

The Nigerian Prison Service, Restorative Justice and Peacebuilding in Nigeria

Professor Dominic Akpan, PHD; Julius Ogueri Ebereonwu

Abstract

Nigeria in its attempt to establish peace faced series of challenges, as the nation encountered serious issues, which was as a result of its diverse ethnicity. This multi-ethnic reality plagued by the economic, religious and sociopolitical conflict continued to torture the nation and its peoples, undermining the country's development as well as threatened its corporate existence as one indivisible nation. The study identified poor treatment of prisoners with pitiable restorative justice as the underlining results of conflict and insecurity in the country. The study noted that mere contact with the institution of prison in the country most often that, made such person who is that is not tough to be more hardened in such a way that the person can now indulge in criminal activities upon his or her release, with the possibility of relapsing into criminal activities which generated high frequency of recidivism; thus, making prisons in the country, a breeding ground for criminals, terrorists and law breakers. This situation continued to threaten the peacebuilding process of the nation. The paper however concludes that, to tackle the security challenges threatening the peace of the nation, the Nigerian government have to bring about reforms and healing programmes that considered prisoners' welfare. The Nigerian Prison Service had ideal plans for rehabilitations and re-integrations, but lacked enough will power or funds to accommodate such plans. Thus, the study is concerned with the failure of peacebuilding process in the face of several prisons reforms, as they affected the rehabilitation and restoration of prisoners.

Keywords: Nigeria Prison Service, Restorative Justice, Peacebuilding, Insecurity.

Introduction

Over the years, peacebuilding is considered by the United Nations as a vital model of peace process with the concept made popular in Boutros-Ghali's Agenda for peace.¹ In his writings as the secretary general of UN, in 1992, he noted that peacebuilding not only involves addressing the triggers which gives basis to the eruption of armed conflict, but also considers the chances of long-term healing effects and the reconciliation phase.² Peacebuilding manifests at several stages, both at pre- and post-conflict stages. The workings of peacebuilding allude to the means of ushering in peace restoration and by discovering routes of reconciliation. In a similar vein, peacebuilding involves the construction of relationship between individuals or among parties, which cuts across different ethno-religious groups. Its aim is to avert divergence through a non-violent means and get the structural conditions that lead to conflicts transformed. Restorative justice as a concept is not just considered as a conduct but also as a philosophy of peacebuilding. Its practice obtains its basis in the principles which reduces elevation of positions but promotes reciprocal respect among parties and facilitates an environment of synchronization within a given state. Thus, one of the ways of tackling insecurity and upholding stability of a country is through restorative justice, which also considers the fair prisoners' treatment in such a way that their rights as humans are not violated and their welfare is considered paramount through series of rehabilitation programmes.

¹B. Boutros-Ghali, An Agenda for Peace (New York: United Nations, 1992), p. 64.

²ibid.

Normatively, the purpose of setting up prison is to provide institutional provisions for correctional and rehabilitation services for individuals who had violated statutory rule and regulations of a society. In many cases, however, the degree to which this aphorism is true in practice constitutes a subject of heated debate especially among scholars. Observation of the people who had undergone through the prison process of Nigeria presupposed that there were some challenges with the system; hence, the prison system seemed unable to fulfill its mandates in the country. The Nigeria prisons appear to be characterized by some problems which have been indicated as reasons for its shortfall as an institution of correction. The living conditions in Nigeria prisons were greatly structured in regimental form in such way that strict control measures were mated out to inmates in virtually every activity in the prisons. Thus, this more often than not left prisoners in a "brutalized mental state with broken body and spirit, which destroyed the individuals' sanity and personality."³ By this, prison system in the country battled with the challenge of destroying the inmate upon release, negating the original purpose of imprisonment, leading to the desecration of development of humans in the country. With this, the country's prisons from independence were encumbered with the challenged of making unstable humans. Obioha,⁴ and Adetula⁵ in their studies observed that, the less hardened person who had contact with Nigerian prison were more hardened and prone to carrying out "criminal activities, which generated high frequency of recidivism."⁶ This as noted by these scholars gave way for proliferation of armed conflict which affected the

peacebuilding process in Nigeria. Methods of administering justice and the penal institutions were perceived to "breeding and enhancing criminal behaviour and recidivists than serving deterrence, repentance, reformatory and reconciliatory attitudes between ex-convicts and the free members of the society."⁷

The paper examines the role of the country's prison service in ensuring restorative justice and peacebuilding process and highlights some of the challenges faced in the past.

Colonial Origins of the Nigerian Prison Service

Effects have been made in tracing the origin of modern prisons in Nigeria. The country's prison had its origin in 1861. Prior to this period, pre-colonial prisons had existed in different communities which had their methods of dealing with deviant members in their respective communities and kingdoms. Modern prisons officially evolved with the declaration of Lagos as a colony by the British authorities. The advancement of colonial administration into the hinterland and the further declaration of British Protectorate policies necessitated the development of prisons as adjunct to the 'English criminal justice system' and advancement of the *pax Britannica*. The declaration of east, west and north regions as protectorate in 1906 brought the country under British rule; and as pointed out by I. W. Orakwe, "by 1910, the British colonial authorities established prisons in Degema, Calabar, Onitsha, Benin, Ibadan, Sapele, Jebba and Lokoja by 1910."⁸ Nevertheless, the proclamation of these areas as protectorate did not mean the beginning of a unified prison in Nigeria.

Like other agencies in the country, Nigeria Prison service was set up by the British colonial authorities, which had vital role-playing in promoting the main objectives of colonialism – enforcing the *pax Britannica*. Hence, the main mission of the *pax*

³*ibid.*

⁴E. E. Obioha, "Prison Culture in Nigeria; A Study of Life Within Agodi Prison Community, Ibadan. M.Sc Dissertation," Unpublished. Ibadan: Department of Sociology, University of Ibadan 1995.

⁵G. A. Adetula, A. Adetula, A. F. Fatusin, "The Prison Subsystem Culture: Its Attitudinal Effects on Operatives, Convicts and the Free Society. *Ife Psychologia* Vol. 18, No. 1 (2010), pp. 232-251.

⁶*ibid.*

⁷*ibid.*

⁸I. W. Orakwe, "The Origin of Prisons in Nigeria." Available at: www.prisons.gov.ng/about/history. Php. Accessed on 29 May, 2014 at 10:20am

Britannica was to essentially conquer and politically dominate the people. Where potent resistance existed, indigenous institutions and pre-existing structures were reorganized to suit colonial needs - to serve the material needs of the British. With this, the colony was organized to produce raw materials for British industries as well as serve as markets for finished product from British metropolitan industries.⁹

The second half of the nineteenth century witnessed the pursuit of these objectives, signaling the conquest and colonization of the country. The gradual conquest began first, with the establishment of the Consulate of Bights of Benin and Biafra on the Island of Fernando Po, with John Beecroft as its consul,¹⁰ who by 1852 meddled in the local politics of Lagos, forcefully dethroned King Kosoko of Lagos, installed a loyalist (Akintoye) and established a vice-consulate there.¹¹ By 1861, King Dosumu (Akintoye's successor) was forced to sign an already-drafted treaty of Cession by gunboats of the British preventive Naval Squadron,¹² which completely made Lagos a British Colony.

The occupation of Lagos by the British authorities was to secure the staple trade ("legitimate trade") and generate profit for British authorities and merchants. The missionaries and colonial cronies were not left out in the list. In this regards, official colonial reports observed that "when McCoskry (a prominent British merchant operating in Lagos), was appointed as Acting Governor of Lagos in 1861, one of initial programmes was to establish a police force consisting initially of 25 constables. This police performed beat duties at the trading depots."¹³ Subsequently, this

followed with the establishment of different degree of courts, leading to the appearance of four courts: "a Police court to resolve petty disputes; a criminal court to try more serious cases as adjunct effort to abolish slave trade; a commercial court to resolve dispute between British merchants and the local traders and vice versa."¹⁴ Official reports noted that "manned by the police, the police court settled all petty cases while the criminal court, charred by stipendiary magistrate and assisted by two British merchant assessors, handled the more serious cases. The prison emerged alongside these courts as a necessary complement to machinery for law enforcement."¹⁵

Meanwhile, colonial prisons were not designed to reform anyone or ensure peacebuilding in latter sense. There was the non-availability of a penal policy that is organized from which guidelines could be subjected for strict administration; rather these prisoner were used for cases of public jobs and services determined by colonial administrators; hence, needless to recruit trained officers of the prisons. There was absence of trained prison staff instead the police also performed prison duties.¹⁶ As time went on, ex-service men were recruited to do the job.

As the colony entered its tentacles into the hinterland, the colonial authorities established more prisons. For instance, Broad Street prison (1872) was constructed to hold 300 prisoners. The "Native Proclamation" law which was conceded in North, West and in the East in 1900, 1901 and 1906 respectively also made available provision for the founding of native court courts to administer justice in line with native law and custom. Also, the native law and customs were promulgated for building native prisons. By 1899, Ibadan had a prison manned solely by a jailer and the police who also carried out escort duties. As a result of more excises, other prisons were established

⁹W. Rodney, *How Europe Underdeveloped Africa* (London: Bogle L'Ouverture, 1972); G. Williams, *State and Society in Ngieria* (Ondo: Afrografika, 1980), p. 242

¹⁰FO (Foreign Office) 84/775, Palmerston to Beecroft, 30 June 1849.

¹¹FO (Foreign Office) 84/886, Beecroft to Palmerston, 3 January 1852.

¹²FO (Foreign Office) 84/1141, McCoskry to Russel, 7 August 1862.

¹³CO (Colonial Office) 147/1, Freeman to Newcastle, 8 March 1862.

¹⁴*ibid.*

¹⁵*ibid.*

¹⁶I. W. Orakwe, *The Origin of Prisons in Nigeria*. "Available at: www.prisons.gov.ng/about/history. Php. Accessed on 29 May, 2014 at 10:20am"

in Old Calabar, Onitsha, Benin City, Sapele and Degema by 1900.¹⁷

Lugard's reports stated that, "soon after the proclamation of the protectorate of Northern Nigeria on 1st January 1900, one of his first moves was to establish a Civil Police Force to maintain order in military cantonments."¹⁸

Lugard also set up three categories of court - the Supreme Court, Provincial Courts and Native Courts for which two prisons were established. One of the prisons was established in Lokoja and the other was in Jebba.¹⁹ In 1906, the entire territory was brought under British rule with the declaration of protectorate. Consequently, as Lugard's reported, "by 1906 Onitsha, Benin, Ibandan, Degema, Sapele, Jebba, Calabar and Lokoja featured prisons."²⁰

Some unique features were spotted out of these prisons. First, these prisons were strange institutions which were introduced by the British colonial authorities which served as a platform for conquering and subjecting the ruled to their pseudo-European rule. With this foreign institution of prison, the British colonial authorities were able to dominate and exploit the indigenous people. There was little or absence of classification of offenders as many offenders who rejected to British rule over Nigeria found their way to these prisons as prisons on their own did not reform or rehabilitate any inmate. These prisons which featured during colonial era only focused on holding prisoners in custody, especially those who resisted colonial exploitation and domination.

Another feature of these colonial prisons was the absence of trained prison staff, as what was applicable was the use of local police who performed prison duties which lasted until the latter part of colonial rule in the country. Consequently, colonial authorities paid less attention to systematic

evolution of prisons which left a legacy of negligence to the welfare of both staff and prisoners in the post-independence Nigeria. Also, the authorities were concern with establishing two parallel systems of prisons – the government prisons manned directly by colonial authorities and the Native Authority (NA) prisons established, but closely supervised and controlled by the colonial administration which enabled the authorities to operate prisons with limited economy.²¹

Sequel to the 1914 amalgamation, Lugard began the task of integrating the administration of the whole country and unifying the various government departments, leading to the promulgation of the Prisons Ordinance (1916), passed to formalize the establishment of prisons and regulate their operations. One major feature of this ordinance was that it empowered the Governor to establish and regulate the operations of prisons and declare any building in any place as prison. It also empowered the Governor to appoint the Director of Prisons and other officials to manage and superintend the entire prison system. The Director of Prisons was also empowered by this Ordinance to make standing orders for the organization, discipline, clothing, among others, of the staff and inmates of prisons.²²

Also, the powers of the "native chiefs" to use "native police, native courts and native prisons" were formalized by the Native Authority Ordinance.²³ It conferred on all "recognized" chiefs, the responsibility of maintaining law and order in their areas, and empowered them to employ the necessary machinery to do so. As long as Native Authorities derived their powers from this statute, they were exercising, not traditional power, but that conferred by the colonial state. Furthermore, the prison and the so acclaimed "native" institutions established by the Native Authorities (NAs) were native only in name and not in function and

¹⁷B. Awe, "The History of the Prison System in Nigeria..."

¹⁸SNP (Secretariat of Northern Protectorate) "1/2 Quarterly Report on the Protectorate of Northern Nigeria," January 1 - March 31 1901, p.1.

¹⁹"Annual Report on the Protectorate of Northern Nigeria 1901, by Lugard," p.4.

²⁰*ibid.*

²¹*ibid.*

²²*ibid.*

²³Native Authority Ordinance (No.14 of 1916) in Kingdom 1923: 800-806.

operation as they were closely supervised by the “District Officers (DOs)” in the vicinity where they existed, and their utility found purpose in the attainment of British colonial objectives.

Subsequent prison regulations were built upon along the line of pre-existing “Prisons Ordinance” (1917) which prescribed the diet, uniforms, beddings and the system of classification for the prisons.²⁴ These documents provided for a two-tier system of prisons in the country. At the top level were government prisons for the custody of those convicted of offences from the Supreme and Provincial Courts which were categorized into three: the Convict Prisons, the Provincial Prisons and the Divisional Prisons, to handle those sentenced to more than two years imprisonment, to handle those serving sentences below two years, and to handle those serving short terms of up to six months respectively. These prisons were under the supervision of the Director of Prisons while the Native Authority prisons operated at the local level and were controlled by NAs.

In these early days, there was a close liaison between the prisons departments and the police especially in the North. As Awe rightly notes: “The prisons in the North were under the general direction of the Northern Inspector General of Police who was ex-officio director of Northern Prisons. Indeed, so close was the liaison between the police and the prison in the North that police officers were often the senior officials in charge of many provincial and divisional prisons, and, in some cases, the junior members of the force carried out warden duties in some prisons.”²⁵

To this end, the Colonial prisons were highly operated in a militarized form and established for colonial subjugation of the people. During this era, most prison directors were ex-army officers who brought military disposition towards regimentation and authoritarianism which apparently deferred the emergence of a prison tradition

geared towards re-socialization and reformation. Also, the justice system which featured during the colonial era served as a vehicle of colonial subjugation as the prisons during this era served as the last point. The modeling of colonial prisons institution on a militaristic and authoritarian model was not a coincidence; it was the imperative adopted by an oppressive ruling class in order to subdue and subordinate the indigenous people.

The Nigeria Prison, Restorative Justice and the Peacebuilding Process

By the time Nigeria aspired to reawaken the programme of rehabilitation and development of prisoners, the realities on ground which confronted prison system, however, made it most likely impossible which also affected peacebuilding initiatives. By 1960, when the country had attained independence, there were cases of inadequate resources and overcrowded facilities which led to inadequate prison space, inadequate sleeping mats or beds; lack of ventilation and lighting, and limited time out of the cell, confronted prisons in the country. Most of these conditions were colonial legacies as most institutions leveraged on most of the realities on ground. Apprehensive issues were raised about extreme and unsuitable discipline and punishment, paltry access to medical treatment, forced and hard labour. Another problem mentioned was that the prisons system failed to divide prisoners ruled for severe crimes from those convicted of fewer grim offences. These factors impacted on the mental and physical health of prisoners and failed to create an environment conducive for rehabilitation and reintegration which were germane to peacebuilding. However, there were efforts put in place to ensure peacebuilding in the Nigerian prisons. Before discussing the peacebuilding programmes of the Nigeria prisons, it is important to understand that peacebuilding can be categorized into two: Pre-conflict peacebuilding and post-conflict peacebuilding. According to the British army, peacebuilding usually involves:

²⁴*ibid.*

²⁵B. Awe, “The History of the Prison System in Nigeria...”p. 11.

“Actions which support political, economic, social and military measures and structures aiming to strengthen and solidify political settlement in order to redress the causes of conflict. These mechanisms to identify and support structures that tend to consolidate peace, advance a sense of confidence and well-being and support economic reconstruction.”²⁶

As indicated, the issues of rehabilitation, reconciliation, demilitarization and reconstruction were addressed by the consolidation of peacebuilding programmes which prison institutions were supposed to provide. There were several other concepts of peacebuilding, which included “trust building,” “communication,” among others. Through rehabilitation/restorative justice, peace can be sustained. The following were programmes of the Nigerian Prisons:

Education Programmes and Peacebuilding in Prisons

The Nigerian prison was a late comer in terms of pursuing a programme of educational rehabilitation geared towards peacebuilding. While inmates engaged in ‘vocational training’ from the inception of formal prison system in the country, it was later that educational programmes were instituted. For instance, at the Kirikiri Prison, Lagos, educational programmes were supported by the National Open University. Correctional education in prisons involved academic and vocational training which was designed mainly for the reformation of prisoners. It was aimed at preparing prison inmates for living productive life at the time of acquittal and considered as means to peacebuilding. Education in prisons was provided by the government and authorities in charge of prison institutions and also some voluntary organizations. Within the period under review, prison education was viewed as a means of keeping prison inmates occupied (a form of engagement to draw them out of idleness) and not really for the purpose of impacting knowledge and transforming or

reintegrating the individual. As argued by some skeptics, education in prisons, in most cases, produced nothing but “better educated criminals.”²⁷ However, other views held that, its aim was to make the inmates practice skills acquired at home at the end of correctional tenure.

Initially, prison education services were introduced into prisons in the country in 1946 by Mr. R.H Dolan who was at that time the director of prisons. As part of rehabilitation agenda, he introduced vocational education.²⁸ The vocational education was to provide skilled labour for the colonial government. According to Kalu, “the prison system at independence in 1960 was decidedly reformatory as a result of the introduction of certain educational programmes for inmates and the establishment of the prison industries where prison inmates were trained on various skills and trades.”²⁹

Also, vocations such as “carpentry, tailoring, wood and metal work, painting, weaving, masonry, fine arts, electrical works,” among others were the trades and vocations available. In addition, adult and remedial education programmes were also introduced for prisoners’ self-development. Education in prisons opened opportunities, enlightened prison inmates, broadened their horizons and built their self-confidence. By this time, the penal system in the country was competent in turning out the required transformations in criminals.³⁰ The purpose of prison education was to make sure inmates get new orientation that will help them, upon their release, transform their lives.

Meanwhile, success was recorded between 1960 and 1966 in the reformation, rehabilitation and restorative function of the Nigerian prisons. Prison education made inmates to be conscious of things that would help them to less engage further in any

²⁶British army 1997, p. 2.
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²⁷*ibid.*

²⁸O. U. Kalu, “Role of Prisons Service in the Enforcement and Maintenance of Law and Order in Nigeria,” *Reformer*, Vol. 1, No. 2 (2002), pp. 19-26.

²⁹*ibid.*

³⁰M. Idris, “Ex-robber writes Books on Evil Effects of Crime,” *Vanguard Newspaper*, 2007., p. 11

criminal act if released. It also helped to engage them in legitimate activities which would lead them to accomplishing success. Reducing recidivism was one of the fundamental goals of correctional education as suggestions were that prison or correctional education provided successes in the country's prisons;³¹ hence, the elimination of recidivism was the index for measuring the achievement of education in prisons.

However, educational programmes in the Nigeria prisons were withdrawn from 1966 when the Nigeria military forcefully took over government from the civilians. Like the free-citizens, prisoners and inmates lost their human rights. The abuse of fundamental human rights by the prison officers, police and other law enforcement agents became everyday happenings as newspapers reported.³² During military rule, abuse of human rights was prevalent in the country's judicial system as random arrests and detentions, torture and failure to embrace judicial trials within rational time became experiences of most inmates. Some were sentenced to cruel illegal sentence or the death penalty. With all these, the education programmes and the objective of restoring the inmates were lost.

However, with the return of civilian in 1999, these education programmes were restored, although these relatively yielded tangible results compared to the years of military rule in the country. Various education programmes were introduced into Nigerian prisons from 1999 and these included: technical and vocational education and civic and prisoners rights education among others

Vocational and Technical Education

As indicated before, vocational education was introduced in prisons in the country in 1946 which was the result of reform initiative of colonial government. The return

of civilian rule in 1999 brought vocational education back to the country's prisons. Most literature submitted that most some individuals committed crimes due to the absence of means of livelihood. As noted, "the reformation programmes of the then civilian government were designed to equip prison inmates with the vocational skills and knowledge that would help them to settle down in some vocations on their release back to the society."³³ Vocational education programmes of the government involved instruction for a specific trade, occupation or vocations such as welding, auto repair, building maintenance, and graphic arts. The primary goal of vocational education was to help offenders develop marketable job skills upon their release.

Furthermore, technical education and vocational programmes in prisons were designed to teach inmates about employment skills or skills needed for specific jobs and industries. The overall goal of vocational training was to reduce inmates' risk of recidivating by teaching them marketable skills they could use to find and retain employment following release from prison. Vocational and technical training programmes in handicraft and other trades such as barbing and electrical works can reduce anti-social behaviour by replacing inmates' idle time with constructive work.³⁴ In addition, some vocational training programmes could assist in the operation of prisons by having inmates assist in institutional maintenance tasks.

There were several obstacles that incarcerated adults must face upon their release from prison, including the prospect of unemployment. A lower level of educational attainment, an absence of a steady history of employment and a lack of vocational skills can hinder effort to find a job and make a decent wage. Providing educational programmes and vocational

³¹O. A. Ogundipe, "Education behind bars: The Nigerian Experience," *Reformer*, Vol. 3, No. 3 (2008), pp. 32-38.

³²Stephen Okeke, "The Litany of Jungle Justice by the Army," *Vanguard Newspaper*, 12 November, 1999, p. 8.

³³*ibid.*

³⁴D. B. G. Wilson, C.A. T. Gallagher and T. Mackenzie, "A Meta-analysis of Corrections-based Education, Vocation, and Work Programs for Adult Offenders," *Journal of Research in Crime and Delinquency*, Vol. 37, No. 4 (2000), pp. 347-368.

training to adults while they were in prison could help them overcome these challenges by fostering the skills needed to find employment.³⁵ Most of our educated youths lacked competences in vocational trades that would have enabled them to secure employment. According to the Punch Newspaper as cited by Ogundipe, 64 million youths in the country were jobless. He lamented that the implication of this was a frustrated youth population with the tendency towards vices such as prostitution, cultism, armed robbery, drug and child trafficking, kidnapping and hostage taking.³⁶ Education without competences in certain vocational trades is likely to make recipients not to secure employment on time. Non-formal education system is the most effective approach to deliver quality education to most prison inmates. According to the Independent Newspaper as cited by Ogundipe³⁷ beneficiaries of non-formal education performed better in business transactions through effective communication, better bargaining and self-employment. Vocational training equipped the recipients with the necessary skills needed for proficiency in one's chosen vocation.

Prisoners' Rights and Civic Education

Introduced into prisons, the civic education was a critical and valuable empowerment means for upholding citizens' involvement in the democratic processes, which empowered citizens. All citizens-male and female; young and old; civil servants, politicians; rural or urban could benefit from civic education. Civic education was an important aspect of prison education. It inculcated national values, norms and aspirations in the minds of the citizens. Citizens were made to know their basic

rights and social obligations through civic education. According to Ani, civic education enabled an individual to learn how to do something for the betterment of his country or community, function as a socio-economic agent such as an active member of a trade union or a cooperative society and also participate in politics actively by learning how to vote or understand a new constitution.³⁸

Civic education of the civilian government was targeted at people who were potential victims of human rights abuse in the society. This group included the rural poor, minority groups, street children and other marginalized people such as the incarcerated. These groups of people were exposed to human rights abuse and repressive violence. Repressive violence was the most common form of human rights violation. According to Schweitzer et al., repressive violence occurs when there are violations of the civic rights such as denials of freedom of thought, religion and movement or equality before the law including the right to a fair hearing.³⁹ Civic education was considered very important, especially in the prisons where the prisoners' rights were violated. Most of these prisoners were not aware of their rights and social obligations as citizens of the country. Prisoners were not supposed to be totally stripped off their rights as citizens of their countries or as human beings just because they were being incarcerated. They were supposed to be protected by series of rights and other legal.

The constitution of the Federal Republic of Nigeria (1979) made extensive provisions for safeguarding the fundamental human rights of citizens which were provided in chapter IV, ("section 30-39 of the constitution") The provisions laid down the

³⁵L. M. Davis, "How effective is correctional education, and where do we go from here? , Washington, D.C.: US Department of Justice, Office of Justice Programmes Bureau of Justice Assistance," 2014.

³⁶O. A. Ogundipe, "Education Behind bars: The Nigerian Experience," *Reformer*, Vol. 3, No. 3 (2008), pp. 32-38.

³⁷*ibid.*

³⁸R. O. Ani, *An Introductory Approach to the Study of Adult Education* (Enugu: Donsinbad Communications, 2003), p. 78."

³⁹E. R. Schweitzer, V. Greeney and K. Duer, *Promoting Social Cohesion through Education: Case Studies and Tools for Using Textbooks and Curriculum* (Washington: World Bank, 2006), p. 64.

situation in which a person in may be deprived off his or her rights or liberty; and in this way provide the constitutional basis for our prison systems.⁴⁰ The prisons regulation of 1974 was a set of rules designed to ensure that the country's prisons service complied with the United Nations Standard Minimum Rules for the treatment of prisoners. The prison regulation was divided into three parts namely: part I, part II and part III. Part I dealt with matters concerning the procedure for admission and discharge of prisoners. Part II handled the core duties of all the prison staff while part III provided for the rights, privileges and powers of visiting committees.⁴¹

In 1955, the 'United Nations Standard Minimum Rules' (UNSMR) for the treatment of prisoners made a compilation of rules which were approved in 1957. According to Agomoh *et al.*, "the prisoners' rights enshrined in these rules were: the right to life and integrity of the person; the right to be free from torture or other ill-treatment; the right to health; the right to respect human dignity; the right to due process of law; the right to freedom from discrimination of any kind; the right to freedom from slavery; the right to freedom of thought; the right to freedom of religion; the right to respect family life; and, the right to self-development."⁴² The civic educational programmes were geared towards making the inmates understand these rights even though some of these conditions were limited in the prisons; hence could not express and use them.

Prisoners' rights continued to be violated in the country's prisons with impunity, despite the fact that the civilian government introduced civic education programmes as well as the country being a signatory to international legal instruments. According to the Guardian Newspaper as cited by Ogbodo, "nobody goes through the Nigerian

prisons system without being traumatized."⁴³ The Amnesty International maintained that "people were convicted without fair trial and in some cases were not offered the services of a lawyer throughout the proceedings."⁴⁴

Recreation, Leisure and Prisoners' Self-Development

With recreational activities, inmates could change their self-image and achieve personal satisfactions. The attainment of positive self-esteem and self-image was considered paramount among inmates. It was also an important aspect of correctional education. This was because prison inmates generally felt dejected and had a very low self-esteem. Improving prison inmates' self-esteem was promoted between 1960 and 1966 and it helped prisoners to regain confidence in their ability to live a positive life. However, between 1966 when the military took over government and 1998 the situation got worst during military regime especially during the Nigeria Civil War (1967-1970). Intermittently, between 1999 and 2019, recreation and leisure activities were restored in the Nigeria prisons, because the civilians understood its importance. Recreational programmes improved mental state as well as promoted self-awareness, amplification of values, creative engagement and emotional renewal among those that participated in it.

Recreational activities were intended to educate inmates how to make valuable use of their leisure time, how to relax and engage themselves in recreational activities such as playing or listening to music, reading, watching movies or television and

⁴⁰U. L. Agomoh, T. Mozzanica and B. Agozimo, *Towards Good Standard: A Manual for Prison Officers* (Lagos: Prisoners Rehabilitation and Welfare Action, 1999), p. 47.

⁴¹*ibid.*

⁴²*ibid.*

⁴³F. U. Ogbodo, "Perceived effectiveness of selected adult education programmes in reforming prison inmates in the South East zone of Nigeria." Unpublished Master's Degree Thesis. The University of Nnamdi Azikiwe, Awka, 2011.

⁴⁴The Vanguard, 2008. "Yar adua should end capital punishment. Amnesty International Report": pp: 6; The Punch, 2008. "Spare 736 condemned prisoners. Amnesty International Report": pp: 9.

gardening, among others in order to reduce tension and depression. Recreational programming was also meant to provide inmates with physical, mental and emotional outlets to enhance their well-being. Prison recreation programmes offered numerous benefits to inmates and correctional staff alike. Sporting activities might reduced tension and stress while promoting good health and well-being. It was thought to prevent major diseases like cancer, cardiovascular diseases and diabetes. Activities such as football and basketball were designed to help reduce the stress of incarceration. Other courses like art, writing and music provided more creative outlets while music bands performed for the prisoners provided opportunities for incarcerated artists to showcase their talent. Recreation increased discipline and creativity, self-esteem, and improved positive socialization skills, which helped reduce re-offending.⁴⁵

Consequently, due to its nature, the rehabilitation and reformation programmes of the Nigeria prisons during the military rule in Nigeria could not achieve its intended peacebuilding objectives; hence military education programmes for prisoners were not achieved.

Basic Literacy and Prisoners' Reformation

Basic literacy abilities such as reading were thought in prisons. According to United Nations Educational, Science and Cultural Organization (UNESCO) the process of learning to read and write should be made an opportunity for acquiring information that can immediately be used for improving standards.⁴⁶ This was because prisoners need help to acquire reading, writing and computational skills that will help them live a productive life. Basic literacy initiatives were intended to help these inmates acquire

⁴⁵*ibid.*

⁴⁶UNESCO, "Find Report of the Third International Conference on Adult Education" United Nations Educational, Science and Cultural Organization, Tokyo Japan, Paris: UNESCO, 1972.

skills (reading, writing and computational skills) and competencies that made them to become better on their release.⁴⁷

Health Education Initiatives

Health education programmes in prison were designed to promote healthy living among inmates which good health and sanitary practices as enshrined in the 'United Nations Standard Minimum Rules for the treatment of prisoners (UNSMR).' Nigeria was signatory to these rules and other basic human rights provisions

Despite being a signatory to these rules, medical and sanitary conditions in the country's prisons remained in poor state. With this, the Civil Liberties Organization reported that "medical and sanitary conditions in the country's prisons were nothing to commend."⁴⁸ Physical education provided some opportunities for those incarcerated to release tension, boredom and achieve psychological and social rejuvenation. Physical education in the prison was also important in that it empowered prison inmates to cope with the dilapidating health system in the prisons. Healthy mind promoted healthy body was emotional health of prison inmates was as important as their physical health. Most often, prison inmates were overwhelmed by the weight of their past infamous life styles. This condition made them relapse into depression.

Peacebuilding, Human Rights and Prisons in Nigeria

Human right issues have been a subject of discussion in the criminal justice administration. Violation of human rights was a common feature of prisons in the country with serious challenges to the administration of justice system. Nigeria experienced thirty-three years of military rule before returning to democratic rule in 1999. Within this period, prisons in the country fell below concentration camp

⁴⁷*ibid.*

⁴⁸Civil Liberties Organization, 1993. Prisoners in the shadows. Lagos: Civil Liberties Organization.

where civil rights activists suffered incarceration. This made the prisons to be used as an instrument for punishing enemies of military rule, as well as punishing those who were in opposition to military degrees.⁴⁹ Among prominent people who suffered harsh prison treatment during military regime were the likes of Ken Saro-Wiwa, Fela Ramson Kuti, M.K.O Abiola, among others.

Meanwhile, reports abound of human rights abuses by past military rulers during various regimes. Amnesty International and the civil liberties organizations made reports of incessant human right abuses which included allegations of arbitrary arrests, rape, detentions without trial, torture by the armed security agents and extrajudicial killings. The United State Department Country Reports on Human rights of 1994 reported that "Nigeria's human rights record remains dismal."⁵⁰ A large number of politicians, trade unionists, human rights workers, lawyers and military officers were detained. For instance, M.K.O Abiola, who was in poor health conditions was detained and remained in custody while his trial for treason went very slowly with frequent adjournments.

The right of prisoners was not supposed to be different from other citizens even though some privileges are denied. This is because these prisoners were once citizens and as such human beings before being convicted as prisoners. Consequently, their prison status did not divest such person now as prisoner, of certain rights. Certain rights protect prisoners from maltreatment emanating from unlawful acts of prison officials and the law enforcement agencies. Certain rights were meant to look into the welfare of prisoners and also shield them from arbitrary treatment of prison officials. Even though the prisoner is convicted or held on holding charge deprivation of

liberty, this does not deprive him or her of humanity status.⁵¹

Prisoners were considered by special regimes and had a special status. They were not entirely denied of all fundamental rights and liberties which were inherent in the constitution. Thus, despite the deprivation of the general liberty a prisoner remained invested with residuary rights appertaining to the nature of his incarceration. To realize this aspiration, it is important to prioritize humanity and the person of the prisoner as this was the basis and justification of the rights of prisoners. More so, the reason for guaranteeing the rights of prisoners was that over time, the concept of imprisonment had ceased from being solely a source of punishment, and hence an end in itself, to being regarded as a means to an end, that was reformation of the offender. Indeed, there was time when the prevailing belief was that criminal offenders having transgressed against the law had given up all claims to humanity and so deserved to be subject to such conditions of treatment that completely violated their rights as human beings.⁵² However, this belief changed significantly due to the humanitarian concern and effort towards the improvement of the situation of prisoners on humanitarian grounds.

Rehabilitation of Prisoners

Even when Nigeria aspired to introduce rehabilitation and development programmes for prisoners, the visible realities in prisons made it difficult for meaningful programme to be successful. Most of the prisons encountered high levels of overcrowding, inadequate resources and poor facilities. Extreme conditions of overcrowding, resulting in inadequate sleeping space, a lack of proper sleeping mats or beds, a lack of ventilation and lighting, and limited time out of the cell, were some of the factors that militated against peacebuilding process of

⁴⁹Federal Government Nigeria, 1990:3-5

⁵⁰Human rights report (2000).

⁵¹N. J. Udombana, "An Examination of Right of Prisoners and Detainees in Nigeria," *Nigeria Bar Journal*, Vol.6, No. 1 (2010), p.6

⁵²*ibid.*, p. 8.

the Nigerian prisons.⁵³ There were worries of forced and hard labour, extreme and inapt discipline and punishment and trivial admittance to medical treatment. Another problem associated with prison in the country was the inability of prisons officials to separate prisoners sentenced for serious crimes from those convicted of less serious offences. On the whole, these impacted on the mental and physical health of a prisoner, creating a unfavourable environment for rehabilitation.

Overcrowding also impacted on the staffing and management of prisons in the country. in the words of Huruna Sheibu: "Prison overcrowding is, however, undoubtedly making it more difficult to build and sustain progress [with assessing prisoners and placing them in appropriate programmes]. It is more difficult to get prisoners out of cell[sic] and into activities. Frequent prisoner movement makes the completion of courses and skilled-based qualifications much more difficult."⁵⁴ He further noted that inmates were settled in congested and poorly ventilated cells to prevent them from escaping.

Some prisons were understaffed while some prison officers did not receive training that could help them to understand the job description, in terms of facilitating offender development and reintegration. While making comments on the quality of correctional staff, Huruna Sheibu noted that: "Correcting inmates is an extraordinary responsibility [that] needed extraordinary citizens. I don't have extraordinary citizens as yet, at the moment we have got people that have got a matric and have got no criminal record.' He added that his staff had no respect for prisoners and still believed that they 'must lock them up and throw away the key.'⁵⁵

⁵³O. U. Kalu, 68 years, The Former Acting Comptroller General of Prisons, Direct Interview at his resident in Umuahia, 12th November, 2024.

⁵⁴Huruna Sheibu, 50 Years, The Deputy Comptroller of Prisons of Lagos Prisons, 2001/02 Annual Report.

⁵⁵*ibid.*

In addition, most prisons in the country had low labour force, in area of vocational trainers, social workers, psychologists, and educators. Also, the rehabilitation or reformation of prisoners was considered in very narrow sense, such that availability of education, training or work opportunities was limited. Where the programmes and facilities existed, they were designed for juvenile and female inmates, considered by donor agenda, as against the marginalized groups.

Most prisons in the country neglected the psychological needs of the inmates as vital aspect of rehabilitation; however, their major focus was on vocational training and educational development. In areas where rehabilitation was perceived as correction of offending behaviour, human development and the promotion of social responsibilities and values, opportunities were limited to vocational and occupational training, with limited educational opportunities for young prisoners. The amount of emphasis on rehabilitation varied according to prisons, as there was no general structure and policy of government towards rehabilitation of prisoners in Nigerian prisons.

Rehabilitation and development programmes customarily focused on sentenced prisoners who were perceived to have acknowledged responsibility for their crimes. In the country, many prisoners spent long periods awaiting trial. At the extreme, there were prisoners who had awaited trial for 15 years.⁵⁶ Pre-trial prisoners also represented a large proportion of the imprisoned population. Prisoners awaiting trial constituted a larger percentage of the prison population in the country's prisons, and this affected rehabilitation programmes. The period before trial of the offenders would have been leveraged for the development in area of skill acquisition. Few prisons in the country made provided opportunities for pre-trial or unsentenced prisoners. Determining whether pre-trial

⁵⁶Olusola Ogundipe, 67 years, Former Comptroller General of Prison, Direct Interview, Lagos, 24th October, 2024.

prisoners have access to services was extremely difficult, as they were not distinguished from other prisoners in this regard.

Challenges of Tertiary Education in Nigerian Prisons

In an interview, Zakari Ohinoyi noted that “the majority of prisoners in Nigeria come from the most disenfranchised sectors of the community, where they often had a low level of educational attainment and access, and low levels of literacy.”⁵⁷ He further noted that, “this is particularly pronounced in some parts of the country which had very low education and literacy figures in the general population. Prison-based education and literacy programmes, however, were limited in most prisons or were available only to a small percentage of the sentenced prisoner population. Schooling was available in some Nigerian prisons, but prisoners complained that access to higher education was lacking.”⁵⁸ Peter Ekpandu noted that, “No school or educational programmes existed at some prisons, despite the fact that it was cited as a model prison. The country also experienced problems with low school attendance in the general prison population due to short terms of imprisonment. Education classes were available only at a juvenile facility in Enugu prison, while Lagos prisons provided academic and vocational training to prisoners. In the latter case, education was made available to students up to grade seven, but young adults were given preference in access to classes.”⁵⁹ Many challenges militated against the development of tertiary education in prison facilities which included “shortage of funds, inadequate infrastructure facilities, shortage of instructional resources, inadequate

facilitators, poor support from private organizations, lack of blueprint for prison tertiary education in Nigeria and shortage of higher institutions offering distance learning programme.”⁶⁰

Dearth of Funds

N. Ogunode and Josiah, noted that, “shortage of funds affected the development of tertiary education in the various prisons facilities in Nigeria. Funds availability was critical for the smooth running of tertiary education in the prisons. Funds were needed to provide the human and materials resources required to run tertiary education in the facilities. The funds which came for the support of education generally in the prisons in Nigeria were not adequate to ensure quality education in all levels of education especially in the tertiary education which were regarded as one of the most expensive and capital intensive form of education.”⁶¹ Budgetary allocation for the administration of higher education in Nigerian prisons was not adequate to implement the programme of the institutions in Nigeria. The tertiary education required a lot of funds to sustain development in the system.⁶²

Inadequate Infrastructure Facilities

Ja'afaru Ahmed pointed out that, “the inadequate infrastructural facilities constituted another problem that hindered the development of tertiary education in Nigerian prisons. Infrastructural facilities include; libraries, laboratories, halls, offices, administrative blocks, hostels, roads facilities, water, electricity, internet, among

⁶⁰*ibid.*

⁶¹N. J. Ogunode, and H. F. Josiah, “Deployment of Instructional Materials in Basic Schools in Nigeria: Impact, Challenges and Implications for Decision Making By School Administrators,” *International Journal of Inclusive and Sustainable Education* Vol. 2, No. 1 (2023), pp, 42-61.

⁶²Ja'afaru Ahmed, 55 years, 64 years, Former Comptroller General of Prison, Direct Interview at his resident in FCT, Abuja, 5th September, 2024.

⁵⁷Zakari Ohinoyi Ibrahim, 64 Years, Former Comptroller General of Prison, Direct Interview at his resident in Maitama, Abuja, 2nd September, 2024.

⁵⁸*ibid.*

⁵⁹Peter E. Ekpandu, 54 years, Former Comptroller General of Prison, Online Interview at his resident in Uwanni, Enugu, 5th June 2024.

others. The availability of the infrastructural facilities in adequate quantities would have supported effective administration of educational institutions and the inadequacies would have prevented effective administration of educational institutions. Many prisons across the country never had adequate lectures facilities and computer centres. Nigerian prisons did not have adequate educational facilities to support effective delivery of teaching and learning programme.”⁶³

Shortage of Instructional Resources

Ja’afaru Ahmed in his work also pointed that “the shortage of instructional resources in majority of prison facilities in Nigeria hampered the development of tertiary education in the various prisons. Instructional materials could be used in all forms of educational institutions and influence the implementation of teaching, research and community service in the various tertiary institutions. In secondary schools, instructional materials supported teaching and learning. Instructional materials could serve as a channel between the teacher and the students in delivering instructions.”⁶⁴

Inadequate Facilitators

Inadequate facilitators in the various prisons also hindered the development of tertiary education in the Nigerian prisons. Facilitators were professionals employed by respective institutions to guide and support the learners in carrying of their learning programme in the centres. Facilitators are also professionals in the education that aid the delivery of educational services to students and learners. Most prisons in Nigeria did not have adequate facilitators to support the learners. The shortage of facilitators in the prisons in Nigeria affected the development of tertiary education programme in the prison. Shortage of professional teachers in the various prisons across Nigeria militated against

development of education in the various Nigerian prisons.”⁶⁵

Poor Support from Public and Private Organizations

U. L. Agomoh, Mozzanica and Agozimo, in their work noted that “the poor support from organizations toward prison education especially that of tertiary education affected the development of tertiary education in the various prisons across the country. Parents and Parent Teacher Association, Local Communities, the Church, Foundation bodies in schools as well as the United Nations Children’s Fund (UNICEF) played important roles in the funding and development of education in Nigeria. They erected classroom blocks, provided physical facilities and equipment and supplied instructional materials to educational institutions. It was unfortunate that their contributions and support towards the prison education in Nigeria was poor compared to their activities in developed countries where organized private sector contributed a lot to prison education.”⁶⁶ Poor support and contribution from religious institutions and private organization in the development of prison education affected the development of peacebuilding in Nigerian prisons. Religious institutions and private institutions globally were major supporters of prison education. In some countries, religious institutions provided complete educational facilities in the prisons to support the education of inmates. In most developed countries, religious institutions and private institutions were the institutions which supported the rehabilitation of the inmates by providing them with healthy and education facilities.

Lack of Blueprint for Prison Tertiary Education in Nigeria

⁶⁵U. L. Agomoh, W. Mozzanica and B. Agozimo, Towards Good Standard: A Manual for Prison Officers (Lagos: Prisoners Rehabilitation and Welfare Action, 1999).

⁶⁶John Mrabure, 54 years, Former Acting Comptroller General of Prison, Direct Interview at his resident in Port Harcourt, Rivers State, 17th September, 2024.

⁶³ibid.

⁶⁴ibid.

The lack of blueprint on prison tertiary education in Nigeria affected the development of tertiary education in Nigerian prisons. Nigeria as a country did not come up with a clear roadmap for the development of prison education and this led to non-budgetary allocation to the prison education programme. The lack of blueprint or roadmap for prison education prevented investment in the prison education and commitment of government at every level of education.⁶⁷

Shortage of Higher Institutions Offering Distance Learning Programme

Shortage of higher institutions which offered distance learning programme in Nigeria affected the development of tertiary education in Nigerian prisons. One of the challenges which hindered higher education development in the prisons in Nigeria was that many higher institutions were not offering online educational system and the few that offered were not willing to extent the programme to prisons except the National Open University of Nigeria. The inability of these institutions to offer distance learning programme resulted to poor development of tertiary education programme in Nigerian prisons.

Conclusion

Nigeria as a nation continues to have its fair share of challenges to peace, as the nation continued to encounter serious and various shattering conflict situations, spawned by incongruous fusion of multi-ethnic groups into one entity. Nigeria comprised over 300 multicultural ethnic nationalities, the consequence of the incongruous merger was the plaguing sociopolitical, economic, religious, ethnicity, and communal conflicts that continues to torment the nation and its inhabitants. Ethnicity, for instance, continued to undermine the nation's political development and also cost the nation its economic development. Resource control

issues, on the other hand, bred various militia groups which continued to threaten the nation's development and its corporate existence as a united nation. One of the variables of insecurity in Nigeria is located in the poor treatment of inmates in Nigeria Prisons. Studies show that contact with the prison institution in Nigeria made the less hardened individuals to be more hardened in criminal activities upon release, with more tendencies than not, to relapse to criminal activities, which generated high frequency of recidivism. Thus, Nigerian prisons became a breeding ground for criminals, terrorists and law breakers. This situation continued to threaten the peace of the nation. To tackle the security challenges threatening the peace of the nation, the Nigerian government over the years initiated reforms and rehabilitation programmes that focused on the welfare of prisoners, though most of the rehabilitation programmes appeared not to be fully implemented. Most times, the Nigerian Prison Service had ideal plans for rehabilitations and re-integrations, but seemed to lack of enough will power or funds from the government to accommodate such plans; also, some prison wardens saw the inmates as convicted felons that did not deserve any form of rehabilitation and re-integration. Thus, the study is concerned with the failure of peace building efforts in the face of several prisons reforms, as they affected the rehabilitation and restoration of prisoners by the Nigerian Prison Service.

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⁶⁷Oluwasemire Isaac Segun, 33 years, Assistant Controller General of Correction (ACG), Direct Interview at his office, Lagos State Correctional Headquarters, 24th October, 2024.

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