, 2006).

Reformation: This is an act that involves character modification through regimentation and other disciplinary processes, offenders' lack of values and norms are among the rationale for their involvement in anti-social activities. So, correctional institutions are established to fill the missing gap (Ewulum & Mbanugu, 2015).

Retribution: One of the functions of the correctional system is to punish offenders based on the gravity of the offenses committed. In every criminal justice system, punishment is proportional to the offences committed; there are offences that attract capital punishment, crimes like murder, kidnapping, rape, terrorism, armed robbery, treason, and manslaughter attracts stiffer penalty that minor crimes like pickpockets, truancy, driving against traffic, driving without valid vehicle particulars (Diehi& Donnelly, 2008).

Deterrence: As explained by Andrews (2013) this is an act that involves creating disincentives to prospective offenders. The correctional establishment provides facilities and structures that will enable would-be offenders to desist from criminal activities.

Incapacitation. As defined by Esperian (2011) offenders are threats to the society, by separating them from another member of society, especially the innocent ones, the correctional institutions avert contamination or spread of criminal acts in a society.

REASONS FOR ILLEGAL TORTURE CENTERS

As stipulated by Cardell (2008)the following are the rationales for the existence of unlawful torture centers

Weak Law Enforcement Processes :As opined by Sand(2008) these are extant law enforcement agencies that are too infirm to burst the criminal



act in the bulb; there is a possibility of illegal or unauthorized centres. The Nigerian state has a lot of challenges one of it is the shortage of personnel to effectively carry out the law through an effective patrol regime. The staff strength of the Nigeria Police Force is inadequate for an effective policing of the nation, considering the landmass and other geographical challenges.

Poor Public Perception of Police

When there is a slim public orientation about the police and other law enforcement agencies in a society. This results into little commitment by the member of the public to give law enforcement agencies useful information that could aid early arrest of crucial like illegal torturers. There are serious confidence crises between the public and law enforcement agencies like the police. This discourages people from revealing information to the law enforcement agencies on hideouts of criminals including the operators of the legal torturers (Piwuna, 2015).

Fragile Formal Rehabilitation Centers

One of the requirements for an efficient criminal justice system is a workable correctional system. This enhances character reformation and reintegration of offenders into the social fabric of society. In a situation, where the correctional system is deficient, there is a possibility for the criminally minded to rationalize the establishment of illegal torture centers as solutions to the problematic rehabilitation centers (Einolf, 2017).

Bureaucratic Hurdles for Establishment of Private Rehabilitation Centers

As the world is tending towards privatization and liberalization Correctional system is not an exception, in the United State and other parts of Europe there are private correctional centers (Schulz ,2013). However, in the African Continent, the private correctional center is a rarity. Hence, the organizer of the illegal correctional center wants to replicates the gesture (Wisnewski, 2010).

Poor Deployment of Security into Law Enforcement.

One of the significances of real-

time security is the monitoring of people's activities to discover suspicious movements or acts. When technology is duly applied to physical security there is possible for early detection of operations of illegal torture centers (Topp, Sharma, Chileshe, Magurende, Honostroza, Moonga, 2008).

CRIMINAL ACTIVITIES IN ILLEGAL TORTURE CENTERS

As noted by Ajayi (2018) the following are the criminal activities that characterized illegal torture centers

Illegal Detention

One of the unlawful acts carried out in the illegal correctional centers is holding victims to ransom against the provision of the law of the land (Laws & Iaopino, 2008). They are not authorized to detain people, the revelations from the exposed correctional centers revealed that some victims have been detained for more than five years. Even police are not allowed to detain suspects more than twenty-four hours without charging him or her to court (Taylor, 2019).

Forced Marriage

One of the criminal acts that is perpetrated by the victims of illegal detection is forcing their victims into unwanted marital union against their interests. In illegal correctional centers, circumstantial marriages are staged to achieve the sinister objectives of the torturers (Perrone, & Pratt, 2003).

Assault and Battery

One illegality in the illegal correctional centers in bullying and other physical assaults on the victims. This act worsens the human dignity and human rights and privileges in the country.

Murder

In most illegal torture centers, the torturers could take the lives of their victims intentionally or non-intentionally. As noted by Messemer (2011) some of the victims may not be able to withstand the rigors of harsh conditions in the torture centers, couple with the fact that some of the victims may be suffering from a terminal illness and without



adequate medical attention they may give up the ghost. The torture center is hellish and inhuman (Perrone & Pratt, 2003).

Kidnapping for Ransom

Unlawful torture does perpetuate the kidnapping of victims to raise money for the upkeep of illegal torture centers. Money is important for the sustenance of institution, the operators of the illegal torture centers need many to keep the organization moving on despite their illegality. So, one veritable means of raising money for them is through kidnapping, as expressed by a notorious kidnapper, kidnapping is one vital mean of raising illegal money in Nigeria. Kidnappers target highly placed persons or their immediate family members (Helen, McColl, Craig, and Zeyad, 2010).

Ritual killings. As expressed by Gou (2019), one aspect of criminal acts committed by the illegal torture centre is ritual killings; there are a number of ritual killings it could be human ritual to pacify deities for the protection of illegal torture centers or selling human parts of their captives to the ritual moneymakers of herbalists to raise fund for the running of the illegal torture center.

Corporal Punishment. As the name implies illegal centers inflict injury activities on the victims through physical beating, slapping, kicking heating the body with hot irons, all these subhuman activities are perpetrated by the illegal torture center (Oroleye, 2018).

Nurturing of Hardened Criminals.

One of the criminal acts in illegal correctional centers is worsening of victims' condition by denying them access to education, families, religion and other means of positive socialization processes. They are socialized into crimes and if eventually released from the center, they become hardened criminals (Reyes, 2007; Nawak, 2009).

Homo-sexuality.

This is a criminal act which involves sexual activities among people of the same sex, in Nigeria, homosexuality is illegal and attracts punishment under an extant law (Gou,

2019). However, in countries like the United Kingdom, the United State of America, homosexuality is allowed. In the illegal torture areas, a male is forced to have carnal knowledge of persons of the same sex.

Rape: Forced sexual relations are some of the criminal activities that are perpetrated in the illegal torture centers. Rape is a criminal offence that involves having sexual affairs with another person without his or her consent (Luban, 2014).

CRIMINAL JUSTICE SYSTEM

These are activities through which offenders are allowed to pass through, the three chains of the criminal justice system are the Police, the court and the correctional institution. The Police. In the correctional system the police perform the following functions one is crime prevention; through effective and workable patrols police prevent the infraction of the law. To maintain law and order, police go around the neighborhood periodically; this discourages the potential criminals from violating the formal rules and regulations (Besty, Mathews, May, Minor 2008). Another function of police in the criminal justice system is the arrest of suspects, in a situation where the commission of criminal activities is not totally avoided, police arrests suspects for further investigation into the alleged criminalities in the course of this, some level of punishment may be inflicted on suspects as part of the investigation strategies. Another duty of the police in the criminal justice system is the investigation of offenders in the regard, police want to confirm the level of culpability of a suspect in a particular crime. The essence of investigation is to bring sanity and public confidence in the criminal justice system, when a thorough investigation has been conducted into a matter and police has substantive evidence against a suspect, the prosecution officer will charge the case to the course (Blakeley & Raphael, 2019).

The court serves as the second phase in the criminal justice system, at this stage, the judicial officer will continue the cross-examination of the suspect based on the evidence before the judge if there is no concrete evidence against the suspects



he or she may be discharged and acquitted. Hence, no punishment will be awarded; however, if the law finds reliable evidence against a suspect, he or she may be sentenced to jail based on the gravity of offence committed. The initiates the entry into the third phase of the criminal justice system, the court will determine the duration of punishment in the correctional institution. As noted by Obioha(2017) at this junction, the correctional institution will perform various roles which include retribution, rehabilitation, social protection, and deterrence.

THE RELATIONSHIP AMONG ILLEGAL TORTURE CENTRE, CORRECTIONAL SYSTEM, AND THE CRIMINAL JUSTICE SYSTEM.

The illegal torture centre combines the function of the correctional systems, they operate in illegal manners under the guise of operation of the rehabilitation centre. The retributory function in the correctional establishments is carried out in the prescribed manner within the ambit of the law. The kind of public establishments that are to be meted out for the offenders are expected to be regulated and universal or constitutionally defined based on the correctional policy in a country (Hajjar, 2013). For example, in the Nigerian correctional system, the punishment as part of the retributory function of the correctional entities cuts across all the correctional setting in the whole nation. There are various categories of the correctional setting, for instance, there are juveniles, medium and maximum prisons; which are classified based on the ages and gravity of the offences committed by the offenders (Cardell, 2008).

The prison officials are trained to effect necessary punitive punishment on the inmates. However, in the illegal correctional settings, the punishment is based on the whims and caprices of the owners of those illegal correctional centres this creates loopholes in the administration of correctional institutions, another negative impact of the illegal torture centres on correctional institution is in the area of incapacitation of the detainees, in the formal correctional institutions the inmates are brought into the correctional centers through the

verdict of the court which could be judge or magistrate. However, illegal torture centres obstruct the established procedure by detaining their victims illegally. This is an avenue for creating illegality in the country. It aggravate due process in a social structure, another impact of illegal torture centre on the correctional system is that it breeds criminals instead of rehabilitation of nasty character in the social structure (Herfferman & Kleing, 2000).

THEORETICAL FRAMEWORK

Social control theory by Hirsh Travis states if a person lacks one of the following variables he or she is likely to commit a crime. As explained by Ewulum and Mbanugo (2015) and supported by Chris(2007) these attributes are attachment, commitment, involvement, and belief. Attachment is a strong social connection which a person has with his or her friends, family members and other members of society. As explained by Hirsch, the weak attachment means the high propensity to commit a crime, because the perpetrator will not take into account the negative consequences of crimes on his, friends, family member and other members of society. The operators of illegal torture centers lack attachment; if they are attached to the mainstream of the society they will not commit a serious crime that has grave consequences for other members of the society. Another variable that as advanced by the Travis is involved in normal social activities, when one is actively engaged in the legal activities of society, they will not think of engaging in the illegal acts like crimes, they operators of illegal torture centers are not really involved in the legal acts like successful private business, career profession and they took up crimes as means of wiping away their time. Commitment to social values is another factor proposed by Hirsch, those with little commitment to social values are more likely to commit deviance because of infirm moral stance in the society. Another factor is belief, where there is a strong belief in common goals and values, there will be little tendency for deviance.

In addition to social control theory by Hirsch, another theory is social disorganization theory by



Clifford Shaw and Henry Mackay (1942), according to these theorists, deviance is a response to abnormal social conditions. They adopt Edwin Sutherland's systemic factor of deviance. Shaw and McKay refute the proposition that deviant behavior resulted from psychological factors. In their explanations, if a community fails to police itself or is poorly police by external law enforcement agents. This may prompt some of its members to exercise their unrestricted freedom by engaging in criminal behavior. In their analysis of neighborhood and criminal activities, Shaw and McKay explained the linkages between dependent variables like arrests, court appearance, convictions and institutional adjudication and in the meantime, the independent variables like square-miles, ethnic multiplicity and population turnover to explain deviance. As far as the illegal torture centers are concerned in Nigeria, poor policing strategies like community policing, convectional and modern policing strategies facilitate secrete operations of illegal torture centre in Nigeria and the operators are responding to abnormal economic conditions like mass unemployment as coping strategies, urban population explosion without corresponding resources to cater for them are parts of rationales for illegal torture homes in Nigeria.

FINDINGS AND DISCUSSIONS

From findings, illegal correctional centers are existing and their existence undermines the integrity of the formal correctional system. There are social-cultural variables that pave the way for the operations of illegal torture centres. The poor commitment to the values and norms, when the collective conscience is weak and people have little or no respect for humanity the rate of involvement in the illegal activities like unauthorized torturing will be on the high side. Illegal correctional centres are the institutionalization of criminalities. Crimes like rape, assault, and battery are perpetrated in illegal torture centers.

CONCLUSION

Illegal torture centre is one of the ways of committing illegality and crime against humanity.

The practice encourages criminal activities like rape, assault and battery, kidnapping and other criminal activities that undermine the peace and security of society. If the trend is not checked the society may be consumed by the ugly incident. Illegal torture centre demonstrates the incapacity of the security forces to rise up to the occasion of criminality in society. The study will be valuable to individuals, government at various levels, security agencies, non-governmental organizations and researchers in the field of social sciences.

RECOMMENDATIONS

Based on the findings, the study recommends effective and periodic area patrols to fish out the hidden torture centres in the country. There should be a legal prohibition of the operations of illegal torture centres and culprits should be made to face the full weight of the law. The community policing strategies should be deployed to neighborhood patrols to prevent or uncover the activities of the illegal torture centers. Electronic digital systems should be deployed as control mechanism and public advocacy should be resuscitated and enhanced in various community.

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