

HOW WOULD INMATES OF  
LAGOS' LARGEST PRISON  
CREATE JUSTICE?

# INFORMAL JUSTICE COURT IN IKOYI PRISON



**AARDSCHAP**  
ACTION RESEARCH GROUP

# The Informal justice Court in Ikoyi Prison

## Provisional Scalability Report



### Authors:

Dr. Joost van Onna (Stichting Aardschap)

Mr. Melle Smets (Stichting Aardschap)

Mrs. Funmi Ayeni (Lagos Public Interest Law Partnership)

Prof. Azeez Tunji (Lagos State University)

The informal justice project is made possible with the financial support of:



Knowledge Platform Security & Rule of Law



Ministerie van Buitenlandse Zaken

Partners:



Supporters:



Rotterdam, The Netherlands

October 28, 2020

Dear reader,

Before you lies the provisional scalability report of the Informal Justice Court project, for which Stichting Aardschap received funding from the Knowledge Platform Security & Rule of Law in November 2019 (number: 19150\_3.1.), under the thematic headline Change and Learning Processes.

The project has been delayed due to a change in the prison situation in Lagos, but more importantly because of the COVID 19 pandemic. The pandemic made international air travel impossible, caused a lock-down in Lagos for many months and Ikoyi prison was closed to the public, making it impossible to start the project before August 2020.

Given that the project has not come to its conclusion yet, the scalability report is provisional in nature. At a later stage, when the project is finished (our current planning is March 2021), we will inform the Knowledge Platform Security & Rule of Law about the outcomes of the project regarding scalability. Still, we have done sufficient research to make an informed assessment of the potential and strategy for scalability.

We want to greatly thank two of our principle partners who have also co-authored the report before you: Mrs. Funmi Ayeni Of the Public Interest Law Partnership and Professor Azeez Tunji of the Lagos State University. We thank them for their unreserved dedication to the Informal Justice Court project.

Last but certainly not least, we wholeheartedly thank the Knowledge Platform Security & Rule of Law, in particular Mr. Christian Kuitert, for their generous support, flexibility and guidance.

Kind regards,



Dr. Joost van Onna

Stichting Aardschap (Researcher)



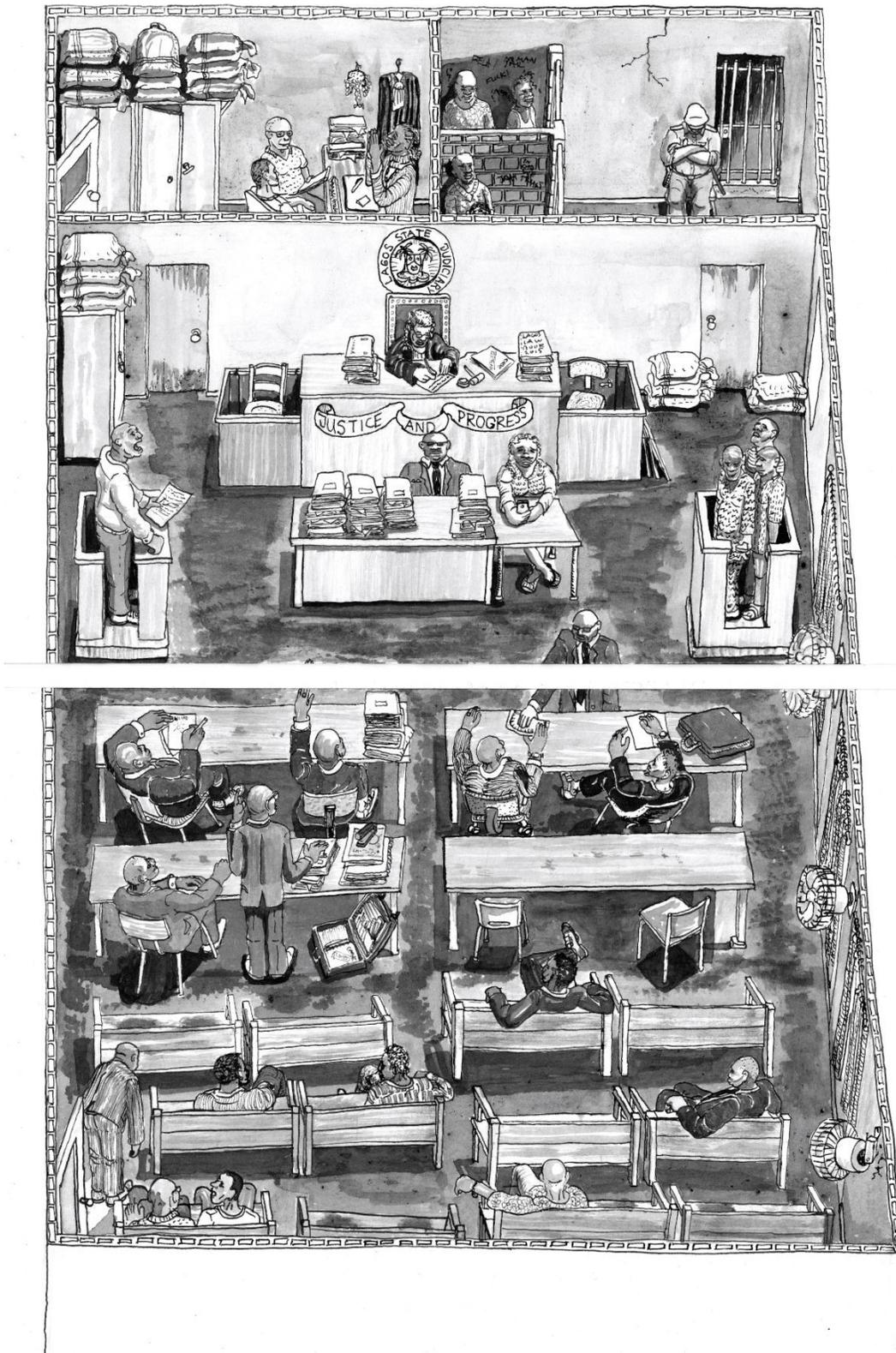
Melle Smets

Stichting Aardschap (Director)

## Content

1. Introduction: Informal Justice Court Project
2. Provisional Scalability Analysis and Strategy
3. Main Findings and Closing Remarks (Management Summary)
4. Selected Literature
5. Appendix: Overview Research Activities

Figure 1: Drawing of Igbosere Court House where many of Ikoyi inmates are trialed



# 1. Introduction: Informal Justice Court Project

## 1.1. Pre-trial in Ikoyi Prison: A Case Study for a Global Problem

Every year nearly 15 million people around the world end up in prison cells and detention centres awaiting trial (Open Society Foundations, 2014). Many will spend months or even years behind bars, without ever seeing a judge. This constitutes one of the biggest justice problems in the world as (prolonged) pre-trial detention violates basic human rights.

Lagos, Nigeria, is one of the fastest growing mega-cities in the world and faces substantial challenges to develop and maintain a civic society. One of the major social challenges faced by the mega-city Lagos is related to safety, crime and public order. Poverty, inequality and the influx of displaced people as a result of internal conflicts (e.g., Boko Haram) put pressure on the already strained formal justice system in Lagos, leaving prisons overcrowded, with little resources for day activities and rehabilitation for inmates.

Arguably the largest problem faced by the justice and prison system in Lagos is the pre-trial detention situation. In Ikoyi Prison, the largest and most congested prison in Lagos State, up to 90% of inmates have not seen a court or a lawyer and may stay many months and sometimes up to years in pre-trial detention (Lagos State Ministry of Justice, 2019).<sup>1</sup> Nigeria ranks highly in international rankings of pre-trial detention (rank 14 in 2017) and occupancy levels in prisons (rank 65 in 2017) (World Prison Brief, 2017). The situation in Ikoyi Prison is thus even worse compared to the situation on a national level.

It is well documented in literature that pre-trial detention has a variety of severe effects (e.g. Open Society Foundations, 2014; Opafunso & Adepoju, 2016; Expert meeting 2018, 2019, 2020). Staying in pre-trial detention in prison not only creates legal uncertainty for the inmates, pre-trial also leads to congestion in prisons. It also negatively affects the psychological well-being of the inmates, the social and economic status of their families, and at the end the Nigerian society, as virtually all inmates will return to society at one point. Skill acquisition programs and day activities can only be offered to a small portion of the population. This lack of resources for resocialisation and rehabilitation programs means that inmates run the risk of ending up in prison again. At the same time, inmates suffer stigmatization and social exclusion from society and communities. The general public often has negative views about inmates, even of those awaiting trial inmates who may not be found guilty, and is largely unaware of the dire situation inside prisons.

As in other parts of the world, particularly the poor are affected by pre-trial detention in Nigeria (Open Society Foundations, 2014; Expert meeting). Many inmates have little or no access to legal counsel, or their counsel is inactive or poor in quality. Moreover, the language that the court uses, the strict formalities and lack of resources to pay fees for legal advice or representation prevent a large number of persons from enforcing their rights. As a result, large segments of the population have difficulty using the Lagos' legal system to protect their interests - that is, when they can access the legal system at all. NGO's and churches do important work in the Nigerian prison and justice system, but the pre-trial detention situation remains highly problematic.

---

<sup>1</sup> The name of Ikoyi Prison has recently been altered to Ikoyi Custodial Centre. In this report we use the former name Ikoyi Prison.

This situation in Nigeria, Lagos and Ikoyi prison thus exemplifies a broader global justice challenge, that affects many millions of people around the world every year. Lagos, with its vibrant energy and self-consciousness, is an ideal place to undertake a project like the Informal Justice Court and seek new perspectives for a worldwide problem.



### 1.2 The Project: The *Informal Justice Court* in Ikoyi

The *Informal Justice Court* is, firstly, a training program for pre-trial detention inmates in Ikoyi Prison, aimed at improving and accelerating inmates' judiciary process through mock trials. In the court that will be established inside the prison, the inmates will act out their own cases, assisted by pro bono lawyers and law students. By taking on the different roles present in a formal court, such as judge, prosecutor, defendant and jury inmates gain legal knowledge, learn the skills to defend their case in court. Pro bono lawyers and law students, who are normally educated in mock courts on university campus, will prepare the cases together with the inmates and help find alternative, innovative legal outcomes that will be incorporated in the legal strategies for their real court case. Finally, the cases of the participating inmates will go to court where the inmate will have their formal trial, assisted by their pro bono lawyers.

The *Informal Justice Court* is thus aimed at setting in motion a positive change for the inmates. The project is, secondly, also an action-research program to identify the challenges and possible solutions of the pre-trial detention in Lagos - the court is the change in the action-research, see below for elaboration on action-research. The Informal Justice Court's proceedings and outcomes will be documented by artists and scholars. They will interview the inmate, follow his or her learning process, document the change and eventually record the court cases. The artists and scholars - together with law students - will also interview members of the communities where the crimes took place. As a form of restorative justice, the stories from both sides are heard and shared. The stories of the inmates and the proceedings of the *Informal Justice Court* will be made into an academic-artistic output that can be showcased as examples of creating justice. A photographer and journalist will follow and document the process leading up to and the real trials and their return to the community.

Thirdly, the *Informal Justice Court* proceedings and stories are made into a theatre play by a group of experienced theatre makers. The participating inmates will acquire acting and performance skills (and learn prop and costume making) during the project and become actors in their own play. The play will perform the play for the other inmates of Ikoyi Prison, to sensitize and educate a larger group of inmates about their legal position and rights. Decision-makers and stakeholders who can make a difference

(police, judiciary, policymakers) will be invited to the performance of the play in Ikoyi Prison to raise awareness of the issue of pre-trial detention situation and its effects. We make sure national and international media cover the project and the play in order to reach the general public.

### 1.2.1 Stages of the Informal Justice Court Project

The project consists of four stages (see also Figure 2). In Stage 1 the selection of inmates takes place that will participate in the project. This entails the aforementioned awaiting trial inmates plus a small group of voluntary convicted inmates who will be trained to become coaches and who will help organize and assist in future informal court sessions.<sup>2</sup> Stage 2 is the training program for the participating inmates. In this stage, the inmates learn more about the set-up, goals and workings of the informal justice court. Invited professionals, such as a judge, professor, lawyer and prosecutor educate them about the justice system, trials and their rights.<sup>3</sup> In stage 3, the actual informal justice court is in session, as described above.<sup>4</sup> In Stage 4 the theatre play is prepared, rehearsed and performed. Also, the conference with stakeholders is organized in this stage.<sup>5</sup>



### 1.3 Goals and Research Questions

The project utilizes a multidisciplinary and crossover approach by combining art, theatre, research and the work of NGO's from Nigeria and the Netherlands to bring about a positive change. The project has six interrelated goals.

1. To study the pre-trial detention situation in Lagos in order to explore and identify innovative solutions through a novel, multidisciplinary, crossover and experimental approach;

---

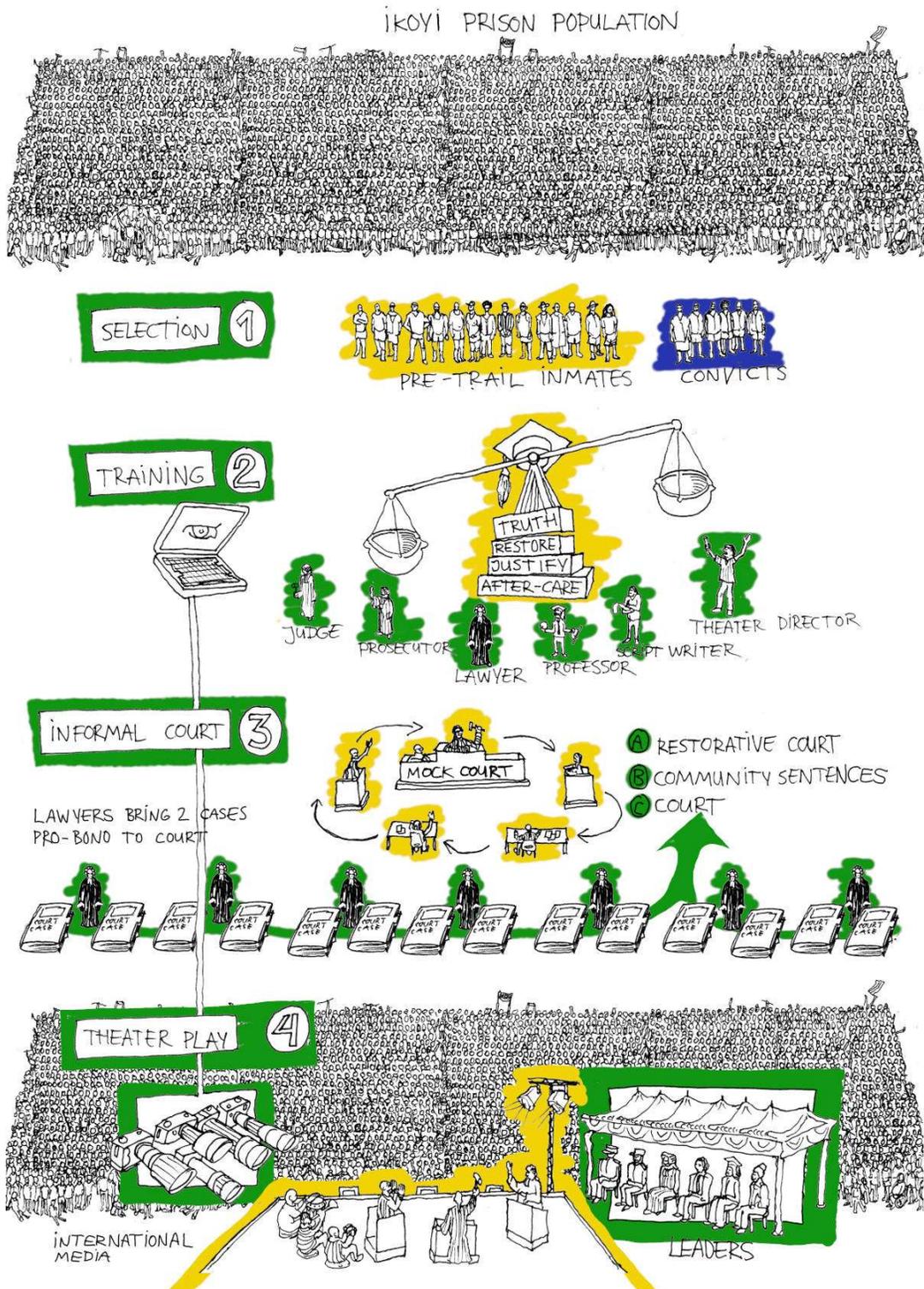
<sup>2</sup> Stage 1 was completed in October 2020: the selection and interviewing of 80 awaiting trial inmates, who are all assigned a pro bono lawyer, and 10 convicted inmates. From the 80 awaiting trial inmates 15 inmates (plus 10 reserve) were selected, plus 5 convicted inmates.

<sup>3</sup> This Stage is planned for November 2020.

<sup>4</sup> This Stage is planned for January 2021.

<sup>5</sup> This Stage is planned for March 2021.

Figure 2: Drawing of the four stages of Informal Justice Court



2. To improve and accelerate awaiting trial inmates' judiciary process by providing legal assistance to the participating inmates and to sensitize other inmates about their legal position and rights through the theatre play;
3. To teach communication and artistic skills to awaiting trial inmates, in order to empower them and to improve their chances of a successful reintegration;
4. To make tangible the realities and complexities of pre-trial situation, and the impact on inmates, families, the prison system and communities in Lagos through multidisciplinary research, theatre and art. To raise awareness of the problem of pre-trial detention to the broader audience and decision-makers;
5. To explore and identify whether and under which conditions the *Informal Justice Court* - including the use of theatre as a means for rehabilitation - can be a model to be applied in other prisons and is scalable. **(WILL BE ADDRESSED IN THIS REPORT)**

By constructing the informal justice court together with legal experts and law students, researchers, theatre makers and inmates, our aim is to “learn by doing” and answer the following research questions:

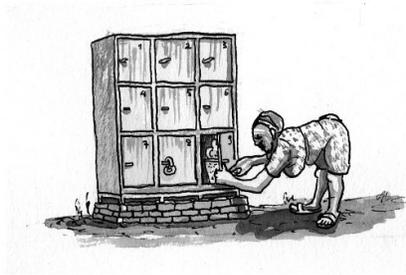
1. How does the informal justice court work? How will the participating inmates create justice? What justice solutions, such as alternative or restorative outcomes, can be identified that can be used in the formal court cases and on a policy level?
2. What effect does participating in the informal justice court have on the inmates, in terms of their legal position, psychological well-being and social position?
3. What are the major challenges in the justice and prison system related to pre-trial detention in Lagos? What creative and innovative solutions from the project can be used to improve the pre-trial situation in Lagos? What insights can be gained from the project for the pre-trial situation internationally?
4. What are the (life-)stories of awaiting trial inmates and their personal experiences with the justice and prison system? How does the pre-trial situation affect them and their family/community? How can the dynamics of mega-city Lagos and its security and justice challenges be understood from the micro-cosmos of Ikoyi?
5. How can the *Informal Justice Court* and the use of theatre become a model that can help improve and accelerate access to justice and increase the chance of reintegration of awaiting trial inmates? If so, under which conditions? How can it be applied in other prisons? **(WILL BE ADDRESSED IN THIS REPORT)**

#### 1.4 Approach

The project touches on an urgent global problem, as (prolonged) pre-trial detention violates basic human rights. Pre-trial detention has severe negative effects on inmates and their families but also on society at large. In the words of Dr. Martin Luther King: “Justice delayed too long, is justice denied”. To approach this complex problem, we use action-research as a way to gain new in-depth insights into this complex and global problem. By initiating a positive change (the building of the court and making of the theatre play), all participants in the project learn by doing. By including NGO's and pro bono lawyers we aim to improve and accelerate justice for the awaiting trial inmates.

We use theatre as a form of participatory art because it is a proven tool to sensitize inmates about their legal position and help their reintegration. The role of art and theatre is essential as they create room for experiment outside the usual settings and to heighten the impact of the project. In combination with academic theory and research and the work of NGO's, the project aims to have an impact in different areas (arts, general public, academia, justice community) by making tangible the realities and complexities of the pre-trial situation, exploring the potential of the informal justice court as a scalable model and providing new perspectives that can be used by the wider justice community.

Importantly, the project puts the issue of justice for awaiting trial inmates on the public agenda by setting up the informal court and performing the theatre play together with all partners and stakeholders. As a collaborative effort, we can study the pre-trial detention situation from the inside and share information that normally stays hidden. Lastly, the project will produce knowledge about how to change the system that can be used in the justice community in Nigeria and internationally.



### **1.5 Target Audiences and Impact**

The project has several target groups and seeks to have a positive impact on a diverse group of stakeholders.

For the participating inmates, participating in the project will improve their legal position and increase their chances of a fair trial through the legal assistance of pro bono lawyers and law students. We also expect that the learning process in the informal justice court leads to creative and innovative justice solution for the participating inmates that are legally sound and can be part of their legal strategies in their formal trial. However, the inmates not only gain knowledge and receive legal advice, we expect important psychological effects. In the court they have a sense of being heard, they can empower themselves, find rest and peace, and may restore hope. Lastly, in the project they will learn skills and develop capacities, such as social, communication and theatre skills and prop making.

Five to ten convicted inmates will participate in the project and will be educated to become trainers/coaches that can assist in future informal just court proceedings, ensuring the project is sustainable after the pilot phase.

The other 3.000 inmates (90 % awaiting trial) in Ikoyi Prison will be sensitized and educated about their legal position and rights through the theatre play. As many inmates are poorly educated, sensitizing them through art is an effective way.

For the Nigerian justice community, the outcomes of the informal justice court provide new insights and (policy) solutions to a serious and complex justice challenge. Using the network of participating Nigerian NGOs' and universities, we will be able to present our findings to the relevant institutions, through

seminars, exhibitions, lectures and publications. For the international justice community, we share the findings of the project internationally through the network of our partners, such as The Hague Institute for Innovation of Law (HiIL), the Knowledge Platform Security & Rule of Law, University of Lagos and Lagos State University (LASU) and organizations in the justice sector in the Netherlands through exhibitions, lectures and publications.

**Figure 3: Exhibition of the Informal Justice Court project at the African Artists' Foundation in 2018**



For the general public in Nigeria, we visualize and make tangible the complex justice problem at hand. We will communicate the stories of the affected inmates and show the strength of theatre as a means for rehabilitation and the possibilities of the informal justice court. We and our partners strongly believe that showing the lives and position of inmates from a divergent perspective may contribute positively to changing the prevailing negative public opinion of (ex-)inmates in Nigeria, which leads to social exclusion and stigmatization of (ex-)inmates. A key partner is the *African Artists' Foundation*, a leading art institution in Lagos that hosted two earlier exhibitions, who has agreed to host the presentation of the project. We will also invite leading media outlet to cover the project and the theatre play. We will also communicate through social media and our website.

We will communicate to the general public in the Netherlands about the realities and complexities of pre-trial situation, and the impact on inmates, families, the prison system and communities in Lagos. Through the theatre play and other artistic expressions, we will raise awareness of a global justice problem in Lagos as a case study of a global justice problem, but also highlight the possible solutions of the informal justice court and the strength of theatre as a means for rehabilitation. *Stroom HCBK*, a prominent art institution that hosts an artistic research program about The Hague as international city of peace and justice, has agreed to host the presentation of the project. We will also invite Lagos-based Dutch and international media to cover the project. We communicate about the project through social media and our website.

The Nigerian Correctional Services will receive support towards realizing their mandate of reformation and rehabilitation of inmates, through presentation and documentation of the findings and the scalability potential of the *Informal Justice Court* and the use of theatre as a tool to increase the chances of rehabilitation as a model for other prisons.

For the participating law firms, the project provides an inspiring way to do their pro bono work, while bringing justice to the poor and needy. As the stories will be documented and showcased, the project will give positive publicity about the important pro bono work of the law firms. The participating 12 law students will be able to practice their legal skills, while gaining first-hand awareness of the challenges of the justice and prison system.

**Figure 4: Seminar with participating pro bono lawyers and theater makers at the African Artists' Foundation in 2020**



### 1.6 Stichting Aardschap

In close collaboration with several NGO and universities, the *Informal Justice Court* project is conceived and developed by Stichting Aardschap, an action-research group from the Netherlands that uses methods from arts and science to help communities transform their environment. Stichting Aardschap was set up in 2010. Since 2012, Joost van Onna and Melle Smets are working together in Stichting Aardschap, bringing their scientific and artistic backgrounds together, from a shared passion to find complex social problems and to initiate a change. Aardschap combines art and academia, both in methodology, theory and presentation, and, as we are concerned with creating social impact, we work together with (local) NGO's to do so.

Stichting Aardschap's projects begin with preliminary research using 'traditional' research into the issue at hand, such as literature study, observations, interviews and expert meetings. At this stage, we also build a local network and develop an understanding of how a project and its outcomes can lead to change. After this initial research phase, we initiate experiments where we work together with local communities in a process of "learning by doing", which we call action- research. In action-research,

researchers are not “flies on the wall” but work closely with the research “subject”, that is the community. Action-research is characterized by personal involvement and by establishing an intervention or change that leads to a change, and documenting this process.<sup>6</sup>

This process enables us to get an in-depth understanding of places and communities. We believe the actions we undertake together with the community have the potential for long-lasting impact. Building on our artistic and academic background and experience with social interventions, we are able to develop new narratives which gives a fresh perspective on challenging and often marginalized places and communities. In the next stage, we share the results of our process with our network of experts and a wider public in the form of lectures, exhibitions, workshops and publications. In the final stage we use our network of scholars and other experts to develop our research findings into a feasible idea that builds on the change.

### 1.7 Partners

Since 2018 Stichting Aardschap has built a knowledgeable and dedicated network of local and international partners. An early partner was the Public Interest Law Partnership, a public-private partnership initially conceived by the Lagos State Government (please see: [www.pilp.ng](http://www.pilp.ng)). They are a principle partner and among many things responsible for the access to the Nigerian prison system. From their network of 200 law firms they will also recruit the lawyers who will do the pro bono work for the participating inmates. PILP will also collect data, review the cases (with the lawyers and students), help record and document the proceedings in the project and co-write the informal justice court business case (feasibility and scalability project). Mrs. Funmi Ayeni is the Executive Secretary of PILP and project leader from her organisation in the project.

**Figure 5: Exhibition of the Informal Justice Court project at the African Artists' Foundation in 2018**



Yet another early partner is the Nigerian Correctional Services, the government agency in charge of prisons in Nigeria ([www.corrections.gov.ng](http://www.corrections.gov.ng)). They were enthusiastic about the project from the start.

---

<sup>6</sup> For a more detailed description of how action-research can be used to understand complex social situations, see: J.H.R. van Onna (2013) Sharing Ideas and Putting Pressure. Criminologische inzichten uit actieonderzoek naar informeel ondernemerschap in de grootste autowijk van Afrika. Cahier Politiestudies (nr. 29).

While first they suggested to do the project in Kirikiri, it was later changed to the more centrally located and more congested Ikoyi Prison. After partnering with PILP, permission to conduct the project was granted. They facilitate and record the project and provide a workshop space in the Ikoyi Prison.

A further early and significant partner is Lagos State University ([www.lasu.edu.ng/home](http://www.lasu.edu.ng/home)), one of the principle universities of Lagos. Prof. Dr. Tunji Azeez, Associate Professor of Theatre, Film and Cultural Studies at Lagos State University and experienced theatre maker, is a key partner in the project. He is responsible for the training of theatre skills and development and performance of the theatre play, together with his team of theatre makers (art direction, music, acting). He also contributed to the report before you. Also the other main university in Lagos, University of Lagos, is a partner. Prof. Ayodele Atsenuwa, Professor of Law and former Dean of the Law Faculty of University of Lagos, partakes in the project (among other things) by training the inmates ([www.unilag.edu.ng](http://www.unilag.edu.ng)).

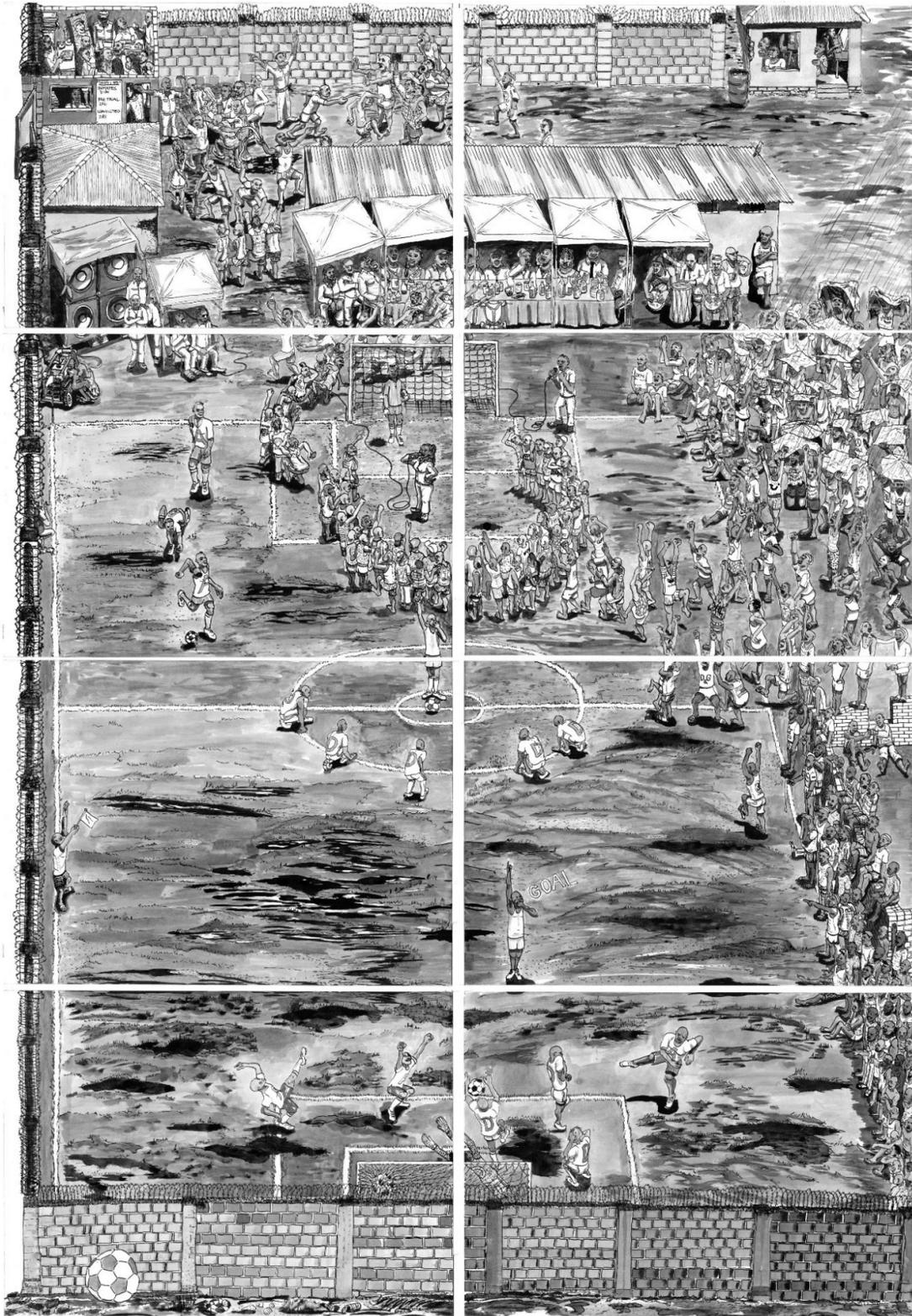
One of our earliest partners in Nigeria was the African Artists' Foundation, a leading non-profit organisation in Lagos dedicated to the promotion and development of contemporary African art. They will have hosted exhibitions about the project and help promote the project in Nigeria (please see [www.africanartists.org](http://www.africanartists.org)). An important artistic partner in the Netherlands is Stroom HCBK, a prominent art institution that hosts an artistic research program about The Hague as the international city of peace and justice, called *See You in The Hague* (please see [www.stroom.nl](http://www.stroom.nl)).

The Ministry of Justice of Lagos State has agreed to participate in the project by granting permission that their justice professionals will take part in the training program (please see: [www.lagosministryofjustice.org](http://www.lagosministryofjustice.org)). The Netherlands Embassy in Nigeria who supports the project, among other things financially and will play an important role in the communication of the results.

Het Stimuleringsfonds, a leading art and design fund in the Netherlands, is a generous sponsor of the project, as is Pauwhof Fonds, a fund that supports social projects in which artists and academics work together. The Alliance Francaise in Lagos is generously supporting the project through access to their extensive network, the artist-in-residence program and as a podium to engage the public with the project.

The Hague Institute for Innovation of Law, an internationally renowned knowledge institute devoted to user-friendly justice from the Netherlands is another partner in the project. They are an important partner to communicate the project to the international justice community (please see: [www.hiil.org](http://www.hiil.org)). Last but certainly not least, the Knowledge Platform Security & Rule of Law Knowledge, a prominent knowledge platform for the international Justice sector, is a generous sponsor and an important partner to communicate about the project to the justice community through their worldwide network ([www.kpsrl.org](http://www.kpsrl.org)).

Figure 6: Drawing of football match between inmates at Ikoyi Prison



## 2. Provisional Scalability Analysis and Strategy

### 2.1 Introduction

As stipulated in the first chapter, one of the goals of the project (# 5) is to explore and identify whether and under which conditions the *Informal Justice Court* - including the use of theatre as a means for rehabilitation - can be a model to be applied in other prisons and is scalable.

From this goal, the following research question is derived:

How can the *Informal Justice Court* (incl. theatre) become a model that can help improve and accelerate access to justice and increase the chance of reintegration of awaiting trial inmates? If so, under which conditions? How can it be applied in other prisons?

In this chapter we set out to answer these questions as best as possible at this stage. Due to the COVID 19 pandemic the *Informal justice Court* project has been delayed and has not been tested in practice at the time of writing of this report. This means that we cannot detail how the informal court works in practice and to what degree it will be effective in reaching its objectives as stipulated in Chapter 1 (help inmates in their judiciary process, skill acquisition etc.). After the project has finished, we will conduct an evaluation among participants, inmates and prison officials to assess the workings, the outcomes and the effectiveness of the informal court.

In order to draft the provisional scalability report, we gathered information through several research activities and lines of action:

1. Field and desk research between 2018 and 2020;<sup>7</sup>
2. Informed assessments based on theory, best practices worldwide and local circumstances;
3. Extensive discussion on the (criteria of) scalability of the project with stakeholders at a two-day seminar in February 2020;<sup>8</sup>
4. Meetings with our key local partners to discuss scalability of the project (March-Sept. 2020);
5. Workshop session Legal Education: Reforming Pretrial Detention in Nigeria, at the KMF Annual Conference, October, 2020.<sup>9</sup>

In the following sections, we first outline the criteria for scalability we identified and present an analysis of strengths and weaknesses of the project in terms of scalability, using the identified criteria, drawing a provisional and tentative conclusion about the chances of scalability (2.2). In the next section, we describe the possible strategies to scale the project (2.3). Lastly, we give a provisional overview of the manual to that can be used to scale the informal justice court in other prisons (2.4).

---

<sup>7</sup> Please see the Appendix for an overview of research activities.

<sup>8</sup> At this two-day seminar, the participating pro bono lawyers and theatre makers, PILP, Nigerian Correctional Services and Stichting Aardschap discussed the set-up and preferred outcomes of the informal justice court in detail, including a long discussion about the conditions under which the project can be scaled.

<sup>9</sup> At the annual Conference, the World Justice Project and Stichting Aardschap hosted the participatory session *Legal Education: Reforming Pretrial Detention in Nigeria*, with contribution from Mrs. Funmi Ayeni, Executive Secretary of the Public Interest Law Partnership and Ms. Odi Lagi, Senior Program Director NULAI Nigeria.

**Figure 7: Seminar and exhibition at African Artists' Foundation in 2019**



**Figure 8: Seminar at African Artists' Foundation in 2018**



## 2.2 Criteria for scalability and analysis of strengths and weaknesses

Our research identifies 8 criteria that must ideally be met to repeat the informal justice court in other prisons and to be able to scale, please see Table 1.

**Table 1: Scalability Criteria for Informal Justice Court**

Criteria	Description
1. <b>Effectiveness</b>	Effectiveness of project in terms of meeting its objectives
2. <b>Market demand</b>	Demand for the informal justice court model from inmates
3. <b>Partners</b>	Availability of knowledgeable partners
4. <b>Market Supply</b>	Availability and willingness of pro bono lawyers, students and convicted inmates to partake in the informal justice court
5. <b>Sustainability</b>	Availability of resources for the informal justice court as a model
6. <b>Support</b>	Support and cooperation from government and justice agencies and prison administration
7. <b>Knowledge transfer</b>	Transfer of knowledge to conduct the informal justice court
8. <b>Publicity</b>	Promotion of the potential of the informal justice court as a model

We conducted an analysis of strengths and weaknesses of the informal justice court project to assess the 8 criteria. The informal justice court is scalable if these conditions are met fully. In case the criteria are not met or not met entirely, scalability is not possible or is limited. Conditions that hinder or impede have to be addressed and where possible mitigated to increase the potential of scalability.

The analysis below shows that the project has considerable strengths in terms of scalability. It also shows several potential vulnerabilities that should be addressed and mitigated.

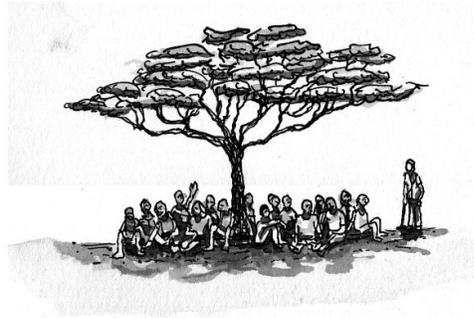
Our assessment at this stage is that the project has many strengths and that the weaknesses can in fact be mitigated, leading to the provisional conclusion that the project is scalable.

### **Effectiveness: Does the informal justice courts reach its goals? (Criterion 1)**

While it is not yet possible to describe how the informal justice court will work in practice and to what degree it will be effective in reaching its objectives, as presented in Chapter 1, we are able to make an informed assessment of the *expected* effectiveness. For the present report, we focus on three expected outcomes: (1) skills acquisition as a tool for reintegration (2) improvement of inmates' judiciary process, and (3) empowerment, reduction of legal uncertainty and agency of inmates.

The project is experimental in nature, but is based on sound theoretical foundations, proven best-practices and an analysis of the local context and local justice needs in Lagos and Nigeria. For example, the project builds on the notion that participatory arts, in particular theatre, is a proven tool to help

their reintegration. The participating inmates will learn several skills that will not only help them in their criminal case and court appearance but also hopefully when leaving prison. Based on proven examples in other countries and Nigeria (please see e.g. Idoko, 2002), we expect that the informal justice court will be able to help inmates in terms of skills acquisition and in turn with their reintegration.



Furthermore, the project deploys pro bono lawyers to improve justice for awaiting trial inmates. In many countries with strained justice systems, legal education and assistance by paralegals, or in this case pro bono lawyers, have proven effective in improving the legal position of inmates. Based on the pro bono work that is already carried out under the umbrella of our partner PLIP, we expect that the informal justice court will help to improve of judiciary process of the participating inmates. Moreover, the focus on restorative justice solutions in inmate's criminal cases opens up an additional way to improve or accelerate the judiciary process: they can be dealt with the newly active Restorative Justice Courts (active in Lagos State since 2019 and planned for other parts of Nigeria).

Another important idea behind the informal justice court is the notion that informal justice mechanisms - in which non-professional justice actors find justice solutions - can be powerful tools for lowering the burden of the formal justice system, but also for legal empowerment and reduction of legal uncertainty among justice seekers. A significant inspiration for the informal justice court is to be found in Cameroon, Bamenda Central Prison, where inmates started a court of and for themselves (Yenkong, 2011). The idea behind the inmates' court originated from inmates who face legal uncertainty. Inmates adopted various strategies to overcome some of the problems the formal justice system failed to redress. Because a majority of inmates at the Bamenda Central Prison are uneducated, they often view the formal justice system as distant, inadequate, irrelevant or alien, leading to situations in which they elevated the inmates court to the level of the formal courts of justice.

Inmates assume the roles of judges, police officers, prosecutor, witnesses and the defense lawyer. Older and experienced inmates train less experienced inmates with skills and tactics needed during criminal proceedings. Inmates are introduced to an imagined courtroom where they are taught the necessary skills such as how to overcome the tensed courtroom atmosphere. Importantly, the participating inmates know that the verdicts of the inmates' court are typically in line with those of the official courts, giving them a form of legal certainty. This is a very compelling example of many examples around the world where individuals or groups (laymen) organize themselves to bring justice of some sorts. We expect that the same effects can be achieved in the informal justice courts.

Another factor that strengthens our believe that the informal justice court will function in practice is that inmates in Nigerian prisons are no strangers to informal courts. Our research shows that informal

courts already operate inside Nigerian prisons, be it that they have different goals than the informal justice court. The existing informal courts play an important role in maintaining order in prisons. Inmates who do not follow the rules or do their assigned chores can be “prosecuted” and “judged” by other inmates in a court-like setting (with a prosecutor, judge and lawyer). In yet another type of informal court new inmates to a cell block have to present themselves to the other inmates, who judge the new inmates and their suspected crime.

In sum, while at this stage we cannot yet establish the effectiveness of the project, we feel confident the project will be able to reach its objectives, opening up the road to scalability.

### **Market demand: Is there a demand for the informal justice court? (Criterion 2)**

Based on our analysis, we expect a strong demand for the “services” provided in the informal justice court. The services, or put differently the benefits for participating inmates, are likely to be appealing: pro bono legal assistance, empowerment and a reduction of legal uncertainty, and acquisition of skills that may help their reintegration. In fact, in the selection phase (Stage 1) where inmates were interviewed about possible participation in the informal justice project in September 2020, there was a high level of interest among inmates to participate.



Moreover, the potential target group for the informal justice court is very sizable. As indicated, our research shows that up to 90 % of inmates in Ikoyi Prison are awaiting trial inmates; in Nigeria as a whole this number is around 74 % of inmates (World Prison Brief, 2020). Importantly, the large majority of inmates in Ikoyi Prison has no legal representation (between 65-70 %) (Lagos State Ministry of Justice, 2019). While we do not have exact numbers, we do not expect that the numbers would be dissimilar in other prisons in Nigeria (an indication of this is found in: NPS & PRAWA, 2018a). Outside Nigeria, the situation is similar: most awaiting trial inmates lack the funds for legal representation (Open Society Foundations, 2014).

Lastly, our desk and field research suggest that the prisons (out of a lack of funding) do not provide inmates with workshops and other activities to help their reintegration. Therefore, we expect that inmates will have an interest in participating in the informal justice court.

Another strength we identify is that the informal justice court model is expected to be a valuable addition to existing legal aid initiatives for indigent awaiting trial inmates - either in police or prison detention. Government agencies, such as the Office of the Public Defender and private initiatives cannot cope with the great number of inmates who suffer a lack of legal assistance (e.g. Conference at the Office of the Public Defender, 2020). Therefore, we assume that the informal justice court would be a new and welcomed initiative.

In sum, we expect a strong demand from the target audience of inmates for the informal justice court.

### **Partners: Are the right partners available to continue and scale the informal justice court? (Criterion 3)**

We identify the following strengths regarding the availability of the right partners to continue the project after its pilot phase. In this regard, it is important to first note that the informal justice court is embedded in the work of local, experienced and knowledgeable partners. A strength of the informal justice court project is that it is set-up in such a way that it connects and builds on the knowledge and activities of organizations that are already active in the justice and prison system. For example, our principle partner, the Public Interest Law Partnership, is already active in the Lagos prison system. Scaling the informal justice court can take place under the umbrella of the PILP, as they are active in both Lagos State as well as in a number of other states in Nigeria.<sup>10</sup>

Importantly, the participating local organisations in the project are trusted partners of the prison and justice authorities. The Public Law Partnership was founded by the Lagos State Government. They now are an independent NGO but they have strong ties to the government. The participating universities (LASU and UNILAG) are among the most prestigious universities in Nigeria. They not only provide the necessary expertise but are also trusted partners of the local justice and prison administrations. For example, Prof. Atsenuwa (UNILAG) was a lead researcher in several research projects on the prison system and pretrial detention in Nigeria (e.g. NPS & PRAWA, 2018a; NPS & PRAWA, 2018b).

A potential weakness that should be addressed and mitigated, is that the communicated commitment by participating partners to continue after the project may change over time. To avoid this, the project team will explore how the continuation of the project can be solidified in a binding or legal construction, such as a Memorandum of Understanding.

Taken together, the right partners seem to be present for scaling, while the commitment should be solidified further in a binding or legal construction.

### **Market Supply: Are there enough willing actors to repeat and scale the project? (Criterion 4)**

Based on our research, we expect sufficient “market supply” for the informal justice court, meaning enough availability and willingness of lawyers, law students, theatre makers and convicted inmates to participate in the informal justice court.

Regarding the pro bono lawyers, our partner PILP has an extensive network of over 200 law firms in Lagos alone, and they are currently expanding their pro bono activities to a number of other states in Nigeria. Given the witnessed enthusiasm, we expect enthusiasm in the future among pro bono lawyers

---

<sup>10</sup> The role of the partner the Nigerian Correctional Services, will be addressed in criterion Support.

to participate in the informal justice project. Pro bono lawyers are already helping indigent justice seekers such as inmates and the informal justice court model provides an engaging way of doing their pro bono work. Preparing cases in the informal justice court may also turn out to be an efficient way of helping their clients. It may also increase the quality of their work. Like in Lagos State, pro bono lawyers are active in other Nigerian states (while in lower number) and we also expected a interest from them to participate in the informal justice court.



For law students it is an unique opportunity to bring into practice their legal knowledge in a novel and challenging setting. While they normally learn to prepare and do cases in mock courts on university campus, the informal justice court brings them a real-life law experience with their future clients. Based on our research, we assess there will be enthusiasm among law students to participate in the informal justice court.

Regarding the theatre makers, our research suggests that Nigeria has a large number of socially active theatre artists to draw from.

Lastly, we expect interest among convicted inmates to participate and become trainers in the informal justice project. It is a meaningful and interesting day activity and an opportunity to learn In several regards, allowing them to help other inmates, while also advancing their own chances of a successful reintegration into society.

A potential vulnerability for scaling, is a dependency on the availability and willingness of the actors listed above. While interested, they may not be available for different reasons in practice. The project partners have to continue to find ways to ensure that the informal justice court model is appealing and interesting for all actors mentioned above and work around possible factors that may impede their participation. Another potential weakness is that, while the supply of theatre makers and pro bono lawyers is expected to suffice in Lagos, the supply of theatre makers and pro bono lawyers in other parts of Nigeria may be lower and require a targeted approach to identify where such potential is available. This potential vulnerability will be assessed by the project team in the upcoming months and be included in the final scalability report.

In sum, while the voluntary participation of the listed actors and the availability of theatre makers and pro bono lawyers outside Lagos State may be a vulnerability to a certain degree, we expect that enough pro bono lawyers, law students, theatre makers and convicted inmates are available to be able to scale.

**Figure 9: Exhibition at African Artists' Foundation in 2019**



**Sustainability: Is scaling the informal justice court sustainable in terms of resources/funding?  
(Criterion 5)**

A strong point of the project in terms of scalability, is that the project is designed and set-up in such a way that it can (largely) be self-sustainable when repeated. Firstly, there is no budgetary burden on the local (justice) government or prison administration. The informal justice court can be conducted in the areas that are used for workshop and education programs in prisons. There is no need for a large investment: only some chairs, a table and a white board. While there are costs in the experimental project phase, the costs are for a large part being used to develop knowledge, procedures, guidelines and practices that can be used when scaling the project. When scaling, these costs would not exist or not be substantial.

Secondly, the project builds on voluntary participation of pro bono work, law students, theatre makers and convicted inmates. The pro bono lawyers will do their important work without receiving a fee. The same is true for the participating law students. They would partake in the project either on a voluntary base or as part of their education. Importantly, the model is set-up in such a way that convicted inmates are trained to become trainers/coaches. In this way, the informal justice court can in principle run on a very small budget. Most prison facilities have drama and cultural groups that can continue to replicate the process.

Thirdly, the project builds on the self-organizational powers of inmates in Nigerian prisons. Even if pro bono lawyers, law students and theatre makers would not be able to continue the informal justice court, the informal justice court can continue. In its most “light” version, the informal justice court could be carried out by and for inmates alone, following the example in the prison in Cameroon, keeping in mind the existence of several types of informal courts that already exist in Nigerian prisons.

A potential vulnerability is that there still will be a need for a certain budget. This budget would mainly be used for project management, which would fall under the responsibility and organisation of PILP. We have not yet secured funding for a continuation of the project after its experimental phase. After completion of the experiment, the project team will assess the costs for scaling and how to secure

funding, either from private funds or otherwise and act accordingly to secure funding. Please also see the section of this chapter that detail four scenarios and strategies for scaling (2.3).

In sum, to repeat or scale the project, taking a grass root approach, we expect that the informal justice court can be continued in a self-sustainable way and at low costs and with low overhead.



**Support: Is there sufficient support and cooperation to scale from government agencies, particularly prison administration? (Criterion 6)**

To continue and scale the project it is obviously important to have the support and cooperation from the local justice and prison administration, preferably those at the highest level. The current support for the project is made possible through our partners' strong connection to the justice system. To continue and scale, our partner PILP will be important. Their public-private partnership's board is reflective of several stakeholders involved in the Nigerian justice sector and therefore provides the informal justice court with convenient access to these stakeholders and create support in the future.

We would expect that the prison administration is committed to the continuation and scaling of the informal justice court as it helps to improve and speed up the judiciary process of inmates and as such may help reduce the number of inmates in the facilities. As stipulated in Chapter 1, prisons in Nigeria are severely congested, housing many more inmates than they were built for (in Ikoyi Prison more than 3,400 inmates are housed in a facility built for 800 people). The main reason for this congestion is the very large number of awaiting trial inmates. It is therefore in the direct interest of prison administrations to support initiatives that seek to reduce the number of awaiting trial inmates. An additional benefit of lowering the numbers of awaiting trial inmates is that it would free up resources for the convicted inmates (that now have to be shared with the awaiting trial inmates).

Another reason support may be expected in the future, is the potential the informal justice court provides for the rehabilitation of inmates. It is noteworthy that the Nigerian Prisons Act of 1972, was as recently as 2019 replaced by the Nigerian Correctional Service Act 2019 to better reflect the government's desire and political will power to improve the standard of rehabilitation and reformation of inmates. Thus, the project comes at an opportune time to assist the Nigerian government in effectively achieving its objectives. As prison authorities have very limited financial resources to pay for day activities, workshops and rehabilitation, they constant look for outside support in achieving their mandate.

An important way to secure support and cooperation from the justice system for the continuation and scaling of the informal justice system, is to make sure that the informal justice court is aligned with justice programmes and initiatives in Lagos State (and in other states) and that these programmes can benefit from the informal justice court. For example, as mentioned, the informal justice court can

function as a selection portal for cases to be transferred to Restorative Justice Courts in Lagos State. By identifying cases that would benefit from a restorative justice solution, the inmates' lawyers can propose this option to the prosecutor and judge. Similarly, in the informal justice court cases can be identified where community sentencing may be part of the justice solution. Our research shows that the legal framework and organization for community sentencing is present, but community sentencing is still only used in relatively low numbers. A last example is that every year the highest judge of Lagos State (but also in other states of Nigeria) goes to prison (e.g. Ikoyi) to pass sentence on awaiting trial inmates and release them in order to decongest prisons. The informal justice court could function as selection portal for suitable awaiting trial inmates for the judge.<sup>11</sup>

A potential weakness for the continuation and scaling of the informal justice court, is the dependency of government agencies. The informal justice court model requires the continued support of the formal administration of criminal justice system to allow for access to the target market in the correctional centers. Government administrations change every four years, so through our local partners it will be important to bring future administrations on board.

Taken together, our analysis suggests that support for the continuation and scaling of the project may be expected. The potential weakness of changing administrations has to be mitigated.

**Knowledge transfer: Is the knowledge available to continue and scale the informal justice court?  
(Criterion 7)**

To repeat and scale the project, it is highly important that the knowledge about the informal justice court can be used again. We have undertaken several steps to secure that the knowledge is available and transferable. Firstly, we are drafting a detailed step-by-step manual that can be followed to conduct the informal justice court - in the last section of this chapter we provide a provisional outline of the manual. Secondly, we are recording the steps of the project, from stage 1 to Stage 4. The use of video recording devices of the training program will ensure that the expertise available to the current inmates will be available to future inmates. We also want to make the video available through the internet. In this way the knowledge and practice gained in the experiment is not be lost. Thirdly, the transference of knowledge is improved if and when the participating actors are available or the continuation and scaling (please see criteria Partners).

A potential weakness for scalability, is that knowledge may be lost if the participating parties would not continue after the pilot.

---

<sup>11</sup> A next step could be to establish a formal justice court in prison, that could work "together" with the informal justice court. Our research shows that such a court already existed in Nigeria. In 2012, the then state governor of the Nigerian state of Ondo, Mr. Mimiko, commissioned Nigeria's first court to be built on prison premises at Olokuta Medium Security Prison in Akure, which holds four times the detainees for which it was designed, the vast majority of them pretrial detainees. The so called Court-in-Prison program is a feature of the Ondo Rapid Justice System program introduced in 2012, to accelerate the dispensation of justice and decongest the state's prisons. The court commenced operation in April 2012 but is not in operation any more. Around the world several courts in prisons exist that seek to reduce congestion by trialing cases of awaiting trial inmates.

In sum, several ways are employed to secure the transfer of knowledge, but as knowledge is also in the heads of partners it is also important to secure the availability of the right actors.



### **Publicity: Will the potential of the model be known so it can be scaled (Criterion 8)?**

For a successful continuation and scaling, it is key that the right actors and institutions are aware of the potential of the informal justice court. Therefore, it is important to generate attention for the informal justice court and its benefits for the justice and prison authorities in Lagos and Nigeria (but also to other parts of the world). Through a publicity campaign, the project and its potential as a model will be brought under the attention to the right stakeholders. We will organize a stakeholder conference and invite stakeholders to the performance of the theatre play. Moreover, we approach journalists to draw attention to the project. Moreover, after the performance of the play in Ikoyi Prison, we aim to find ways to perform the play with professional actors to lawmakers at the federal and state level to draw their attention to the problems of pretrial inmates in Nigerian correctional centres. Also, social media shall be used to draw attention to the project. A website of the project has been created.

A potential weakness is that the aforementioned efforts would fail, leaving the project without exposure.

In sum, there is a clear strategy to make important stakeholders aware of the informal justice court, which we expect to have a positive effect on the chances of scalability.

### **2.3 Four Scenarios and Strategies to Scale**

Given the expected potential for scalability, at this stage we identify four potential scenarios with corresponding strategies for scaling of the informal justice court: scaling in Ikoyi Prison, scaling in other prisons in Lagos State, scaling in prisons outside Lagos State and scaling in prisons outside Nigeria.

In the first three scenarios, it is quintessential that the justice and prison administration and other stakeholders in Nigeria, such as the Nigerian Bar Association, are informed about the potential of the model. As stated, we plan to do so through the stakeholder conference, the scalability report and manual and other promotional activities outlined above.

What all three domestic scenarios and strategies have in common is a grass roots approach to scaling and the philosophy that a concept like the informal justice court should prove itself in practice and grow

from there. After having proven itself in practice, the next step is to seek funding from international donors or the Nigerian or state government for scaling to a higher level.

The scenarios and strategies are not mutual exclusive.

### **Scenario 1: Scalability in Ikoyi**

In this first scenario, the informal justice court is scaled in the same prison where the experiment took place, Ikoyi Prison. New groups of awaiting inmates can participate in the informal justice court without a need for much additional preparations. Following the manual, the same participating partners conduct new rounds of the informal justice court. Through their extensive network, PILP can recruit new pro bono lawyers or re-recruit those that have participated in the experiment. Also the convicted inmates that are trained as coaches, would be available to help organize and assist. Importantly, the local prison administration in Ikoyi and the Nigeria Correctional Services' Command for Lagos State would be aware of the informal court and its benefits.

We assesses that this is scenario has a high potential for scaling.

### **Scenario 2: Scalability in other prisons in Lagos State**

In this second scenario, the informal justice court is scaled in the other prisons in Lagos State. Next to Ikoyi Prison, four other prisons exist: Kirikiri Medium, Kirikiri Maximum, Kirikiri Female and Badagry. The three Kirikiri prisons are part of the Kirikiri prison complex. All these prisons face similar problems in terms of congestion, limited resources for rehabilitation, high levels of awaiting trial inmates and insufficient legal services to those awaiting trial.

Stichting Aardschap has visited the Kirikiri prison complex several times and discussed the informal justice court with the prison administration, receiving positive feedback. PILP could use its network to approach and recruit new pro bono lawyers or ask the pro bono lawyers who participated in the pilot to continue participating in the informal justice court in other prisons in Lagos State. Scaling the informal court to other prisons in Lagos state has the benefit that the Nigerian Correctional Services' Command for Lagos State is aware of the potential of the informal justice court.

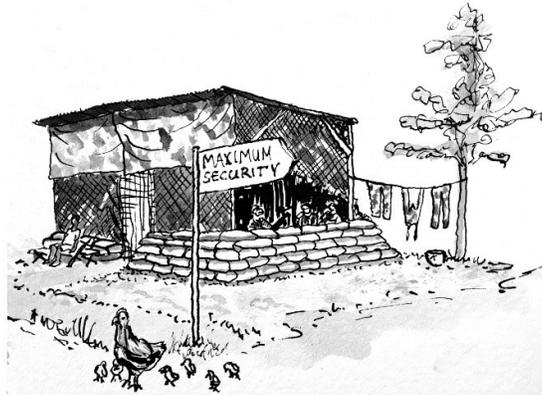
After completion of the project and the stakeholder conference, the project team would have to ask permission from the Nigerian Correctional Services' Command for Lagos State to scale the project in other prisons. In order to open up the potential of the informal court to female inmates, scaling could be done first in Kirikiri Female.

We assess that Scenario 2 is a feasible scaling option.

### **Scenario 3: Scalability in other prisons in Nigeria (outside Lagos State)**

In this third scenario, the informal justice court is scaled in prisons in other Nigerian states than Lagos State. There are a total of 240 prisons in Nigeria, with around 64.000 inmates, 73% awaiting trial (World Prison Brief, 2020). Our research suggests that these prisons face similar challenges as the prisons in Lagos State: congestion, limited resources for rehabilitation, high levels of awaiting trial inmates and insufficient legal services to those awaiting trial.

At the stakeholder conference, we will bring the potential of the informal justice court to the attention of the Headquarters of the Nigerian Correctional Services. Our partner PILP implements access to justice programs currently in eight states of the country and has a vast network including at the federal level and can therefore provide assistance as well. It is preferable to scale to prisons in these states.



Following our grassroot approach, a first step in scaling outside Lagos could be to do so in Central Prison in Kaduna, a large city and capital of Kaduna state, north of the capital Abuja. PILP is implementing access to justice activities in Kaduna State. Moreover, during our research, we identified a local NGO who is willing to conduct the informal justice court in Kaduna Prison, as part of their rehabilitation program with inmates. The Kaduna prison administration has expressed interest.

After informal justice courts in Ikoyi, Kirikiri Female and Kaduna, the next step in the strategy would entail approaching the Headquarters of the Nigerian Correctional Service to discuss how and under which conditions scaling in other Nigerian prisons would be possible.

At this stage, we assess that scaling to Kaduna Prison is feasible, while recognizing that it is difficult to assess what the chances are for a larger-scale scaling to several prisons in Nigeria.

#### **Scenario 4: Scalability in prisons outside Nigeria**

In this last and fourth scenario, the informal justice court is scaled in prisons outside Nigeria. Pretrial detention is a large problem in many countries around the world, including the neighbouring countries in West Africa. In principle, the model of the informal justice court is not restricted to the Nigerian context or jurisdiction, as many of the causes and circumstances surrounding pretrial detention are similar around the world (Open Justice Society, 2014). Therefore we believe that the informal court would be a viable model for other countries that have large awaiting trial populations.

In this scenario communication about the informal justice court to the wider international justice community is key. A first step is to inform the worldwide network of justice actors and experts about the project, using the network and platform of two of our partners: the Knowledge Platform Security & Rule of Law and the Hague Institute for Innovation of Law, both leading knowledge platforms for the international justice sector. After this first step, the potential of the informal justice court would have to be promoted in interested countries.

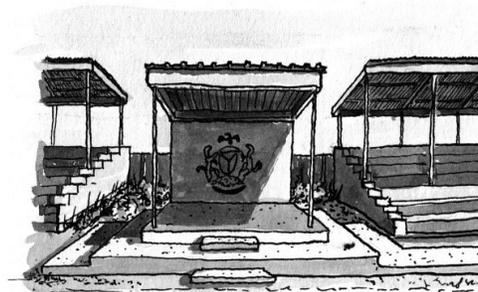
At this stage, we assess this fourth scenario to be the least likely scaling scenario.

## 2.4 Provisional Overview of Manual for the informal Justice Court

After completion of the project, Stichting Aardschap and their partners will draft a manual that can be used to conduct the informal justice court. This manual will describe the activities, steps and guidelines for the four stages of the informal justice court (and also include a preparatory stage and the evaluation stage). It will include documents and forms, such as a document outlining the selection criteria and procedure for the participating inmates and the informed consent form for inmates. Importantly, it will also include videorecording that can be used for new rounds of the informal justice court.

As the project is still ongoing, we here present the provisional outline of the manual.

For the *Preparatory stage*, the manual will detail the steps that will have to be undertaken in preparation of the informal justice court, such as a stakeholder analysis and ways to approach and engage pro bono lawyers. The preparatory stage may take between 4 and 12 weeks.



For *Stage 1 (the selection of inmates)* the manual will detail the steps to select the awaiting trial inmates plus the group of convicted inmates who will be trained to become trainers/coaches. The goal of this stage is to identify inmates who are in need of legal assistance, to gather background data on inmates through interviews and questionnaires, to select inmates for the informal justice court, and to assign pro bono lawyers to the awaiting trial inmates in need of legal assistance. In the manual, the two selection steps and criteria for participation are described. After a first stage where inmates are selected from a database,<sup>12</sup> the second stage is an interview stage, where the cases and pretrial situation of the inmate are reviewed by a pro bono lawyer and staff members of PILP. In this stage, the inmates are briefed about the project and their right (e.g. confidentiality) and sign an informed consent. The selection procedure has a running time of 3 weeks.

The manual will then describe *Stage 2 (Training program for the participating inmates)*. In this stage, the inmates are informed in more detail about the goals and workings of the informal justice court. Invited professionals, such as judge, professor, lawyer and prosecutor educate them about the justice system, court trials/proceedings and their rights. The goal of this stage is to educate and train inmates about justice and restorative justice, educate and train inmates what to do in informal justice court, gain trust of inmates, build a team feeling between all participants. The training program takes 5 days. After an introduction day (day 1), the second training day focusses on the Lagos justice system, criminal law and restorative justice solutions. Training day 3 focusses on theatre, rhetoric and representation skills. The fourth training day focusses on setting up the informal justice court and practicing the informal

---

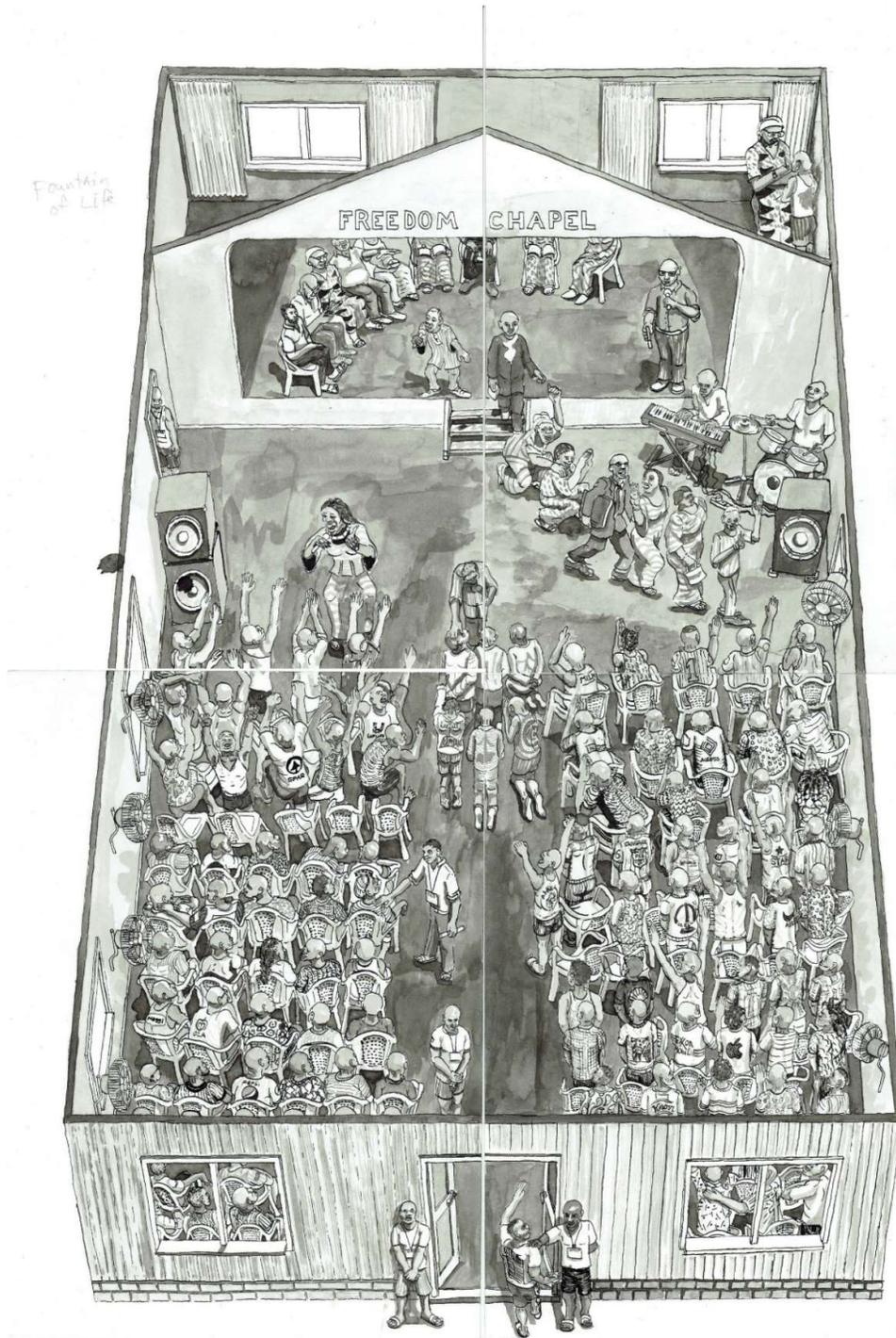
<sup>12</sup> If in Lagos, a selection can be drawn from the Lagos State Criminal Information database. In other states, other databases exist. If such a database is not available, the administration inside the prison can be used.

court procedures. On the fifth and last training day, the inmates practice more in the informal justice court and are then certified to start. The manual will include a syllabus for the training program, including video presentation of speakers. The training program has a running time of 1 week.

The manual will then describe *Stage 3 (The informal justice court is in session)*. As stipulated in Chapter 1, the training program for pre-trial detention inmates in Ikoyi Prison is aimed at improving and accelerating inmates' judiciary process through mock trials. The inmates will act out their own cases, assisted by pro bono lawyers and law students. By taking on the different roles present in a formal court, such as judge, prosecutor, defendant and jury inmates gain legal knowledge, learn the skills to defend their case in court. Pro bono lawyers and law students will prepare the cases together with the inmates and help find alternative, innovative legal outcomes that will be incorporated in the legal strategies for their real court case. The goals of this stage are preparing inmates for their trial, providing legal assistance, identifying realistic alternative restorative outcomes, learning skills, and reducing legal certainty and achieve empowerment. The procedure is based on the model used by Youth Courts in the Netherlands and the Nigerian court proceedings (Stichting Jongerenrechtbank, 2018). Stage 3 has a running time of 2-3 weeks.

In *Stage 4 (the Follow up)*, the manual describes how the theatre play is prepared, rehearsed and performed (running time 3 weeks). Finally, the manual will outline how the informal justice court and its outcomes can be evaluated.

Figure 10: Church ceremony at Kirikiri Medium Prison



### 3. Main Findings and Closing Remarks (Management Summary)

#### 3.1 Introduction

In this report we provisionally assessed the scalability of the *Informal justice Court project*. The Informal Justice Court is a training program for awaiting trial inmates in Ikoyi Prison, aimed at improving and accelerating inmates' judiciary process through mock trials. In the court, the inmates act out their own cases, assisted by pro bono lawyers and law students. By taking on the different roles present in a formal court, such as judge, prosecutor, defendant and jury inmates gain legal knowledge, learn the skills to defend their case in court. Pro bono lawyers and law students, who are normally educated in mock courts on university campus, will prepare the cases together with the inmates and help find alternative, innovative legal outcomes that will be incorporated in the legal strategies for their real court case. Finally, the cases of the participating inmates will go to court where the inmate will have their formal trial, assisted by their pro bono lawyers.

The *Informal Justice Court project* is aimed at setting in motion a positive change for the inmates but is also an action-research program to identify the challenges and possible solutions of the pre-trial detention in Lagos. The Informal Justice Court's proceedings and outcomes will be documented by artists and scholars.



In the report before you we aimed to answer the following research question: How can the *Informal Justice Court* (incl. theatre) become a model that can help improve and accelerate access to justice and increase the chance of reintegration of awaiting trial inmates? If so, under which conditions? How can it be applied in other prisons?

Because of the COVID 19 pandemic the project has not yet finished. Given that the project has not come to its conclusion yet, the scalability report is provisional in nature. Therefore, we cannot detail how the informal court works in practice yet and to what degree it will be effective in reaching its objectives. However, we employed several research activities to provide us with input to be able to make an informed assessment. The main results are as follows.

#### 3.2 Main Findings

##### *Assessment of the potential for scalability*

To assess scalability, we first conducted an analysis of strengths and weaknesses of the informal justice court project to assess the 8 criteria. The Informal Justice court would be scalable if these conditions

are met fully. In case the criteria are not met or not met entirely, scalability is not possible or limited and consequently conditions that hinder or impede have to be addressed and where possible mitigated to increase the potential of scalability.

At this stage of the project, our overall assessment clearly suggest that the informal justice court is scalable. We identified considerable strengths on all criteria and the potential weaknesses we identified can be mitigated in our view.

The project scores well on all of the 8 criteria we identified: expected effectiveness of project, demand for the informal justice court model from inmates, availability of necessary and knowledgeable partners, availability and willingness of pro bono lawyers, students and trained inmates to partake in the informal justice court, resources to sustain the informal justice court as a model, support and cooperation from government agencies, justice system actors and prison administration, transfer of knowledge to conduct the informal court and promotion of the potential as a model. Chapter 2 identified several strengths in all of the 8 criteria, making scalability likely.

However, we also identified vulnerabilities. A first vulnerability has there may be a risk that the communicated commitment by participating partners to continue after the project may change over time. To avoid this, commitment should be solidified in a binding or legal construction, such as a Memorandum of Understanding. Another potential weakness is a dependency on lawyers, students and inmates. It is important that the informal justice court model is appealing and interesting for all voluntary actors and to identify potential obstacles for participation and mitigate these obstacles. Scaling outside Lagos State may be more challenging than in Lagos as fewer theatre makers and pro bono lawyers are active outside Lagos.

A second potential weakness relates to the resources needed for informal justice court as a model. While the informal justice court is set-up in order to be sustainable with (much) funding, there still will be a need for a small budget, mainly for project management. The project team will finalize its assessment of the costs for scaling and identify ways how to secure funding, either from international donors or otherwise.

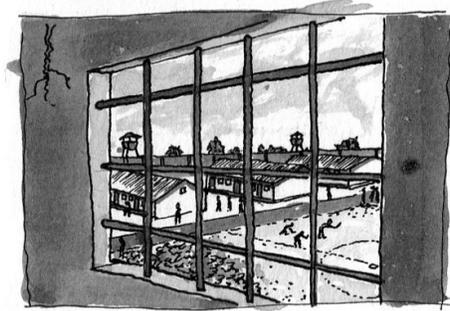
A last potential vulnerability concerns the dependency of government agencies. The informal justice court model requires the support of the formal administration of criminal justice system to allow for access to the target market in the correctional centers. Government administrations change every four years so through our local partners it will be important to bring future administrations on board.

### *Scenarios and strategy*

Given the expected potential for scalability, we identified four potential scenarios with corresponding strategies for scaling of the informal justice court. Three scenarios and strategies are domestic to Nigeria, the fourth scenario concerns scaling outside Nigeria.

The domestic scenarios are: scaling in Ikoyi Prison, scaling in other prisons in Lagos State and scaling in other prisons in Nigeria. What all these three scenarios and strategies have in common is a grass roots approach to scaling and the philosophy that a concept like the informal justice court should prove itself in practice and grow from there. After having proven itself in practice, the next step is to seek funding from international donors or the Nigerian or state government for scaling to a higher level.

At this stage, we assess that all three domestic strategies are feasible but that a scaling in Ikoyi Prison would be most feasible, while noting that the scenarios are not mutual exclusive.



### 3.3 Closing remarks

In the informal Justice Court project Stichting Aardschap and partners take an interdisciplinary and innovative approach to explore one of the largest, complex and persistent justice problem globally: the unnecessary and prolonged pretrial detention of inmates. We aim to learn by doing in order to - not just - help inmates and create awareness but also to generate knowledge that is of interest and importance to the wider justice community, in particular exploring how and under which conditions the informal justice court may become a sustainable model for Lagos, Nigeria and abroad. We hope the reader has enjoyed reading the report and takes home some insights. Please contact us for any questions and comments!

The *informal Justice Court* project is not an easy project to carry out. It is experimental in nature. Nigeria can be a whimsical place as the recent unrests in October 2020 have shown. Also the COVID-19 pandemic has greatly added to the unpredictability and delayed the process, while working in a prison setting always brings its own challenges. These challenges only motivate us further to complete this experiment. Please follow the project on our website!

We want to close by sincerely thanking the Knowledge Platform Security & Rule of Law for their support in this project, and applauding them for their policy of awarding funding for more experimental projects under the thematic headline Change and Learning Processes.

## 4 Selected Literature

Idoko, E.F. (2002) Theatre and Eclecticism: The 'Tandari' experience, *Research in Drama Education*, 7:2, 169-178.

Lagos State Ministry of Justice (2019). Lagos Criminal Information System Quarterly Report October to November 2019.

Nigerian Prison Services & PRAWA (2018a). PRISON SURVEY REPORT A Research on Pre Trial Detention in Nigeria.

Nigerian Prison Services & PRAWA (2018b). PRISON SURVEY REPORT Socio-economic Characteristics of Prisoners and Impact of Imprisonment In Nigeria.

Opafunso Z.O. & Adepoju O.O. (2016). Prison Reforms System and Inmates Welfare in Nigeria. *Arts Social Sci J* 2016, 7:1.

Open Society Foundations (2014). *Presumption of Guilt: The Global Overuse of Pretrial Detention*. New York: Open Society Foundations.

van Onna, J.H.R. (2013) Sharing Ideas and Putting Pressure. *Criminologische inzichten uit actieonderzoek naar informeel ondernemerschap in de grootste autowijk van Afrika*. Cahier Politiestudies (nr. 29).

Stichting Jongeren Rechtbanken Nederland (2018). Jongerenrechtbanken NL Trainingsprogramma 2018/2019.

World Justice Project (2020). World Justice Project Rule of Law Index. Retrieved from: [www.worldjusticeproject.org/2020-Index](http://www.worldjusticeproject.org/2020-Index)

World Prison Brief (2017). Retrieved from: [www.prisonstudies.org](http://www.prisonstudies.org)

World Prison Brief (2020). Retrieved from: [www.prisonstudies.org](http://www.prisonstudies.org)

Yenkong, P.E.E. (2011). *Prisoners in-Justice. Prisoners' encounters with the criminal justice system in Cameroon*. Unpublished

## 5 Appendix

For the informal justice court project, we deploy several research activities in order to:

- Strengthen the conceptual foundation of the informal justice court;
- Understand the nature of the pretrial detention problem as a global problem;
- Understand the pretrial detention situation and the justice and prison system in Lagos and Nigeria;
- Identify the principle actors and stakeholders.

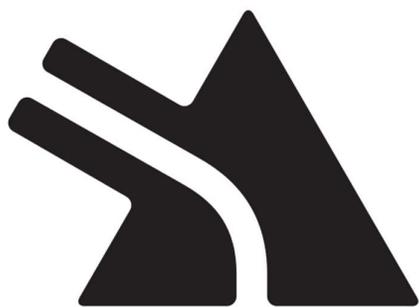
We conduct desk research, studying over 100 reports, newspaper articles and scientific studies. Moreover, we conduct field research in Lagos and other states of Nigeria. We employed several lines of action:

- Interviews with stakeholders, (ex-)inmates, prison officials, NGO's and churches active in prisons, justice officials, artists and academics;
- Visits to and observations at courts, the department of Justice of Lagos State, and law, art and sociology departments of universities;
- Visits to conferences and workshops in Lagos (e.g. conference organized by the Office of the Public Defender in 2020);
- Multiple visits to prisons in Lagos (Ikoyi, Kirikiri Female, Kirikiri Maximum, Kirikiri Minimum) and Kaduna.

Furthermore, we interviewed experts and attended conference in the Netherlands. For example, meeting the project leader of *Jeugdrechtbank Nederland* (Youth courts, their approach and methodology is one of the building blocks for the informal justice court).

Lastly, we have organized several exhibitions and seminars to gain new insights and share our research findings:

1. Seminar organized at and with the Lagos State University (LASU) at LASU in Lagos in 2018, attended by professors of law, sociology and arts;
2. Seminar at African Artists' Foundation in Lagos in 2018, attended by prison administration, NGO's active in the justice and prison systems, artists, justice professionals, lawyers;
3. Student workshop at African Artists' Foundation in Lagos in 2018, attended by art and law students;
4. Exhibition and seminar at African Artists' Foundation in Lagos in 2018, attended by prison administration, NGO's active in the justice and prison systems, justice professionals, lawyers, artists, academics and the Consular general of the Netherlands in Nigeria;
5. Exhibition and seminar African Artists' Foundation in Lagos in 2019 attended by prison administration, NGO's active in the justice and prison systems, justice professionals, lawyers, artists, academics and the Consular general of the Netherlands in Nigeria;
6. Two-day seminar at African Artists' Foundation in 2020, attended by participating pro bono lawyers and theatre makers, PILP and the Nigerian Correctional Services;
7. Session Legal Education: Reforming Pretrial Detention in Nigeria, at the KMF Annual Conference, in 2020.



**AARDSCHAP**  
ACTION RESEARCH GROUP