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The Role of the Concerned Authorities in the Incessant Jail breaks in Nigeria: A Critique

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Abstract

Jail break is an act where a prisoner escapes from prison custody, often with the aid of terrorists or armed robbers, resulting in many prisoners being illegally freed and mix with the larger society. It is no longer news that under the Nigerian legal system, prison break has been criminalised and considered unlawful with sanctions. This phenomenon of jailbreaks has in one way or the other impacted negatively on the society and posed dangerous threats to national peace and security. Using doctrinal research methodology, this paper addressed the role of concerned authorities in the incessant jailbreaks in Nigeria. The paper examined the incessant prison breaks in Nigeria from a theoretical perspective and suggested ways to prevent future occurrences in Nigeria. The paper revealed that delay in justice delivery, corruption, ineffective Correctional Service Arms Squad and Intelligence Unit, lack of prison intelligence and dynamic security, among others have weakened the Nigerian Correctional facilities' security and led to incessant jailbreaks in Nigeria.

Keywords: Prison Break, Nigeria Correctional Service, Incessant, Jailbreaks, Critique

1. Introduction

Jail break is an act under which a prisoner forces his or her way out of the prison custody either by terrorists or armed robbers in which many prisoners are illegally free and mix with the larger society. The Nigeria criminal justice system has played a major role in the maintenance of law and order. The system is an embodiment of crime regulating techniques, which represents the whole range of government agencies that functions as the instrument of the state to enforce its set rules necessary for the maintenance of peace, order, and tranquillity in the society.[1]The prison is an instrument of the state designed to accomplish the yearnings of the society with respect to its protection and correction of persons that break societal norms. It is no longer news that under the Nigerian legal system, jail or prison break has been criminalised and deemed unlawful with sanctions.[2] This phenomenon of jailbreaks has in one way or the other impacted negatively on the society and posed dangerous threats to national peace and security. The main aim of establishing the prison institution in all parts of the world including Nigeria is to serve as rehabilitation deterrence, incapacitation, retribution, rehabilitation, and reintegration for those who have violated laws put in place in a given society.

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[1]U I Moses, 'The Nigerian Prison System and the Failure of Rehabilitation: An Examination of Incarceration a Alternatives', (2011) 20 (1) *The Nigerian Academic Forum*, 1-8.

[2]C O Ndifon, 'Criminality and Sanctions: The Rhetoric and Reality of Nigerian Penal Policy', (2012) 68 *American Journal of Scientific Research*. Retrieved from <http//www.eurojournals.com/ajsr/htm>

However, facilities in our prisons have remained largely undeveloped and mundane; the complimentary criminal justice system has remained colonial and undeveloped, not reflecting contemporary realities.[3]This work therefore painstakingly addresses the reoccurrence or increase in the numbers of attacking the Nigeria Correctional Service popularly refers to as Prison or Jailbreak. While considering the role of the judiciary in detecting, apprehending, prosecuting, adjudicating, and sanctioning those members of the society who violate established laws in Nigeria.

2. Conceptual Analysis on Prison

In pre-colonial Nigeria, history has told us about the availability of prisons, where people who deviated from the societal norms and values were either kept for trial or punishment. For instance, among the Yorubas, there was a prison system in Ogboni House. In the Tiv land, a building was set aside in the chief's compound for offenders. There existed the Ewedo in the Bini Kingdom and the Gidan Yari among the Hausa-Fulanis. Individuals who sought redress from those who wronged them allowed the society to determine the type of punishment commensurate with the offence. Punishment was defended as permitting the offenders the feeling of having atoned for their actions while affirming among the law abiding members of society, the appropriateness of their noncriminal behaviour.[4]

The advent of colonialism brought modern prisons to Nigeria. The prison system became organized along the British prison model. In 1872, the Broad Street prison was opened in Lagos with a capacity of 300 inmates.[5] After the amalgamation of 1914, the Colonial Authority promulgated the 1916 ordinance which empowered the Director of prisons to make standing orders for organization, discipline, control and general administration of staff and inmates.[6] Prisons were categorized into three types, viz., the maximum security prisons, the provincial prisons and the divisional or native authority prisons. The maximum security prisons were in Kirikiri, Enugu, Calabar and Orji River. They have high walls around them and convicts who had long sentences to serve were incarcerated there. The provincial prisons were located at Owerri, Ogoja, Makurdi and Onitsha to custody inmates whose sentences were not more than two years. The Divisional prisons were located at Nsukka, Uyo, Itu, Okitipupa, Umuahia and Kano, to take care of inmates whose sentences were less than two years.[7]

Several amendments followed in the promulgation of the Laws of Nigeria 1948 and 1958. After independence in 1960, it became necessary to reorganize the Prison Services in the country. The Native Authority/Divisional prisons were filthy or overcrowded and under staffed.[8] Some prisons

[3] M T Bala, 'The Case for Prison Reforms in Nigeria', A Paper Presented at the Annual Conference of the Nigerian Bar Association in Abuja-Nigeria, 26 August 2015.

[4] T Cloen, Y Biberman, & F Zahid, 'Terrorist Prison Breaks', (2018) 12 (1) *Perspectives on Terrorism*, 59-68. Retrieved from https://www.universiteitleiden.nl/binaries/content/assets/ customsites/perspectives-on-terrorism/2018/04-terrorist-prison-breaks-by-trevor-cloen-yelena-biberman-and -farhan-zahid-.pdf.

[5] E E O Alemika, and I C Chukwuma, '*Criminal Victimization, Safety and Policing in Nigeria*', (Lagos: CLEEN Foundation, 2011).

[6] Ibid.

[7] Ibid.

[8] E A Ayade, 'Problem of Prisons Overcrowding in Nigeria: Some Lessons from South Africa and America', Unpublished Thesis, Central European University, Legal Studies Department, Budapest, Hungary, 2010.

in the control of the Regions were becoming instruments of political victimization.[9] Experts from the United Kingdom were therefore commissioned to look into the reorganization of the Nigeria Prisons. The report of the commission resulted in the Federal Government White Paper of 1971 and subsequent promulgation of Decree No. 9 of 1972. The Decree which later became CAP 366 of 1970, laws of the Federal Republic of Nigeria gave legal backing for the unification and operation of Nigeria prison services.

Today, every nation has prisons, and the role of prisons throughout the world is to punish criminals by restricting their freedom. In some cases, prisons have been used as an instrument of political repression. For example, in Turkey, the anti-terror law was used arbitrarily to the extent that some people who did not have anything to do with terrorist organizations found themselves behind bars as terrorist convicts.[10] Similar situations have been found to occur in Nigeria. In most countries, governments solely construct and operate prison systems. However, several countries, including the United Kingdom and the United States also authorize private corporations to build and run prisons under contract for the government.[11]

3. Purpose of Imprisonment

The role of the criminal justice system is to maintain law and order and ensure the survival of the society. When a crime is committed, the offender is arrested, detained pending investigation by the Police, and refer to court for trial, and upon proving guilt beyond reasonable doubt by a competent court, offenders are punished in line with the provisions and specifications of the law of the land. Prison violence destroys human lives (inmate and prison personnel) and property worth millions of naira in Nigeria. The incessant prison violence and jail breaks in Nigeria have created a negative image for the country.[12]

The purpose of establishing prisons is to severe criminals from the larger society, correct the ills, punish offenders, at the same time prepare them for reintegration into society and discourage others by serving as deterrence to them. On the other hand, the aim of sending criminals to prison is to transform them into good, honest and law abiding citizens by inculcating in them a distaste for crime and criminality.[13] It is assumed that without the existence of prisons, people could easily take the law into their own hands.

4. Prisoners Right under the Law

Prisoner is defined as any person lawfully committed to custody.[14]Prisoner who is confined in prison custody is certainly denied some rights as a result of the said confinement. A prisoner in custody is specifically subjected to restraint of movement within the custodian house and can, therefore, not possess total assurance of enjoyment of the freedom of movement and personal

[9] O Otite, and I O Albert., *Community Conflicts in Nigeria: Management, Resolution and Transformation*. Ibadan: Spectrum Books, 2004).

[10]N D Oye, & I Inuwa, 'Prison Inmate Information System: The Case of Yola Central Prison, Nigeria,' (2015) 13 (1) *West African Journal of Industrial and Academic Research*, 10-22.

[11]B Stark, Intelligence Failures: 3 Reasons How (and Why) Intelligence F#$K-ups Occur. Intelligence101. Retrieved from <https://www.intelligence101.com/3-reasons-how-and-why-intelligence-failures-occur/> .

[12] O C Arisukwu, Y P Adejumo, F F Asamu 'Causes and Effects of Violence in Nigerian Prisons', (2015) 1 (4)*Journal of Social Sciences and Humanities*, 368-373 <http://www.aiscience.org/journal/jssh>

[13] Y A Muhammad, M I Gwangndi and A S Hassan, The Rights of Prisoners in Nigeria and the Role of Prisons and Modern Penology', (2017) 60 *Journal of Law, Policy and Globalization*, 71.

[14] Section 19 Prisons Act Cap. P29, Laws of the Federation of Nigeria (LFN), 2004.

liberty as enjoined by the law[15]. However, a prisoner who is serving the sentence of court by being in custody does not totally lose his rights as a human being and must, therefore, enjoy some basic rights despite being confined to prison. Thus, sentencing a convict to a prison term is meant as punishment and not for punishment; therefore, prison authorities have to be accountable for the manner prisoners are treated, especially regarding their wide discretional powers.[16]

Historically, Before the 1960s, in the United States, a prisoner was seen not only to have forfeited his liberty as a result of crime, but also all his personal rights except those that the law of humanity accords to him; and a prisoner was thus regarded as a slave of the State[17]. It was in the 1960s and 1970s that the court began to extend constitutional protection to prisoners.[18] In view of this various legislation such as the Constitution, court laws, local statutes and international instruments protect and incorporate certain rights that should be available to the prisoner.

The 1999 Constitution[19] which is the groundnorm of laws in Nigeria recognized the rights of individuals including the prisoners as incorporated under Chapter IV. The rights of prisoners are also protected by different international instruments such as: The International Covenant on Civil and Political Rights, which provides thus: *All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human persons."*[20] Also, African Charter on Human and Peoples' Rights[21] provides: "*Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status".* American Convention on Human Rights provides:"*All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person."*[22] In addition, Basic Principles for the Treatment of Prisoners provides: "*All prisoners shall be treated with the respect due to their inherent dignity and value as human beings"*[23].

The European Convention on Human Rights guarantees everyone in the State equal access to rights, without discrimination.[24] Also, International Human Rights Standard states that prisoners should continue to enjoy access to all rights guaranteed to all persons in the State, subject only to restrictions that are unavoidable, necessary and appropriate in the context of imprisonment.[25]

Rule 2 of the European Prison Rules[26] also states, Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody. Moreso, the United Nations Human Rights Committee provides that respect for the dignity of such persons deprived of their liberty must be guaranteed under the same conditions as for that of free

[15] Section 37 of the Constitution Federal Republic of Nigeria 1999 as amended
[16] J Vagg, *Prison System- A Comparative Study of Accountability in England, France, Germany and the Netherlands,* (Oxford: Clarendon Press, 1994).
[17] This approach was referred to as "hands-off doctrine" protecting the state and prisons officials from judicial condemnation. See Gary Rock (2009) "Prisoner's Rights Handbook 1" (Angus Love ed. Pa Institutional Law Project).
[18] *Wolff vMcDonnell,* (1974) 418 US 539, 555.
[19] 1999 Constitution of the Federal Republic of Nigeria (as amended)
[20] Article 10 of International Covenant on Civil and Political Rights
[21] Article 5 of African Charter on Human and Peoples' Rights
[22] Article 5(2) of American Convention on Human Rights
[23] Principle 1 of Basic Principles for the Treatment of Prisoners
[24] Article 14
[25] Irish Penal Reform Trust Position Paper 4, Human Rights in Prison, August 2009, p. 4.
[26] 2006

persons. It goes further that, such persons shall enjoy all rights set forth in the Covenant, subject to the restrictions that are unavoidable in a closed environment.[27]

Principles for the Protection of all Persons under any form of detention or imprisonment[28] provides: "*All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person."*

Also, Courts in Nigeria reaffirm the rights of prisoners in their judgments. Uwaifo, JCA held that prisoners still have their rights intact, except those deprived by law. He stated further that even a condemned criminal awaiting execution still maintains his rights until properly executed by the due process of law.[29]

This dignity and respect should also be extended to those who have broken or are accused of having broken the law of the society. It is true that prisoners have shown disrespect for the dignity and respect of others by violating their rights but still the law has accorded them dignity and respect by protecting their rights.[30] The fundamental rights do not flee the person as he enters the prison although they may suffer shrinkage necessitated by incarceration.[31] Convicts are not by mere reason of their conviction, denuded of all the fundamental rights which they otherwise possess.[32] Some of these rights are regarded as very fundamental to human existence and therefore should not be deprived except in circumstances provided for by the law.[33] Thus, some of the Prisoner rights constitutionally enjoined and guarantee by other Acts and International Treaties are highlighted thus: the right to life and integrity of the person; the right to freedom of conscience and of thought; the right to freedom of religion; the right to respect for family life; the right to be free from torture or other ill treatment; right to fair treatment in disciplinary proceedings and punishment; the right to health; the right to respect for human dignity; right to family life and correspondence;[34]the right to due process of law; prisoner's right to vote[35]the right to freedom from discrimination of any kind; prisoner's right to health; the right to freedom from slavery; the right to self-development among others.

Thus, in the case of *Chima Ubani v DSS*[36] the applicant sought among others a declaration that his arrest on the 18th day of July, 1995 at his residence and his subsequent detention at the State Security Services cell at Shangisha, Lagos without being charged to court was unconstitutional, null and void. The court held inter-alia that the State as responsibility to the entire inmates in the prison regardless of the offence committed.

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[27] General Comment No. 21
[28] Principle 1
[29] *Peter Nemi v Attorney General of Lagos State and Ors* (1996) 6 NWLR (Pt 452), 42.
[30] A M Yahaya, I G Maryam and A S Hassan, 'The Rights of Prisoners in Nigeria and the Role of Prisons and Modern Penology', (2017) 60 *Journal of Law, Policy and Globalization,* 71.
[31] J K Iyer, '*The Human Rights Flag Atop Prison Towers: A Radical Judicial-Medical Conspiracy to Rescue Man from His Cage' in* K D Gaur, (ed), *Criminal Law, Criminology and Criminal Administration* (New Delhi Deep and Deep Publication 1992) p 217.
[32] Ibid, p 221.
[33] M A Araromi, 'Prisoners' Rights Under the Nigerian Law: Legal Pathways to Progressive Realization And Protection', (2015) 6 (1) *Afe Babalola University Journal of Sust. Dev. Law & Policy*.
[34] Section 37 of the 1999 Constitution and Article 12 of the UDHR
[35] Article 13(1) of the African Charter on Human and Peoples' Rights, 1986.
[36] (1999) LPELR 11177 (CA)

5. Methods of Jailbreaks in Nigeria

As an issue that involves human and national security, jailbreak is not peculiar to any single country. Jailbreaks have been recorded in different parts of the world[37]. However, this experience has become recurrent in Nigeria in recent times. In many prisons, riots are imminent when awaiting trial inmates are kept for so long without action on their cases. Keeping offenders in prisons for unspecified periods of time without adequate measures to prevent jailbreak can be problematic.

Jailbreak experiences are not new in Nigeria. For example, in 1914, Onitsha Prison recorded an uprising against the British and the warrant chiefs as people sought to resist what they perceived as the use of indigenous people as slaves to the advantage of the allied powers during the period of World War I.

It is noteworthy that jailbreak in Nigeria can be broadly classified into two namely, externally motivated and internally planned/coordinated jail break.[38] The first simply refers to the type of jailbreak that is motivated or facilitated from outside the prison premises, particularly by armed gangs or militant groups with the aim of setting their members in prison custody free. The problem with this type of jail break is that it is usually associated with lethal violence as a result of weapons such as guns and explosive devices being used in the process to break the prison walls. The Boko Haram sect has utilised this strategy several times to facilitate the escape of its members arrested for terrorism-related offences. The second type is the internally planned jail break, which is initiated by the inmates and involves especially those who want to take the bold step despite the risk of being apprehended. However, it should be noted that the internally-motivated jailbreak is less fatal and less risky when compared with the externally-planned jailbreak that often leads to the death of even prison officials.[39] Other techniques used by perpetrators of jailbreak are:

a. Physical Method

Physical method has remained the key technique adopted by the perpetrators of prison breaks in Nigeria in recent times. The technique involves the deployment of arms and explosives such as dynamite to suppress the prison armed guards and other officials resulting in grave fatalities.[40] Jailbreak remains pervasive in all Nigerian correctional facilities. Many cases of prison breaks have been reported. This had resulted in the escape of over 2,000 inmates across the Nigerian correctional facilities. In recent years, a significant increase in the number of attacks on the external perimeter of correctional facilities has been witnessed in attempts to liberate high-security prisoners. These attacks have been mounted by terrorist groups, drug cartels and criminal gangs.[41]

b. Rescue through Air-lifting of Inmates

Under this method, the attackers come in full force using a helicopter to air-lift their criminal colleagues after wrecking havocs and attacks on the prison facilities. They are fully aware that

[37]B A Aluko and J Okolie-Osemene 'Jailbreak Recurrence as a New Security Threat in Nigeria' (2019) 9 (2) *African Journal of Sustainable Development*.
[38]Ibid.
[39] Vanguard Newspaper 'How FG can Win On-going 'Jailbreak War' in Nigeria' *Experts*, 14 July 2022.
[40]F A Temitope, T A Marcus and B O Akinde, 'Recurrent Waves of Jailbreak in Nigeria: The Imperatives of Prison Intelligence and Dynamic Security Strategies in Managing the Nigerian Correctional Facilities', (2021) 8 (5) Advances *in Social Sciences Research Journal*, DOI:10.14738/assrj.85.10185.
[41]N D Oye, and I Inuwa, 'Prison Inmate Information System: The Case of Yola Central Prison, Nigeria,' (2015) 13 (1) *West African Journal of Industrial and Academic Research*, 10-22

there may not be any escape route for the prisoners in the city centres, hence the need to rescue the escapees using a helicopter and they fly to their safe zones.

c. Digging moats and ditches

The prisoners also engage in digging moats and ditches rightly from their prison cells and they can start working on these for months or even years without any of the prison officials suspecting such an action is being carried out by the inmates. This is possible after smuggling in all the digging objects into their cells with the help of corrupt prison officials.

d. Creating blast zones with the prison facility

This may take a longer time as surveillance and surveys are required in the process. The inmates may decide or plan to create some blast zones or areas where some destructive explosions can be detonated; this may result in the death or injuries for several people; and in the process, every one scampers for safety, giving them opportunities to escape.[42]

6. Instances of Recent Jailbreak in Nigeria

Since the inception of the last administration in 2015, Nigerian Correctional Service has come under attack more than 25 times. Data from the Nigerian Correctional Service, reveals that 74,675 inmates were in its custody as of May 2015, with nearly 9,000 inmates released and almost half of them were still on the run, according to The Africa Report.[43]Since the commencement of last administration, the first jail break was in Sokoto remand Home which occurred on 3rd September, 2015. Since then, every year there have been several jailbreaks in Nigeria. For instance, in 2016, there were four prison breaks reported with the most prominent being the escape of two inmates standing murder trial, Maxwell Ajukwu and Solomon Amodu, escaped from the facility by scaling the fence on June 24, 2016 at Kuje Medium Correctional Centre Federal Capital Territory, Abuja. On July 29, 2016, 13 inmates escaped during a jailbreak at the Koton/Karfe Correctional Centre in Kogi State. As at August 9, 2016, 30 inmates broke out of their cells and escaped from Nsukka Correctional Centre in Enugu State.

Again, On October 7, 2017, two inmates, Lucky Sama and Balogun Idiom Joseph, escaped the Enugu maximum security prison through the ceiling of a catholic church in the centre. In the report, the Enugu police spokesperson, Emeka Monday, said the two inmates were convicted for two calendar years for stealing. On December 27, 2017 at Ikot Ekpene Prison in Akwa Ibom state, the inmates attacked the kitchen staff that were on duty and broke loose. The incident led to the death of four other inmates. While thirty-six (36) prisoners escaped from the facility in a well-coordinated operation by the inmates.

Similarly, in June 2018, Minna medium-security prison, Niger state was attacked by unknown gun men which resulted into the killing of an official of the prison and a commercial motorcyclist. The attack resulted in the escape of 210 inmates from the Minna medium-security prison, Niger state.

Furthermore, in year 2019, precisely on October 28, about 122 inmates fled the Koton Karfe correctional centre Kogi state after a section of the facility was overrun by flood following a downpour in the town. However, the officer in charge of the prison said 25 of the fleeing inmates were recaptured.

[42] Oye and Inuwa, (n41).
[43]V Azubuike, 'Congestion: Port Harcourt Prison Now Houses 3824 Inmates', Daily Post News Paper 2016.

Likewise in the year 2020, about 1,993 inmates escaped from custody in the jailbreaks that happened in Benin and Oko, Edo state. The Nigerian Correctional Service said the inmates were convicted criminals serving terms for various criminal offences and awaiting execution or standing trial for violent crimes. This jailbreak occurred shortly after hoodlums attacked the prisons during the #EndSARS protest in the state. In October 2020, some hoodlums utilized the #EndSARS protests to pull down the facility's fence and set about Fifty-eight inmates (58) inmates free out of prison in Okitipupa, correctional centre, Ondo state.

In the same vain, in April 2021, the Nigerian Correctional Service (NCS) said 1,844 inmates escaped after gunmen ambushed its facility in Owerri, Imo state. The police had alleged that the invasion was carried out by the Eastern Security Network, an outfit of the proscribed Indigenous People of Biafra (IPOB). Likewise on July 8, four suspects awaiting trial over the kidnapping and armed robbery escaped the Jos Correctional centre. Samuel Aguda, the controller-in-charge of the command, blamed the incident on the negligence of the personnel on duty. Two security operatives were killed in an attack by unidentified gunmen on Kabba Correctional Centre in Kogi state on 13th day of September, 2021. The attacked led to freeing of 240 inmates from the facility. However, Sesan Nihi, Kogi correctional service spokesman, said 114 of the escaped inmates were re-arrested.

According to Olarenwaju Anjorin, the spokesperson of the NCS, gunmen with sophisticated weapons attacked the Abolongo custodial Centre in the state. The attackers reportedly caught the warders unawares and used hand grenades to access the prison. The attack resulted in the escape of 837 inmates. A few days after the incident, Anjorin said 262 inmates were recaptured, while 575 were at large. Also, in November 28, 2021, Jos correctional Centre, Plateau state was attacked and about 262 inmates escaped the correctional Centre after gunmen invaded the facility. The Nigerian Correctional Service, said ten were captured, nine killed, while 252 inmates were at large.

In addition, on 2nd day of January 2022, three (3) inmates escaped from Mandala Custodial Centre, Ilorin, Kwara state. Again, on May 13, 2022 after a heavy downpour which resulted in the fall of the northern perimeter wall of the prison, three inmates took to their heels and escaped from Agbor prison, Delta state.

It is pertinent to state that when incident of jailbreak arises, it is the practice of federal government to condemned the attack, set up investigation committee thereon, ordered the removal and/or redeployment of the concerned officers-in-charge. The outcome of the investigation as to the reason for the attack or to find out the perpetrators may however be swept under carpet without any meaningful achievement thereon.

7. The Role of the Concerned Authorities

The affected authorities will be limited to the role of Nigeria police, court and prison authority. The Nigeria Police Force is empowered to arrest and detain persons suspected to have committed criminal offences.[44] The Nigeria law stipulates that, when an accused person is arrested he or she should be arraigned before a court of competent jurisdiction within 24/48 hours depends on location or distance of the court.[45] However, it crystal clear that it is cumbersome for the Police to meet the 24/48 hours constitutional requirement within which they were supposed to arraign a

[44] Section 4 and 20 of Police Act
[45] Section 35(4) (a-b) of the Constitution of Federal Republic of Nigeria 1999 as amended

suspect before the court. They therefore rush to the court and secure an order of remand against the defendant pending when they would conclude their investigation.[46]

This practice is what is known as holding charge i.e. the system of bringing an accused person before an inferior court that lacks jurisdiction to try him or her for the primary purpose of securing a remand order and thereafter abandon him or her in prison under the pretence of awaiting trial. In the same vein, the former Chief Justice of Nigeria (CJN), Dahiru Musdapher stated that the term holding charge is a system whereby citizens are dumped in prison by a court, which lacks jurisdiction to try them. Thus, the basis for the use of holding charge is to ensure that an accused person does not jump bail when the court requires him to answer to the allegations against him.

Often time, the Police delay in duplicating case files in order to send to the ministry of justice for legal advice and in the process, some files suffer adjournments for years. More concerned is the issue of Prosecutors come to court without witnesses or that IPOs are on transfer or no longer in the services of the police Force and that signal had been sent to the IPO.[47] Consequently, accused persons remain in custody for an average period of two to four years for the report to be received before the criminal prosecution will commence.

Furthermore, it is the practice among the inmates incarcerated in Nigeria prisons to have easy access to court and legal representation. Most inmates are indigent and could not afford the services of private legal practitioners. The Nigerian Legal Aid Council has few lawyers to meet up the high population of inmates especially the awaiting trial persons. The ministry of justice has not help matter delay in giving legal advice on the appropriate and otherwise of proffering criminal charges. The court system has its own fault, long adjournment of cases, lack of tracking of cases coming before it thus accumulated back log of cases, most time oblige lawyers' flimsy excuses for an adjournment among others.

8. Conclusion

The Nigeria prison service is one of the whims of the criminal justice sector saddled with the responsibility of keeping an inmate pending when case will be finally disposed of or when a defendant is convicted for a certain period of time. This sector has suffered significantly in terms of structural facilities, welfare of officers, health conditions of inmates. Most prisons facilities were built by colonial administration and native authority before independent in 1960 with dilapidated infrastructure. The aim of building prisons at their present locations had since been defeated since the cities are bier and the prisons are now at center of the cities. The prison staff are badly affected by this neglect without job motivation, promotion and refresher courses.

It is important that Nigerian Correctional Service are relocated to the outskirt of the state to prevent instant mix up of the inmates after the occurrence of jailbreak, adopting different National Identification Numbers for the inmate for easier recognition and putting in place a very sensitive nature of prison information by establishing a different board to be saddle with the responsibility.

Nigeria as well many other correctional institutions are under pressure grappling with high volume of prison population. This poses serious challenges. Critical among which is the inability of penal institutions to design programme to rehabilitate and reintegrate offenders back to society as law

[46] J K Ukwayi, *et al*, 'Security Equipment and Policing in Central Senatorial District of Cross River State, Nigeria', (2017) 22 (2) *Journal of Humanities and Social Sciences*, 6-13.
[47] Ayade, (n8).

abiding citizens. There is need for constant redeployment of prison officers to different post without which the officers will be too relax thereby given jailbreaks opportunity to monitor them and expose their weaknesses.