

EXECUTIVE SUMMARY

PRISON SURVEY REPORT

(VOLUME 1)

A Research
on
Pre Trial Detention
in Nigeria



PRISON SURVEY: NIGERIA
NPS & PRAWA

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A RESEARCH ON PRE-TRIAL DETENTION IN NIGERIA

SUMMARY



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The specific objectives of this research are to determine the nature and demographic features of the selected prison population including their pre-trial detention population; examine the extent of the pre-trial detainee's inflow in prison, their duration of stay in prison custody and access to justice; and examine some of the impact of the demographic characteristics of the prison population, and the inflow and duration of custody of the pre-trial prison population. The study aims at identifying the root causes, trends and other dynamics that help to explain the high levels of inflow of ATPs as well as document the status and condition of the sampled prisons across three geopolitical zones in Nigeria.

Three key questions were addressed in the research, namely: who are the persons in pre-trial detention, why they are in prison custody, and what is the impact of their being there? Specifically, this is aimed at providing some information that will help identify strategies for effectively reducing the number of persons in custody awaiting trial and their length/duration of stay in custody awaiting trial as well as promote good prison/correctional practices and justice sector reforms in general.

Methodology

Cross-sectional study design was employed to examine issues pertaining to the conditions of prisoners particularly the awaiting trial inmates, their legal representation and other issues. Given the complexity of the information collected, the study employed triangulation (the mixed method approach) to ensure validity and reliability of data. Thus three sets of questionnaires were designed and administered on different category of respondents. These included the Self Report Questionnaire (SRQ) administered on inmates, Baseline Questionnaire (BQ) administered on Officers in Charge of the Prisons and Questionnaire for Prison Staff (QPS) administered on the personnel. In addition, In-depth Interviews were conducted with the Controllers of Prisons in the three states where the study took place and the Officers in Charge of the specific prisons.

The project location selection was done in consultation with the Nigeria Prison Service (NPS), Implementing Institution and the British High Commission using the following criteria; size of the prison, geopolitical spread, evidence of justice sector reform, existence of past, ongoing and potential future intervention in the prisons and justice sector reforms in the state. The sampling procedure adopted for the study was the Total Enumeration of all inmates and staff in the three selected prisons at the time of the research. Total population study approach refers to a type of **purposive sampling technique** that involves examining the **entire population** of a study.

To ensure the validity and reliability of the instruments, a rigorous procedure was employed in developing the data collection instruments which follows the following steps; (i) development of the first draft which was done by PRAWA in-house staff, (ii) review of the first draft done by experts including academia and practitioners, (iii) pre-test of the data collection instruments which was carried out in four different states namely Abia state, Oyo state, Delta state and Kano state, (iv) second review of the instruments and (v) finalization of the data collection instrument which was produced taking cognisance of the lessons learnt from the processes i to iv. Well trained and experienced data collectors were used to elicit reliable information and the recruitment process was rigorous and merit-based.

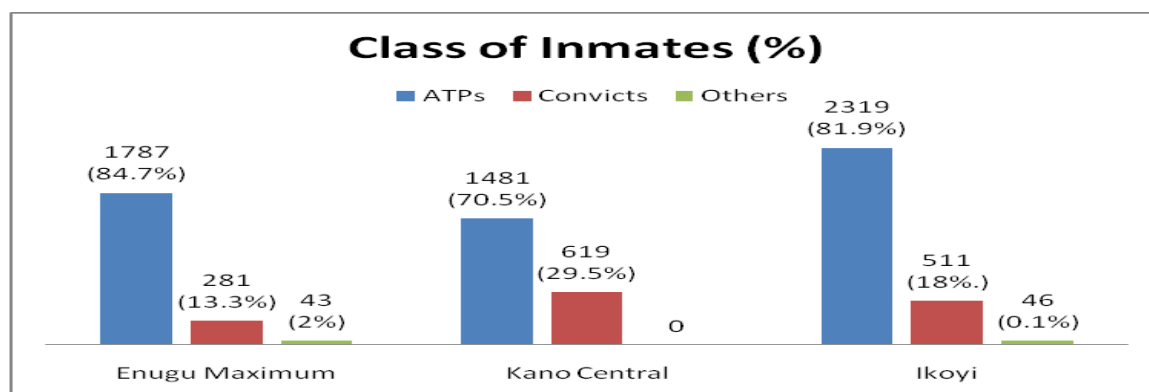
The data were collected through Prison Records and administration of Self Report Questionnaires to prisoners. Both data sets were analyzed and a further validation/verification exercise conducted which showed that the data were consistent and reliable.

The findings:

Who are those in Prison Custody?

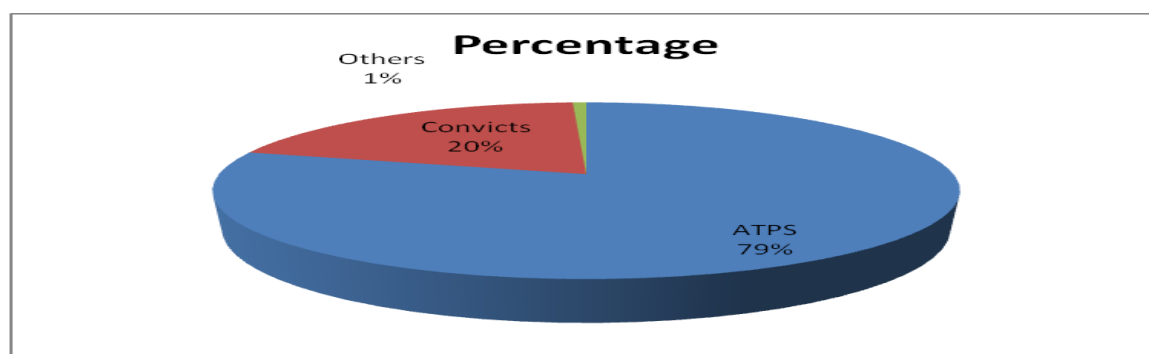
The prisons studied were overcrowded with very high number of un-convicted prisoners.

Figures 1a: Class of Inmates across Three Prisons



Source: Prisons Records (September 2017)

Figure 1b: Class of Inmates



Source: Prisons Records (September 2017)

The study found that the three prisons were overpopulated in excess of about 200 percent compared to their capacities at the time of establishment. Awaiting Trial Prisoners¹ represented the bulk of the prisoners representing 76% as at December 2016, 74% as at

¹ This term is broadly used here to indicate prisoners who are yet to be convicted or sentenced. It includes awaiting trial, those whose trial is ongoing, those awaiting judgment/conviction or sentence.

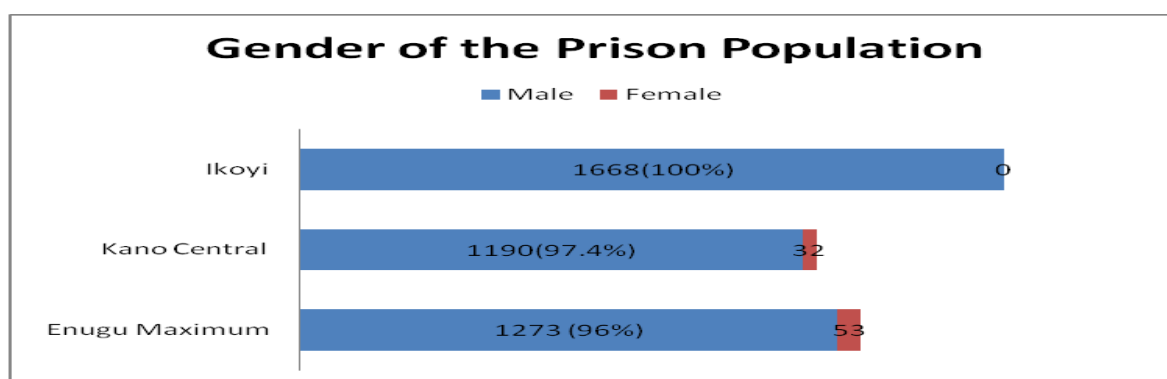
March 2017 and 79% as at September 2017. As at September 2017 in Ikoyi and Enugu prisons, more than 80% of the inmates are awaiting trial persons whereas 70.5% of the inmates are awaiting trial persons in Kano central prison. Only 13.3%, 29.4% and 18% of the total inmates in Enugu, Kano central and Ikoyi prisons respectively are convicts. This means 8 out of 10 inmates are awaiting trials persons.

The distribution of the prison population for the entire country as at August 2016 which shows that out of 67,626 prisoners in the 242 prison in Nigeria, 47,953 were not convicted whereas 19,671 were convicted and the percentage of ATPs was 71% of the total prison population.

The breakdown of the total population in each of the targeted prisons in August 2016 and September 2017 respectively show that ATPs population in Enugu remained the same between the two time periods; 84% in August 2016 against 85% in September 2017. The situations with Kano Central and Ikoyi prisons were different. Kano Central prison recorded an increase from 60% in August 2016 to 71% in September 2017. Conversely, Ikoyi prisons showed a decrease from 85% in August 2016 to 81% in September 2017. The result confirms that high ATP population is a major feature of the three targeted prisons; Kano Central, Enugu and Ikoyi Prisons all located in Kano, Enugu and Lagos States respectively. And it is also a major problem for the country in general.

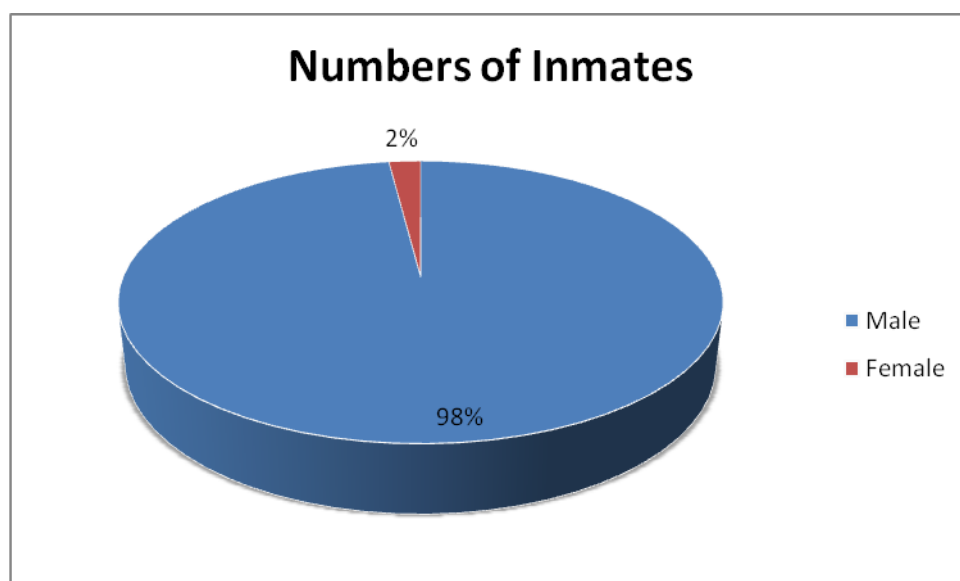
Most of the Awaiting Trial Prisoners are males. Female prisoners are few and constitute a minority in the prison population:

Figure 3a: Gender of the Prison Population for each of the three prisons



Source: Prisoners Self Report Questionnaires (March 2017)

Figure 3b: Gender of the Prison Population of the three prisons



Source: Prisoners Self Report Questionnaires (March 2017)

On the sex distribution of respondents, more males populate the prisons sampled for the study. Apart from Ikoyi prisons which is exclusively for male inmates, in Enugu Maximum and Kano Central over 96 percent of inmates are males. Female prisoners are minorities within the prison population and this fact clearly calls for closer examination of how they are treated within the criminal justice system and whether in fact the criminal justice system in general and the prison service in particular can be said to be gender sensitive or not.

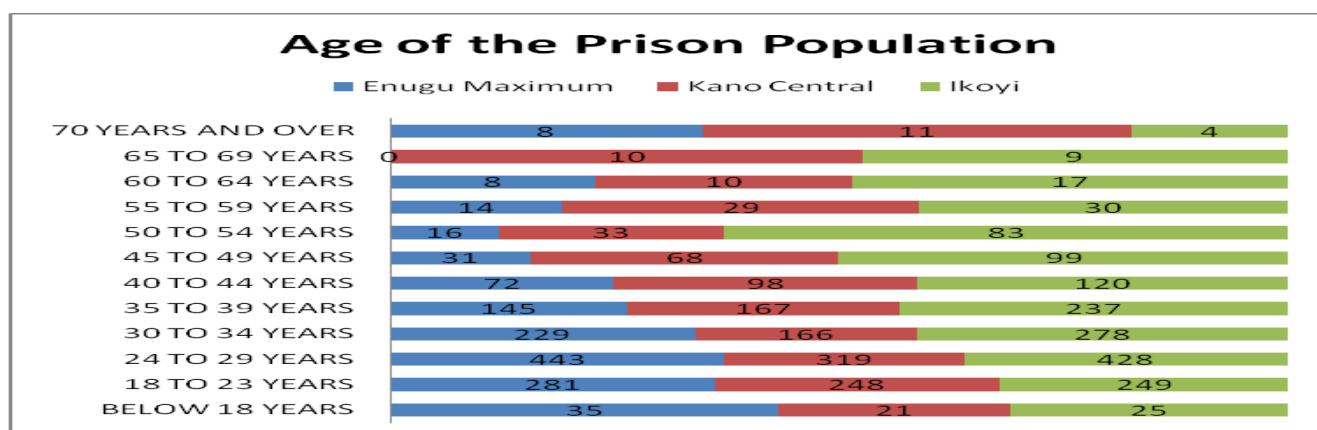
Of the respondents only eighty five (85) inmates which represented 2% are females and four thousand one hundred and thirty one (4,131) making up 98% are males. This is consistent with the figure for the whole prison. As at August 2016, out of 67,624 total inmates in the 242 prisons in Nigeria, only 1416 were females representing 2.09%. Of this numbers, 1043 were awaiting trials while 372 were convicted across the countries. With respect to the target prison for this research, their total of female prisoners' population was 89 with the convicted and awaiting trial female prisoners' population being 24 (28.24%) and 65 (73.03%) respectively.

As at September 2017 during the data validation exercise, Enugu prison had 5 pregnant female detainees but there were no female prisoner(s) with child/children as shown in figure

above while Kano central prison has 11 pregnant women and 12 women with children in the prison custody.

Many of the Prisoners fall within the Youthful ages. There is also evidence of under aged persons in the prisons.

Figure 4: Age of the Prison Population



Source: Prisoners Self Report Questionnaires (March 2017)

Table 1: Juveniles in Prison Custody

Prison	Inmate	Age	Gender	Offence
Enugu	1	12	Male	Murder
Ikoyi	20	17	Male	Breach of Peace, Stealing and Conspiracy
	7	18	Male	Breaking & Entering and Stealing
	4	16	Male	Assault, Breach of peace
Kano Central	-	-	-	-
Total	32			

Source: Prisons Records (September 2017)

Results also showed that most of the inmates in the study prisons belong to age category 18-39 years.

The result from the Self Report Questionnaires (SRQ) indicate that going by the number of

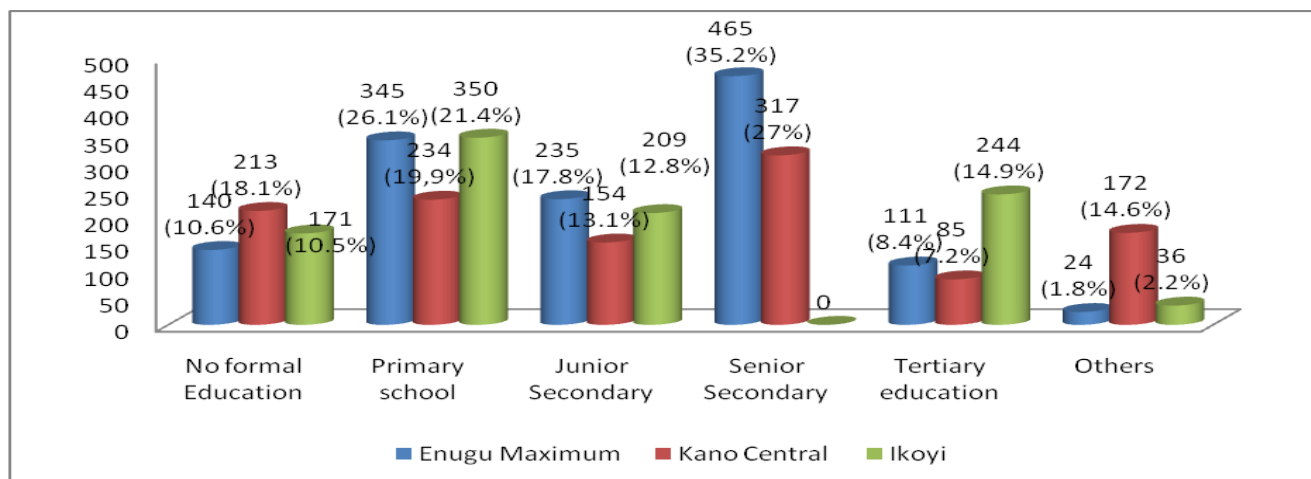
respondents that responded to the SRQ as at March 2017 that Enugu prison has more prisoners (35 representing 43.2%) whose ages were below 18 years than the other two prisons (21 representing 25.9%) and (25 representing 30.9) for Kano Central and Ikoyi respectively. Kano Central prison has 22 out of the 43 prisoners whose ages are 65 years and above; in fact more than half the total number of this age group are in the Kano Central prison relative to others. The number of prisoners within the ages of 18 and 35 years are almost the same in Enugu (953 representing 36%) and Lagos (955 representing 36.2%). The average age of the inmates in the three sampled prisons is 31 years. During the data validation exercise carried out in September 2017 observed that from prison records it was observed that the following number of juveniles were found in the following prisons: Enugu 1 (age 12) and Ikoyi 31 (20 aged 17, 7 aged 18 and 4 aged 16). With the exception of the juvenile detained in Enugu prison (at the order of court) who was charged with murder, the types of offences that the juveniles were charged with are: Breach of peace, stealing and conspiracy, breaking and entering, stealing and assault.

Of great concern is the evidence of under 18 years in prisons and the fact that there are no process of documenting and tracking these especially those that the prison refuse to admit based on the fact that they are under aged. There are few Young Offenders' institutions in the country. There are three Borstal Institutions in the country located in Kakuri (Kaduna State), Abeokuta (Ogun State) and Ilorin (Kwara State). Some States such as Lagos and Kano States have Remand Homes for Juveniles. There is no operational young Offenders institution in Enugu State.

During the Data Validation/Verification Exercise when the explanation was sort concerning the number of juveniles in prisons as indicated in the Enugu prison official record it was explained that all under aged persons brought to the prison were rejected by the prison authority and that there was a court order issued for the detention of the young child currently in the prison. When requested to have the data as to how many of such cases were rejected, the team was informed that the prison currently do not keep such records. This was also the case in all the other prisons (Kano Central and Ikoyi prisons).

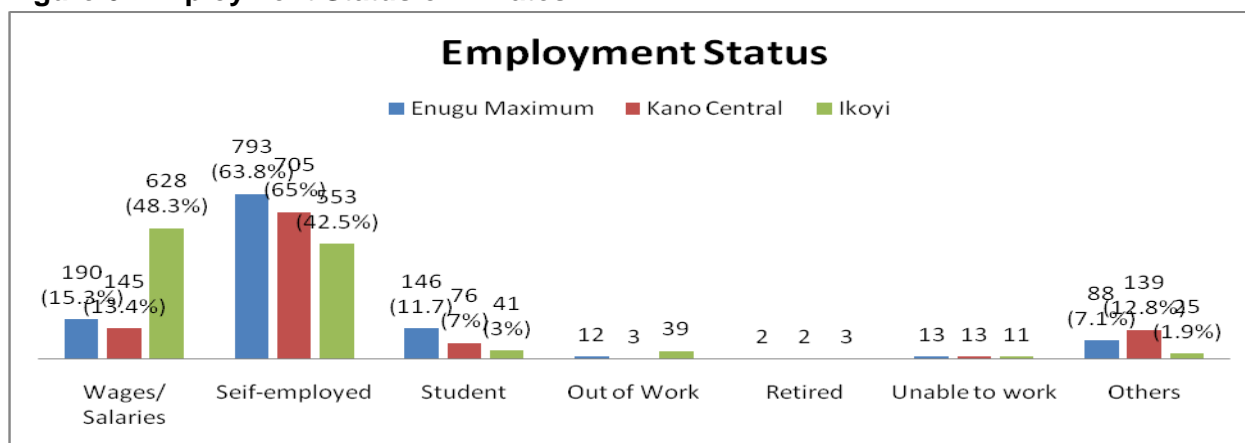
<p>Many of the prisoners are poor with low education and employment level.</p>

Table 5: Highest Level of Formal Education



Source: Prisoners Self Report Questionnaires (March 2017)

Figure 6: Employment Status of Inmates



Source: Prisoners Self Report Questionnaires (March 2017)

The educational level of most inmates in the study sites was relatively low considering that about 2 out of 10 had never received any form of formal education and a large majority had Senior Secondary as their highest level of education. This certainly will have implication for their level of skills, income/earnings. For instance, in the three prisons sampled for the survey, respondents who had Senior Secondary Education constituted the highest number indicating 35%, 27% and 38% in Enugu Maximum, Kano Central and Ikoyi prisons respectively. Similarly, for the three prisons, the second highest frequencies were recorded against respondents with Primary School education. In addition, the lowest frequencies were among respondents with Tertiary School education including post-graduate degrees.

The issues of low educational level have implication for income earnings, employment, and reintegration. Regrettably as we have come to observe, poverty level of the inmates may

impact on their access to justice including especially access to effective legal representation.

The monthly income of the respondents indicates that a large majority of the sampled inmates had low income. Of the prisoners interviewed in the census, about 76 percent had a monthly income of 50,000 naira² or less. Inmates who earned a monthly income of over N500,000 constituted only 1.67 percent of the total respondents. In fact, 16.7% earned 10,000 naira or less per month which is 333 naira per day or less (0.9 cents per day using the September 2017 exchange rate and 0.6 cents using January 2017 exchange rate). This explains the reason majority of the inmates were unable to employ lawyers as indicated in their responses. Thus, the majority of the inmates can be described as poor.

Table 2: Average Monthly Income of Respondents

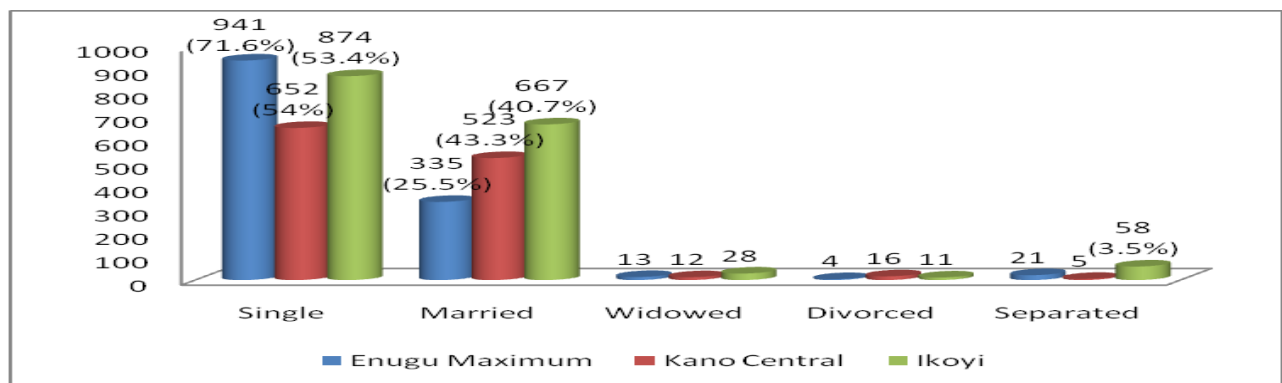
Average Monthly Income (Naira)	Frequency	Percent
<1000	33	1.17
1,000-5,000	155	5.51
5,001-10,000	281	9.99
10,001-50,000	1679	59.69
50,001-100,000	405	14.40
100,001-500,000	213	7.57
500,001-1,000,000	30	1.07
>1,000,000	17	0.60
Total	2813	100.00

Source: Prisoners Self Report Questionnaires (March 2017)

Most of the prisoners are breadwinners in their families, a high proportion are single, and some with children.

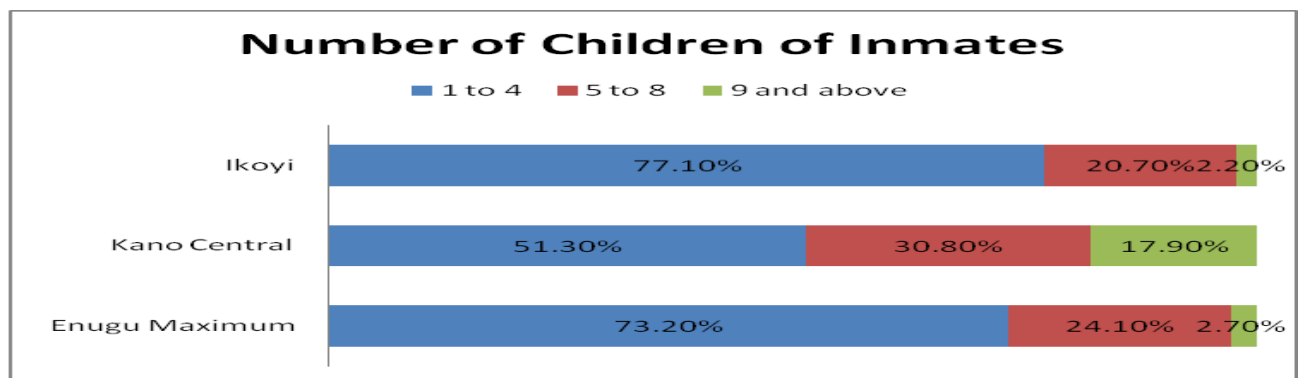
Figure 7: Marital Status of the Inmates

² 1 USD was exchanged for 560 Naira as at January 2017, 360 Naira as at September 2017 and 350 Naira as at October 2017.



Source: Prisoners Self Report Questionnaires (March 2017)

Figure 8: Number of Children of Inmates



Source: Prisoners Self Report Questionnaires (March 2017)

Most respondents were self-employed, breadwinners and earned very little which could explain the pressure that some of the inmates had to go through to make ends meet. The study also found that amongst those who have children, the average number of children each detainee has is 4. Specifically, the average numbers of children among those having children are 3.6, 5 and 3.4 for Enugu, Kano Central and Ikoyi prisons respectively. In Ikoyi and Enugu maximum prisons about 77.1% and 73.2% of the detainees with children reported that they had between 1 to 4 children. Those that have 9 children and above seem to be more in Kano Central with about 17.9% compared to Ikoyi (2.2%) and Enugu (2.7%). The detainee-child ratio is 1:2 which implies that on the average every detainee has two children to cater for.

The marital status of about 72 percent of the respondents in Enugu Maximum prison was Single at the time of data collection. The majority of respondents in Kano Central and Ikoyi prisons were also single but not as high as was reported in Enugu. About 54 percent and 53

percent of sampled inmates reported their marital status as single in Kano Central and Ikoyi respectively. Over 40 percent of the respondents in Kano Central and Ikoyi reported being married and approximately 2 percent were either separated or divorced in both Enugu Maximum and Kano Central, while in Ikoyi about 4 percent of the sampled inmates were either separated or divorced.

Why are the ATPs in Custody?

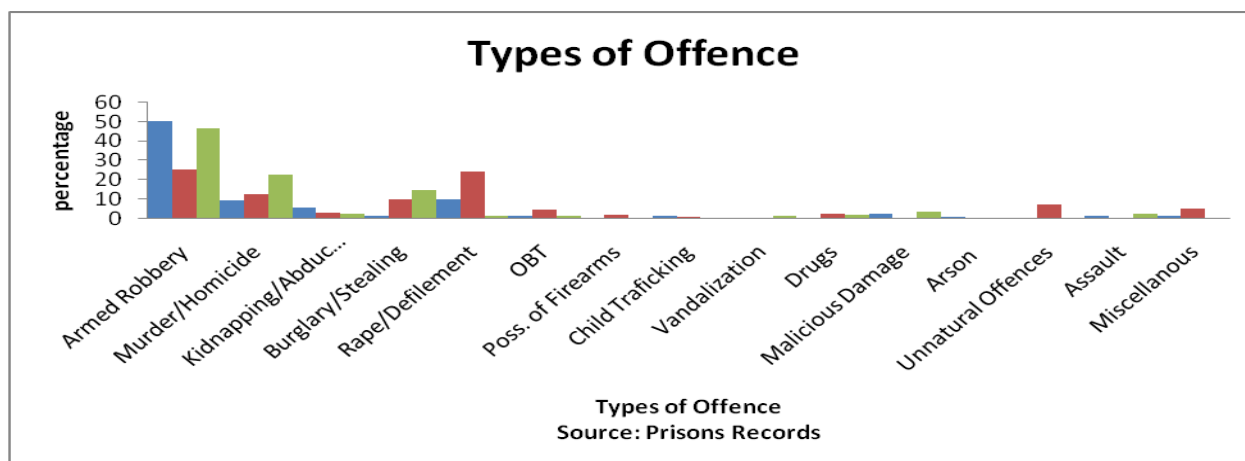
Most of the prisoners are charged for property and property related crimes (economic and economic related crimes).

Table 7: Types of Offence of ATPs

Types of Offence	Enugu Inmates(Percentage)	Kano Central Inmates(Percentage)	Ikoyi Inmates(Percentage)
Armed Robbery	478 (37.03)	205 (17.17)	158 (10.17)
Assault	3 (0.23)	4 (0.34)	24 (1.55)
Attempting Murder	17 (1.32)	4 (0.34)	15 (0.97)
Bunkering	-	-	63 (4.06)
Burglary	54 (4.18)	2 (0.17)	5 (0.32)
Child Abuse/Trafficking	21 (1.63)	1 (0.08)	1 (0.06)
Conspiracy	22 (1.7)	12 (1.01)	55 (3.54)
Homicide/Murder	205 (15.88)	110 (9.21)	198 (12.75)
Cultism	15 (1.16)	-	12 (0.77)
Defilement	12 (0.93)	2 (0.17)	32 (2.06)
Fighting	17 (1.32)	36 (3.02)	44 (2.83)
Fraud	5 (0.39)	1 (0.08)	37 (2.38)
Drugs/Trafficking	14 (1.08)	90 (7.54)	111 (7.15)
Homosexuality	-	20 (1.68)	1 (0.06)
Kidnapping	64 (4.96)	29 (2.43)	24 (1.74)
Manslaughter	2 (0.15)	-	27 (1.74)
Obtaining by Tricks	6 (0.46)	-	43 (2.77)
Rape	58 (4.49)	219 (18.34)	69 (4.44)
Stealing/Theft	142 (11.0)	164 (13.74)	381 (24.53)
Unlawful Possession of Firearms	24 (1.86)	6 (0.50)	6 (0.39)
Others	132 (10.22)	289 (24.2)	247 (15.9)
Total	1291 (100)	1194 (100)	1553 (100)

Source: Responses from Self Report Questionnaires (March 2017)

Figure 14: Types of Offence of ATPs from Prison Record



Source: Prisons Records (September 2017)

The study found that property/economic (property/economic related offences). For example, armed robbery and stealing/theft ranked high among offences for which a large number of the inmates were charged for.

The prisons records show that armed robbery top the offence charged in Enugu prison in line with the report from SRQ. From the Enugu prison record, 50.25% of the ATPs were charged for armed robbery followed by rape (10.13%) and murder (9.68%). Similarly, in Ikoyi prison, the official record shows that 46.5% of the ATPs were charged for armed robbery while 22.6% and 14.6% were charged for murder and stealing respectively. In like manner, report from official record shows that armed robbery offence top the table with 25.3% followed by rape and defilement (24.6%) and murder (12.7%) in that order. When all economic and economic related (property and property-related) offences are clustered differently from the non-economic (non-property) related, the figure for the economic/property related offences tops the chart. For example, for those charged for armed robbery (46.5%) and stealing (14.6%) in Ikoyi prison that will give 61.1%.

The police are the institution that was reported to be responsible for most of the arrest of the detainees.

About 75.9%, 76.5% and 78.2% of the respondents in Enugu, Kano Central and Ikoyi prisons reported they were arrested by the police. Also when included the numbers arrested

by SARS, the percentage of inmates arrested by the police sums up to 86.4%, 78.8% and 80% for Enugu, Kano central and Ikoyi prisons respectively. The second top arresting agency in the three sampled prisons is NDLEA.

Many cases were reported to be either stalled or taking time to conclude.

Table 5c: Summary Table of Stalled Cases for the three (3) Data Sources.

	Enugu		Kano Central		Ikoyi	
	Number (%)	ATPs	Number (%)	ATPs	Number (%)	ATPs
SRQ (March 2017)	369 (35.6%)	1036	89 (10.2%)	869	145 (10.1%)	1432
BRQ (Prison Record, March 2017)	642 (41.6%)	1542	323 (29%)	1112	424 (20.5%)	2072
Validation Exercise (Based on Prison Record) Sept 2017	306 (17.12%)	1787	365 (24.65%)	1481	155 (6.68%)	2319

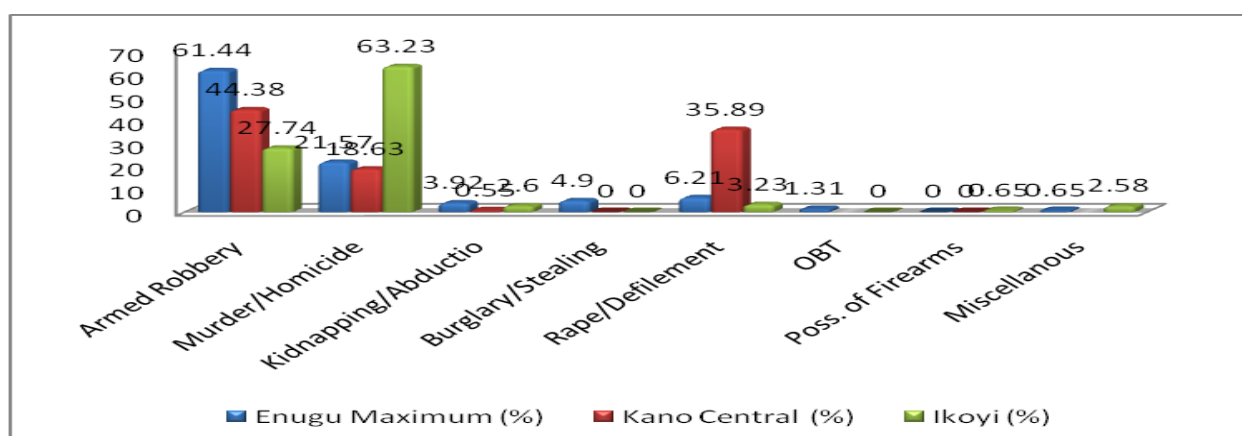
Source: SRQ and BRQ (March 2017) and Validated Exercise Prisons Records (September 2017)

This research showed that over 8 percent of the inmates sampled had not appeared in court for more than 5 years for the offences they were charged some of which could attract 6 months imprisonment or less upon conviction. On the average, 2 percent of those sampled for this study had spent over 10 years in prison custody without conclusion of their trial.

In September 2017 during the data validation exercise it was observed that in Enugu prison 17.12% are reported to be stalled. In the case of Kano central prison, 24.65% are reported as stalled while in Ikoyi prison, 6.68% reported that their cases were stalled. This report even showed a higher proportion of stalled cases than that reported in the self-report questionnaires (SRQs) collected in March 2017. This suggested that either most of the awaiting trial persons whose cases are stalled did not respond to the question or had no knowledge whether their cases are stalled or not as the number of stalled cases from the official record exceeds those from the SRQs. When the operationally define criteria used to extract information from records is used to cross-classify responses in the SRQ. 35.6% in Enugu prisons have their cases stalled and the figures for Kano Central and Ikoyi prisons 10.2% and 10.1% respectively. Data from the BRQ (March 2017) showed that in Enugu

prison 41.6% had their cases stalled. The figures for Kano Central and Ikoyi prisons were 29% and 20.5% respectively.

Figure 12: Stalled Cases Classified According to Offence Charged



Source: Prisons Records (September 2017)

The result as reported in the figure above shows that most of the stalled cases are capital offences ranging from Armed Robbery, Murder/Homicide, Kidnapping/Abduction and Rape/Defilement. In Enugu prison, 61.4% of the stalled cases are charged for armed robbery while 21.57% and 3.92% cases are charged for murder and kidnapping respectively. In Kano central prison, 44.38% out of the stalled cases are charged for armed robbery while 35.89% and 18.63% cases are charged for rape and murder respectively. In the case of Ikoyi prison, 98 inmates out of the 155 stalled cases are charged for murder while 43 representing 27.74% are charged for armed robbery.

Table 6: Duration of Time the Cases have been stalled

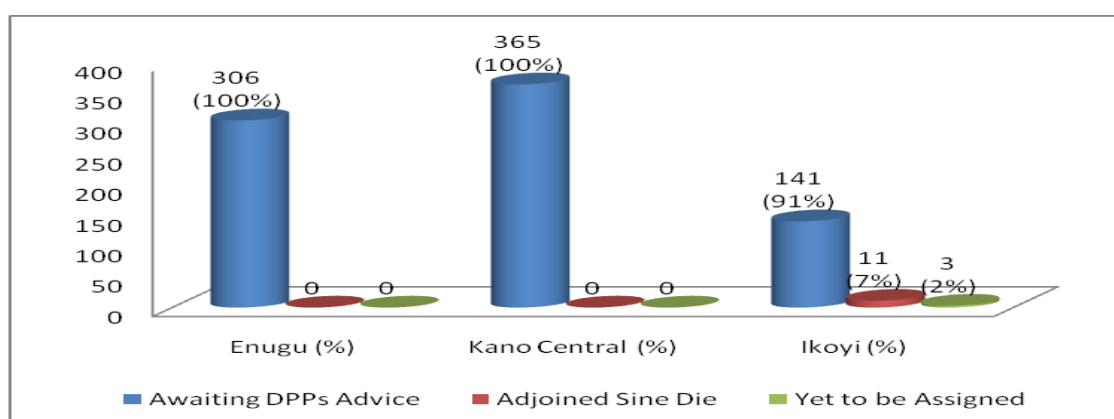
Duration In Custody	Enugu Inmates(Percentage)	Kano Central Inmates(Percentage)	Ikoyi Inmates(Percentage)
Eight (8) Years	-	1 (0.27)	-
Seven (7) Years	2 (0.65)	-	-
Six (6) Years	2 (0.65)	1 (0.27)	-
Five (5) Years	4 (1.31)	3 (0.82)	3 (1.94)
Four (4) Years	8 (2.61)	13 (3.56)	9 (5.81)
Three (3) Years	27 (8.82)	29 (7.95)	14 (9.03)
Two (2) Years	92 (30.07)	57 (15.62)	26 (16.77)
One (1) Year	99 (32.35)	116 (31.78)	28 (18.06)
6 months and Above but < 1 Yr	72 (23.53)	145 (39.73)	75 (48.39)
Total	306 (100)	365 (100)	155 (100)

Source: Prisons Records (September 2017)

On the duration of stalled cases in the three prisons, in Enugu prison 99 inmates had been in prison for about one year without going to court while 119 inmates out of 306 had not appeared before court for 2 to 3 years. Four (4) inmates had not been to court for about 6 to 7 years from the time of this report. Sadly, one of the inmates who had been in custody for about 7 years without going to court was charged for assault. The result further shows that 43.87% of the inmates with stalled cases had not been to court between 1 to 3 years. Three (3) inmates had not appeared in court for the past five (5) years. In Kano 71.5% had not been to court for about 6 months to one year while those who had not been to court between 2 to 4 years were 27.1% of the stalled cases. Three inmates had not appeared in court for the past 5 years as at the record time. Some inmates had been in prison custody for 8 years without going to court. This result equally showed that over 8 percent of the inmates sampled had not appeared in court for more than 5 years for the offences they were charged some of which could attract 6 months imprisonment or less upon conviction. On the average, 2 percent of those sampled for this study had spent over 10 years in prison custody without conclusion of their trial.

A further investigation on the reason why cases are stalled was carried out and the report from the official record shows that all the stalled cases in both Enugu and Kano central prisons are awaiting DPPs advice while in Ikoyi prison 91% are equally awaiting DPPs advice. 7% of the stalled cases are as a result of 'adjoined sine die' while 3 cases are yet to be assigned or charged to court.

Figure 13: Reasons Why the Cases are stalled

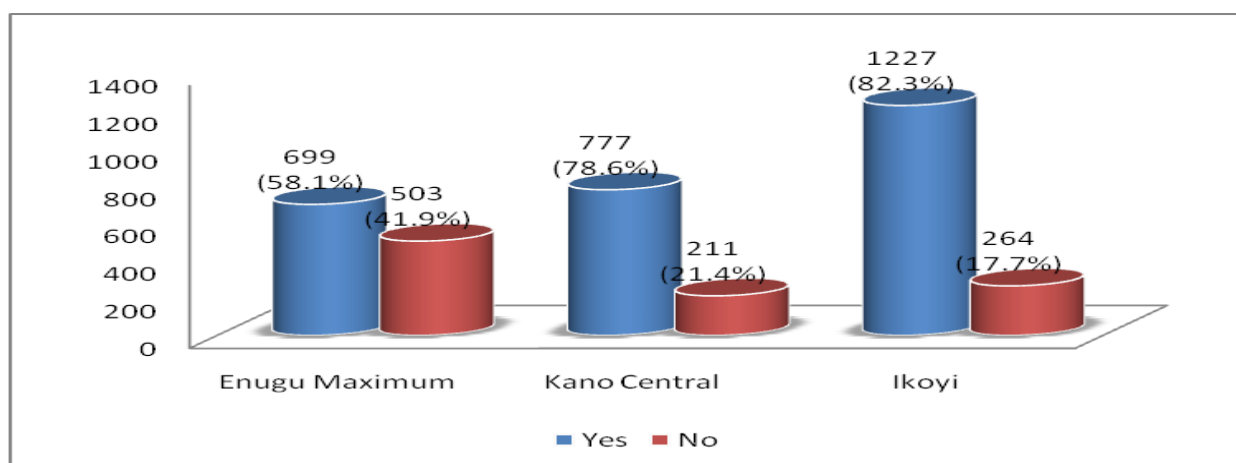


Source: Prisons Records (September 2017)

There was evidence of some ATPs not knowing the status of their cases.

41.9%, 21.4% and 17.7% of the inmates in Enugu, Kano and Ikoyi prisons respectively indicated that they are not aware of the current status of their case. When asked about their bail status of those that responded to this question about 27.7% , 13% and 23.3% in Enugu, Kano and Ikoyi prisons respectively said that they did not know if they were granted bail or not. This response was verified in the official record in Enugu prison. Out of the 25 inmates that were granted bail in Enugu prison based on official record, only 5 inmates know that they had been granted bail while the remaining 20 inmates representing 80% of those granted bail did not know they had been granted bail.

Figure 20: Respondent's Knowledge on Current Status of Cases

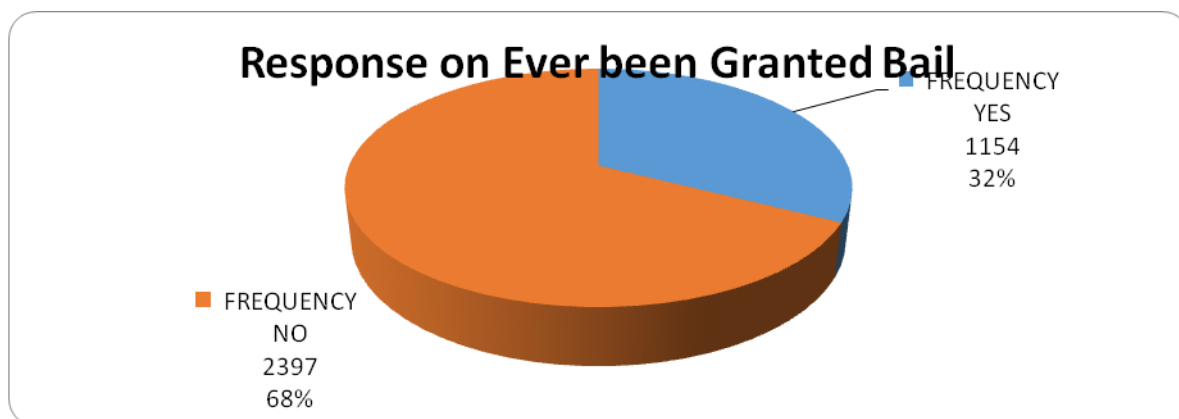


Source: Responses from Self Report Questionnaires (March 2017)

Many of the ATPs were not granted bail and for those granted bail the conditions were stringent and many are still in custody unable to meet their bail conditions.

As findings of this study revealed, a large majority of respondents were not granted bail by the court and those that were granted bail could not perfect the bail condition because it was stringent or they could not meet the conditions given by the Court. All this contributes to extension of the duration in custody of ATPs.

Figure 16b: Pie Chart showing the distribution of inmates that were granted or refused bail



Source: Prisoners Self Report Questionnaires (SRQ) March 2017

From data collected from the Self Report Questionnaire, it was observed that only 32.5% of the respondents had bail granted while 67.5% of those that responded to this question were not granted bail. Another issue to note is the number of ATPs that could not perfect their bail.

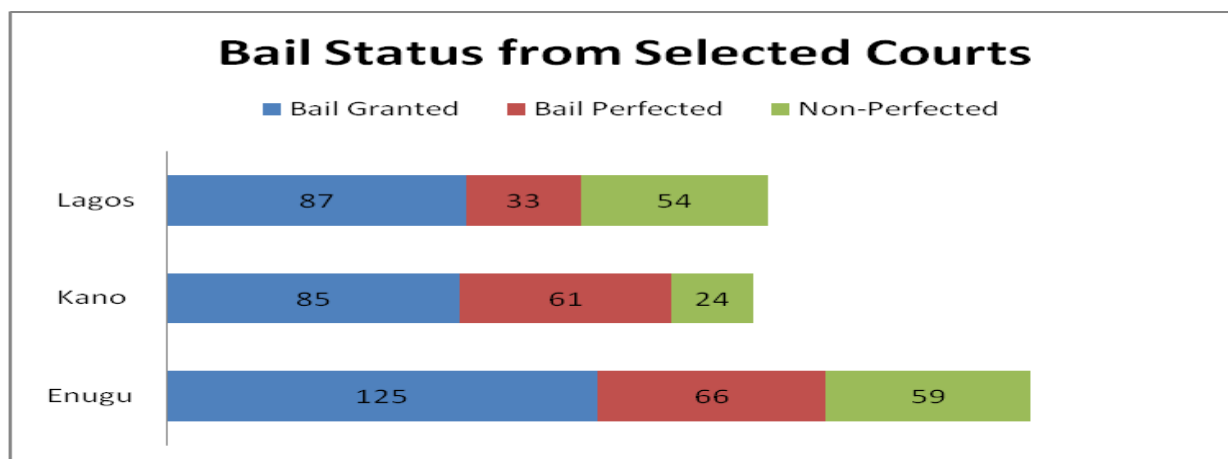
Table 8: Reasons for Non-Perfection of Bail.

Reasons for non-perfection of Bail	Number	Percentage
Stringent Bail Condition	154	13.7
Inability to meet Bail Condition	758	67.7
Others	208	18.57
Total	1120	100

Source: Prisoners Self Report Questionnaires (SRQ) March 2017

Of those that were granted bail, most of them could not perfect their bail and thus they continue to remain in prison custody despite the fact that they have been given bail (81.4% of those granted bail). Of this number 67.7% indicated that they could not meet their conditions while 13.8% described their bail conditions as stringent. In Enugu, 52.8% pre-trial detainees were able to perfect their bail while remaining 42.7% were unable to perfect theirs. In Lagos, 37.9% perfected their bails while 62.1% could not meet with the bail conditions. In kano, 71.8% were able to meet with the bail conditions while the remaining 28.2% were unable to meet with the bail conditions.

Figure 18: Bail Perfection of Pre-trial Detainees in the selected Courts



Source: Selected Courts Records (September 2017)

Examples of the stringent bail conditions include the following: N50,000 to N2million and one to two sureties in like sum depending on the nature of offences; the sureties must be resident and/or owned landed property withing the area of jurisdiction of the court; sureties must be a civil servant not below salary of Grade level 13 or that a surety must deposit title documents of a landed property situated within the jurisdiction of the court or that one of the sureties must be ward or village head of the area where the accused reside. On the issue title documents most of the accused are from rural areas whose properties do not have a formal and verifiable title documents. Or the issue of village/ward head to be a surety, there is a recent order from the emirate council restraining traditional title holders from using their traditional title office to act as sureties.

Lack of comprehensive prison data for all those granted bail.

The Prison authority disclosed that they do not have information regarding all the ATPs that have been granted bail by the Court. That this information is not routinely provided by the court in all the cases, it is only endorsed in some of the ATPs Court warrants.

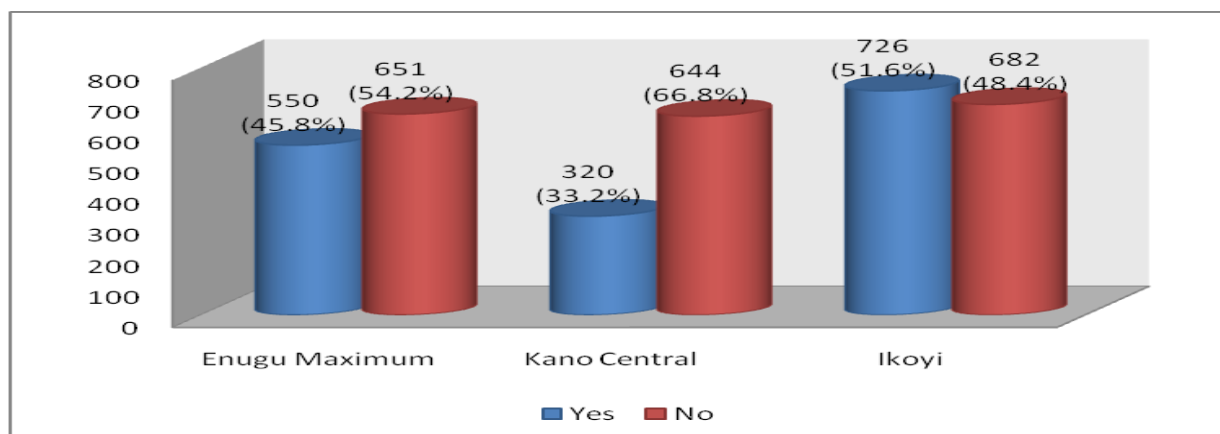
To buttress this point, in Enugu prison when the ATPs were asked if they had bail during the Data Validation/Verification Exercise, 45 ATPs indicated that they had bail. Of this number only 5 were amongst the 25 ATPs that their records in the prison indicated that they had bail. So, the remaining 20 ATPs whose record indicated this also were not even aware of this. In Kano, the team was informed that the records unit did not have any such information. It was only during the Data Validation/Verification Exercise that the ATPs were asked about this information. The situation in Ikoyi Prison was not much different. More so, if the ATP was not present in court on the last court adjourned date and bail was granted this will not be

endorsed in the ATPs warrant, the ATP will not be aware of this and of course the ATP may not also know the next adjourned date. Thus, it can be argued that the information regarding ATPs that had bail may be higher than the picture portrayed above. Without having accurate figure of those granted bail, it will be difficult for ATPs to be assisted by the Prison Welfare Unit or any other unit/agency to contact their families for perfection of their bail or for any other action.

Many of the ATPs do not have legal or active legal representation and some who have legal representation are unsatisfied with the quality of service being rendered to them by their lawyers.

The majority of respondents in the sampled sites indicated that their legal representation was not active (56%) in total. This means that 6 out of ten inmates do not have a lawyer to represent him/her in the court. Specifically, 67 percent and 54 percent of respondents in Kano Central and Enugu Maximum prisons respectively stated that they did not have active legal representation at the time of data collection for the study.

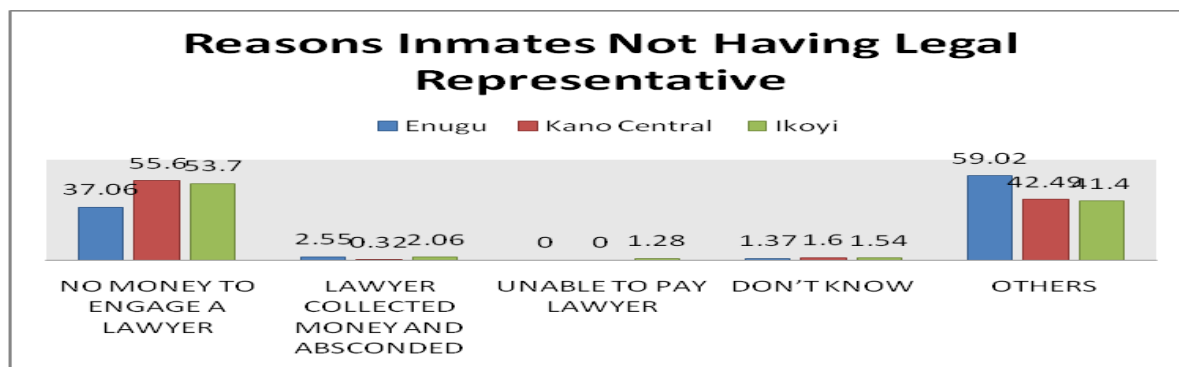
Figure 22: Active Legal Representation of Inmates in Selected Prisons



Source: Responses from Self Report Questionnaires (March 2017)

Responses on reasons for inactive legal representation indicated that 56%, 54% and 37% of the respondents in Kano Central, Ikoyi and Enugu prisons respectively identified lack of funds to engage a lawyer as the main reason for inactive (or even no legal) representation.

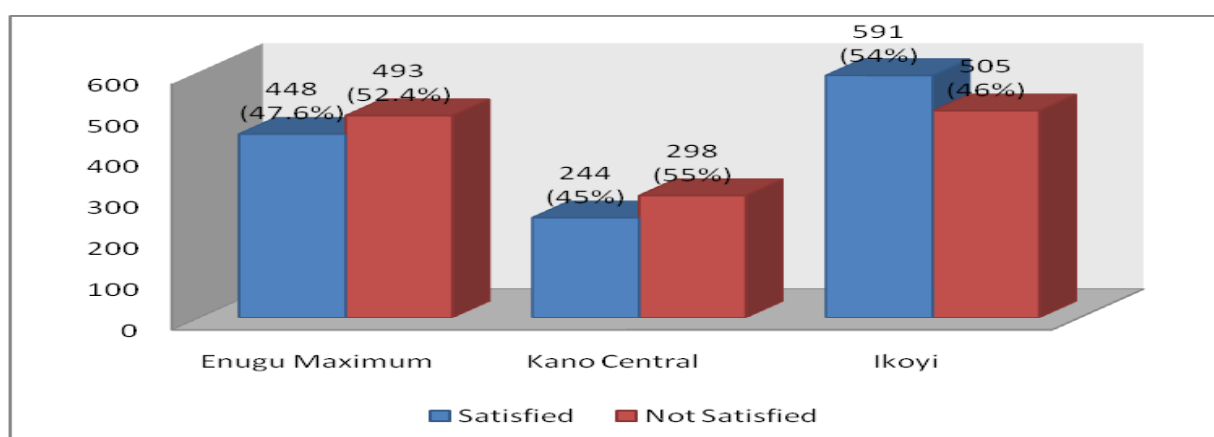
Figure 23: Reasons Inmates Do Not Have Active Legal Representation



Source: Responses from Self Report Questionnaires (March 2017)

For respondents that had lawyers at the time of the census, on the average, 50 percent of the respondents in the three study prisons reported non-satisfaction with their lawyers. This issue raises question as to the constitutional right of access to legal representative of choice vis-a-vis ability to really make quality choice and access justice adequately given their level of education and poverty.

Figure 24: On whether respondents were satisfied with their lawyers



Some of the consequences of having large numbers of ATPs?

High numbers of ATPs are transported from prison to court every work day.

These include the burden of transportation of ATPs to and fro prison and courts on a daily basis; the cost and security implication of this, the prison staff - inmate ratio and the attendant stress level and weakening of efficiency level occasioned by this.

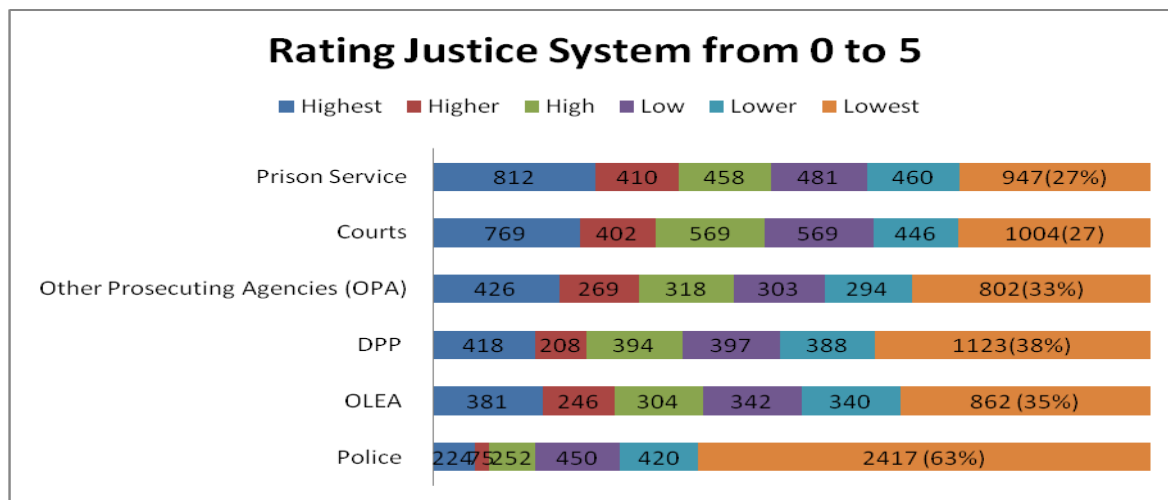
For example, in Enugu prison in a week an average number of 960 inmates are transported to court covering a distance of 1762km weekly and in a month an average number 3840 inmates are been transported to court. Annually 47,280 inmates (against the annual maximum capacity of 22,080) are transported to court with only 5 vehicles covering 22,340.4 kilometers. In Ikoyi prison, in total the vehicles most days carry more than 60 inmates in excess of total vehicle capacity of 92 inmates to court and cover more distance beyond the carrying capacity. On the average 975 inmates are transported to different courts every week covering a total distance of 700 kilometer and in a month an average number of 3900 inmates is transported to court at a total distance of 2800 kilometer. When this is calculated annually, we have a total of 62,400 inmates (against the maximum capacity of 46,800) are transported and 33,600 kilometers covered with only 3 Vehicles in Ikoyi prison Lagos.

Many of the prisoners indicated that they have no confidence in the criminal justice system with the police having the worst rating from the prisoners.

For the three study locations combined, 47 percent of the respondents indicated lack of confidence in the justice system.

Majority of the inmates rated all the institutions low. Police was rated the lowest as out of 3839 responses, 63% rated police 0 which represents lowest. This was followed by the DPP as 39% of the respondents rated the DPP low. In the case of prison service and court, 27% of the respondents rated prison service and court low.

Figure 27: Rating of Justice Institutions from 0 to 5



Source: Responses from Self Report Questionnaires (March 2017)

Recommendations:

The following recommendations are made:

Legal & Policy Implementation:

1. Implementation of legal provisions and operational policies aimed at speeding up trial process including provision of institutional and individual incentives aimed at encouraging greater compliance on these. This includes the Administration of Criminal Justice Act 2015, Administration of Criminal Justice Laws, Legal Aid Act 2011 and the National Legal Aid Strategy 2017-2022.
2. Promotion of legislative reforms aimed at institutionalization of processes aimed at enhancing access to justice (including provision of legal aid fund, certification of paralegals and database clearing house for pro bono lawyers, etc.) and correctional best practices.

Operational & Service Delivery:

3. There is need to ensure speedy and quality dispensation of justice. Secondly, there is need to explore alternatives to imprisonment measures. The over utilization of pre-trial detention is an issue that requires urgent intervention. Some may argue that the reason for the increase in prison population well above the designated capacities of targeted prisons can be traceable to the fact that crime is on the increase and that

this growth have not been met with corresponding increase in building of more prisons, etc. However, given that the increase is mainly observed amongst the ATP population. This clearly suggests that administration of justice in the country is quite slow. Hence, it is important to identify the factors that necessitate needless delays in the criminal justice procedure and apply appropriate interventions to dismantle these bottlenecks that clog the wheel of justice administration in Nigeria. Focus should also be on the reception rate of ATPs into prisons and the duration ATPs stay in prison (or in other words speed at which their cases are determined/concluded).

4. Provision of enhanced paralegal and pro bono legal services and other related support to pre-trial detainees all through the trial process to ensure that free and quality legal representation are provided for those in need of these. Steps should be taken to professionalize and strengthen the work of the paralegal ensuring also that their services are rendered in prison, courts, prosecution agencies, family links and where possible at the police level. In addition, the Legal Aid Council of Nigeria (LACON) should be in support to implement its mandate, the Legal Aid Act, National Legal Aid Strategy, and promote strong collaboration and synergy between LACON, the Nigerian Bar Association, Office of the Public Defender, and other relevant stakeholders.
5. Encourage less use of pre-trial detention and increased utilization of alternatives to imprisonment measures especially for minor offenders. It should also include diversion from prison custody of special needs offenders including young offenders and mentally ill prisoners to appropriate facilities.
6. Establishment of case management system to promptly track all ATP cases and their status (including special focus on stalled cases, cases granted bail, adjournment of cases, time frame for provision of advice/legal opinion by the prosecution, etc.), as well as establishment of effective mechanisms to ensure that proper documentation and reflection in prison records of all cases relating to the following are carried out: all juveniles brought into prison and all cases granted bail by the court, etc.
7. There should be a continuous process to review and address factors that encourage excessive and arbitrary detention including political, economic and legal incentives. Support should also be given for replication of good practices in other prisons/States.
8. The development and utilization of bail information scheme and other programmes to encourage better application of bail including those involving the judiciary and the

prosecution.

Oversight & Accountability:

9. Promotion of Oversight and Accountability of the Criminal Justice Process: This includes through effective monitoring of all ATP cases at the various stages, capacity building for prison and justice sector oversight mechanisms. Efforts should also be made to ensure that members of each of these mechanisms understand their mandates and how to effectively discharge these mandates, and how to coordinate with each other for enhanced impact.
10. Effective engagement with executive, legislative and judicial mechanisms to ensure adequate resourcing, budgetary and operational oversights of prisons/correctional services.
11. Establishment of effective centralized mechanism for documentation of all pre-trial detainees in prisons and all places of detention and utilization of this data for effective planning, oversight and to ensure compliance with international and regional human rights standards.

Coordination

12. Encourage development of practical and sustainable interventions which encourage intra-agency, inter-agency and multi-sectoral coordination aimed at speeding up trial process, reduction of the number and duration in custody of pre-trial detainees.
13. Involve various government agencies, the private sector and civil society organizations including the media in supporting prison and justice sector reforms and replication of good practices.

Resource Mobilization:

14. The government is encouraged to make adequate budgetary provisions and disburse same to enable the implementation of the above and other related interventions.