

Jailbreak Recurrence as a New Security Threat in Nigeria

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Abstract

Nigeria Prisons Service is one of the three arms of the nation's criminal justice system; the other two are the police and the courts. Prisons or jails are designed to accommodate any individual or group of people, male or female, found to have broken the law. However, inmates of such facilities sometimes forcefully free themselves from this confinement. This is referred to as jailbreak. Jailbreak has become a new form of threat to Nigeria's internal security. This paper examined the emerging threat of jailbreak in Nigeria, the implications of this trend on the part of the prisoners, prison officials, other law enforcement agencies and the communities where prisons are located. Synthesised primary and secondary sources of data were used including key informant interviews and literature. This paper concludes that embarking on prisons reforms as an option for checkmating jailbreaks and would make prisons officials more accountable than what is presently obtainable.

Keywords: Human Rights, National Security, Jailbreak, Nigeria, Prisons.

Introduction

Prisons or jails are most commonly connected to a country's criminal justice system. They are primarily places of correctional oversight aimed at

punishing offenders. Inmates are either undergoing trial or serving sentences for different criminal acts committed and convicted. In some cases, prisons have been used as an instrument of political repression. For example, Yonucu (2017) revealed how 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.” Similar situations have been found to occur 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. For example, in 2017, prison riots in Southern Venezuela led to deaths in one of its prisons. 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 (Osuntokun, 1979). However, since 2014, Nigeria has recorded unusual cases of jailbreak in different prisons across the country. The year 2016 recorded more cases of jailbreak than ever in the history of Nigeria. The phenomenon of jailbreak is an issue of crime in society. In terms of causality, imprisonment and awaiting trial issues have resulted in forceful liberation of inmates. It is not disputable that some prisoners want to break out of prisons due to loneliness, but it must be noted that such actions are beyond mere desire to reintegrate into the society. Self actualisation, internal factors can also be the push factors in this regard.

As one of the components of the nation’s criminal justice system, the history of the Nigeria Prisons Service is as old as Nigeria’s colonial history. Prisons are located across the country and are designed to accommodate any individuals or groups of people, males or female, found to have committed an unlawful act. According to Oluwadare and Agboola (2011: 205), one of Nigeria’s prison located in Ado-Ekiti which has its zonal headquarters in Ibadan accommodates inmates of both sexes “which range in categories from those convicted for murder, robbery, theft, assaults, frauds and conspiracy, arson, unlawful possession of property, rape, etc., to

those whose cases are still pending in courts.” It is noteworthy that the same urge that made some inmates to commit crimes, explains why they can easily initiate acts that climax in jail break.

The role of the criminal justice system is to maintain law and order and ensure the survival of the society. Through its functions of arrests, detention, and trial, and upon proving guilt beyond reasonable doubt, offenders are punished in tandem with the provisions and specifications of the law (Emeka et al., 2016: 3). The Nigeria Prisons Service has recorded the good, the bad and the ugly. In fact, jailbreak is yet another ugly development in the security sector mainly because it threatens not just humanity, but the criminal justice system. There was a time in the history of Nigeria when some 52 prisoners were housed in cargo containers at the Mutun-Biyu satellite prison, Taraba State. They were subjected to conditions that made them vulnerable to diseases due to unhealthy environmental conditions they are being exposed (see *New Nigerian*, 2004). Under such circumstances, it will not be surprising if there are jail breaks. However, if prisoners are provided with clean environmental conditions and prisons are not allowed to be overcrowded, the temptation of planning jail breaks will be minimised.

The paper addresses the question of jailbreaks as a form of security threat, its causes, preventive measures by the prison officials and its human rights implications in the country. To achieve this, qualitative data was collected through key informant interviews from officers such as Superintendents of Prisons, Inspectors and Assistant Inspectors. Additional information was obtained through media reports. The Niger Delta conflict tracker, Nigeria Watch database which maps incidents of violence deaths, and other secondary sources also aided the data collection process. Observation was used to study and identify the nature of prisons facilities. The authors also observed an ongoing Master degree class for students of criminology, chaired by a professor of criminology, where the criminal justice system in Nigeria was discussed extensively with the professor raising questions on issues of prosecution, trial, and presentation of court cases involving different actors. However, the issues of prisons congestion and threat of jail break were not emphasised.

Exposition on Prisons and Jailbreaks

A prison is “a conventional institution, a penitentiary, or correctional facility, a place in which individuals are physically confined or interned and usually deprived of a range of personal freedom; and this forms part of the criminal justice system of a country” (Oye and Inuwa, 2015: 10). It could also refer to government owned enclosures which house convicted and awaiting trial individuals for a specific period of time. In many contexts, and as operationalised in this study, jail could be used interchangeably with the word ‘prison’. However, it should be clarified that a jail is situated within a prison facility. The purpose of establishing prisons is to correct the ills of the society, punish offenders, at the same time prepare them for reintegration into society and discourage deviant behaviour. It is assumed that without the existence of prisons, people could easily take the law into their own hands.

Jailbreak refers to the aggressive use of an illegal means or force to gain freedom from prison. Jailbreak as crime is an attempt by prisoners to escape and avoid punishment.

Theoretical Framework

The two theories that offer insight into the incidence of jailbreak are: conspiracy theory which explains how jailbreaks are planned; and frustration and aggression theory which offers insight into why jailbreaks occur. It is apparent that most incidents are caused by frustration and feelings of hopelessness by the inmates awaiting trial and their counterparts who have been convicted and are serving jail terms. Most of the inmates awaiting trial, and whose chances of regaining freedom are not certain, are most likely to encourage jailbreaks with other conspirators, who may be convicts who have been sentenced to death and are waiting to be executed. This is where conspiracy theory can be combined with frustration and aggression which would eventually manifest in jailbreak. At this point, if planned, shootings by prisons officials may not easily deter the inmates involved.

Causality and the Security Threats of Jailbreak

Every prison accommodates both male and female convicts or offenders awaiting trial for different categories of crimes, namely murder, robbery, theft, kidnapping, assault, money laundering, fraud and

conspiracy, arson, unlawful possession of property, electoral violence, and rape, among others. Indeed, there is a causal relationship between overpopulated prisons and the incidence of jailbreaks because inmates have the advantage of numbers over the warders who are supposed to be on guard to fend off any threat to the prisons, especially to prevent any external attempt to free prisoners.

The Nigeria Prisons Service is one of the security agencies charged with the correctional aspect of Nigeria's criminal justice system. Tsuwa and Okoh (2016: 473) aver that prisons serve as deterrence to potential deviants, while giving justice to victims of criminal acts perpetrated by deviants, in order to maintain law and order in the state. The foregoing is due to the fact that when people are not punished for their acts of violence or deviant behaviour against others, they can become security risk to the entire society when it becomes too recurrent. As a secondary socialising institution, the prisons use the imprisonment period to give good training to the prisoners. As the prison is their home during this period, it is expected to play the role of the family, teaching its members, the inmates, how to be self-reliant and contented with what they have.

According to Oluwadare and Agboola (2011: 206), most prisons have high fences for security reasons, with the prison officials armed and ready for unexpected situations, while the inmates are kept secure behind burglar-proof doors to prevent escape. However, despite the over 12 ft high fence walls and the confinement of the inmates to rooms with burglar-proof doors, and warders on duty, some prisoners still find their way out. One wonders how jailbreaks are planned and executed successfully without the knowledge of the warders. They are usually taken unawares by the inmates, who rarely have firearms.

According to a superintendent in one of the prisons in the country, there are two groups of inmates: those awaiting trial and convicts serving specified jail terms.¹ With respect to granting pardon, which could in a way help decongest the prisons, two approaches are obtainable:

- Jail delivery: a situation where judges and lawyers visit the prison to review all the cases pending in courts to find out inmates that have stayed beyond the normal period without trial. If the files of

¹Interview at prisons 17 Nov 2017 (with Superintendent of Prisons).

such inmates cannot be found, with the power of the Chief Judge, the affected inmates will be granted freedom. Also, those unduly detained and forgotten in prisons can be freed by the Chief Judge.

- **Governors' pardon:** the governor of a state can pardon prisoners through the prerogative of mercy on the recommendation of prison officials based on the conviction that the prisoners have repented and found worthy of being considered for pardon.

On congestion in prisons the superintendent lamented: "Our hands are tied. The prisons are congested because there are crimes. We do not go looking for awaiting trial members (ATMs) or convicts, but Judges or courts bring them. Prisons as a body, we do not have to release. When their time expires, we release them to go".²

It is noteworthy that there are two types of jailbreak in Nigeria namely, externally motivated and internally planned/coordinated jail break. 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.

Some of the factors that raise the desire to escape in inmates cannot be downplayed. The living condition of inmates in some prisons has been noted as one of the reasons why they want a better life since their trials are not concluded at the right time. The environment is usually not conducive for human habitation. Another notable driver of jailbreaks is the high number of death row inmates. According to Ajayi (2012: 218-219), a situation where "some of the death row inmates in Ibara Prison, Abeokuta,

² Interview with Mr. Clement, Benin Prisons, Edo State Headquarters.

Ogun State were convicted by the former military tribunals, and cannot appeal against their judgment," it is worrisome that not all prison officers are enlightened on how to respect the inalienable rights of inmates. And the foregoing is worsened when the problem of lack of funds delays the prosecution of awaiting trial cases for those remanded in prison custody on allegations of different crimes. The long period of waiting for trial can easily motivate some inmates to think of ways of utilising any little means of escape to avoid prosecution, jail term or death penalty as the case may be.

Awaiting trial prisoners have contributed to the phenomenon of jailbreaks due to the high population which makes prisons crowded like markets. According to Tsuwa and Okoh (2016) "the population of awaiting trial persons is a major challenge to the realisation of the goals of correction due to the punishment of the wrong people for a long time". From observation and various reports on prison congestion across Africa, awaiting trial has become the attribute of criminal justice in developing nations like Nigeria and others in Africa. Nigeria's scenario has been noted as having human rights implications for prison officers and the prisoners themselves. Bateman (2003 in Emeka et al, 2016) avers that accused persons in developing countries suffer the snag of legal service accessibility. This problem does not mean that there is a scarcity of lawyers in the countries concerned but simply a question of affordability; and the society needs to be hastier in prosecuting cases involving political office holders and other privileged citizens. Emeka et al (2016: 1) posit that "the criminal justice system has reneged in this constitutional provision which mandates the ministry of justice to provide for indigent accused persons with defence counsel in trial". This is evident in the number of inmates awaiting trial in prisons.

The delayed trial or prosecution of the accused inmates is not only caused by their inability to access legal officials whose exorbitant charges hinder the trial of people facing different count charges. It makes the inmates have a feeling of hopelessness for years. This is an area that demands the attention of non-governmental organisations to correct the wrongs in the criminal justice system especially by sponsoring the engagement of the services of lawyers for the inmates who have spent some years in prison custody.

The deplorable state of Nigerian prisons was confirmed by Nigeria's president, who observed that most of the prisons are congested. He

portrayed the situation as a national scandal which demands a new approach to prison decongestion for the welfare of inmates (*Premium Times*, 6 October, 2017). A situation where congestion is a problem, prisoners can easily take advantage of it to plan their escape. Consequently, prison congestion indirectly encourages inmates to become partners in another crime whether victimless or organised in prison. For example, the Nsukka prison where a jailbreak occurred in August 2016, was constructed to accommodate only 180 people, but now has over 500 inmates in the facility. Also, the Enugu prison which was built for 638 inmates now has about 1,800 inmates. The Koton Karfe prison, known for incessant cases of jailbreaks, was originally designed for 180 inmates, however, it now houses almost double this number. Also, the Okaka prison in Yenogoa, Bayelsa State, with a capacity of 300 inmates presently holds 600 inmates, and twice in the last three years, suspects awaiting trial have escaped from prison vans conveying them to court (Folaranmi, 2017). This has prompted security beef up at the prisons, including the deployment of soldiers and an armoured personnel carrier to prevent any jailbreak. A recent security report by Eze (2016) indicated that the Abakaliki prison was built in 1946 to accommodate only 387 people, but now accommodates 920, with about 811 awaiting trial. The problem with the awaiting trial inmates is that the majority have been incarcerated for more than five years. Some have even been in custody for decades without trial or conclusion of their cases. This is a threat to security because there is the probability that most of them will not be re-arrested, meaning a miscarriage of justice either in clearing allegations against them or bringing them to justice if they actually committed the crimes that led to their arrest.

A protest by inmates of Abakaliki prison in August 2016 over poor conditions in the prison, especially feeding, was mistaken for a jailbreak attempt by the prison guards (Eze, 2016). This led to shooting that killed some inmates. Poor living and sanitary conditions contribute to jailbreaks across Nigeria, mainly because most officials care little about the inmates who are sometimes treated as non-humans and even given less attention when compared with how some people attend to the feeding and welfare of domestic animals. This explains why some inmates wonder whether being remanded in prison even when they are awaiting trial, is condemnation or conviction to die through starvation and inhuman treatment and would rather risk jailbreak.

In terms of human rights implications, jailbreak poses a non-conventional security threat with the capacity to create a channel for human rights abuses against the jailbreakers, security operatives, residents around prisons, and passersby within a town where such an incident occurs. Similarly, the emerging phenomenon of jailbreak as recorded in the second half of 2016 also created avenues for prison officers and some other intervening security operatives to indirectly justify the violation of prisoners' right to life and right to peace. Such justification is hinged on the crime control model of national security and to forestall breakdown of law and order. Consequently, in the process of ensuring that the prisoners are restricted to the confines of the affected prison, for justice reasons, some of them end up losing their lives through lethal violence occasioned by stray bullets from the firearms of warders. Most times, this happens because the warders are taken unawares and sometimes attacked by the fugitive inmates.

In such situations, security operatives are faced with a dilemma, whether to fire gunshots at the escaping prisoners or to leave them to escape and later embark on a manhunt for them. The implications of both options cannot be downplayed. The first option would expose both the inmates and fugitive prisoners to the risk of losing their lives or sustaining gunshot wounds, while the latter would create an opportunity for prisoners to jump bail, escape justice and entrench anarchy in the state through criminal acts. If the fugitives are allowed to go unstopped there is no guarantee that all of them will be tracked down. The vigour that characterises jailbreaks explains why it constitutes a security threat both to prison officials and the entire community considering the possibility of inmates overpowering some prison guards and collecting their firearms. The recent cases of jailbreaks across the country affirm this. Addressing the human rights problem of jailbreaks requires institutional restructuring and efforts to end the problem of jailbreak.

Denial of the Right to Food and Health

Knowing that they might die in sickness without adequate medical care is enough to propel prisoners to attempt to force their way out by any possible means. This is based on the fact that many prisons have little or no provision for the welfare of inmates. An incident that occurred in Ogwashi-Uku prison is just one of the many cases of the absurd in Nigeria prisons. A prisoner was reportedly abandoned and left to die after attempts by other

inmates to contribute money to fuel a vehicle needed to convey him to the hospital by prison officers failed. He died after some days.

Table 1: Some jailbreak incidents since 2012

Date	Prison	Number of Fatalities	Injured Inmates	Escaped Inmates
December 28, 2012	Maiha Prison, Adamawa	20 dead	Some Injured	35 Inmates Escaped, 11 Rearrested
December 3, 2015	Jalingo Prison	2 dead	Many Injured	None Escaped
June 24, 2016	Kuje Prison	None	None	2 Escaped
July 30, 2016	Koton Karfe Prison, Kogi	None	None	13 Escaped
August 9, 2016	Nsukka Prison	None	None	15 Escaped
August 18, 2016	Abakiliki Prison	19 dead	16 injured	None
July 22, 2017	Okaka Medium Prison, Yenagoa	None	None	6 Rearrested
October 7, 2017	Enugu Prison	None	None	2 Escaped in the Night, None Rearrested

Source: Compiled by the authors from media reports and Nigeria Watch database.

The figures in Table 1, extracted from media reports, contradict those given by civil society and other organisations. For instance, while prison officials said only 6 inmates died and 10 injured, a human rights group conducted investigations and found that over 14 died while 16 were injured. The Committee for the Defence of Human Rights disputed the figure given by the prison officials in Ebonyi State that 14 inmates were gunned down.

However, on the spatial distribution of jailbreaks in Nigeria, the table shows that the South-south and South-west can be said to be more peaceful and stable with less security threats within the prisons. Also, empirical evidence reveals that more jailbreaks have occurred during the summer period than at any other period in the year. This calls for security operatives to beef up security around prisons during the summer period (between June and August).

Factors responsible for the surge in incidents of jailbreak are noteworthy. From the increase in incidence of jailbreaks, it appears that religious practices have not been an antidote to the recurrence of the problem considering that the fugitive inmates do not care about religious adherence of any type, portraying a situation in which they have jettisoned the spiritual for the physical or carnal world.

The welfare of prisoners should be a priority for the authorities to enhance their purpose of de-radicalising inmates with violent behaviour and reforming them to become responsible and law-abiding citizens. Where prisons are congested, inmates are likely to be faced with the problems of insufficient food which could make them to eat a limited variety of foods, or unwanted or un-preferred food (Moloko et al, 2017). By implication, the anxiety over insufficient food can incite the starving inmates to seek ways of escape from the prison facility. This would constitute a threat to security.

The nature of the offence or crime committed and the penalty or punishment as laid down by law, when considered, can also push affected inmates to take the risk of attempting an escape, the consequences notwithstanding. In this regard, an inmate who is facing trial for alleged involvement in armed robbery, kidnapping, terrorism, or treason is more likely to initiate a jailbreak than one incarcerated for goat theft or bag snatching, considering the consequences of the crimes. The serious crimes could earn the inmate life imprisonment or death sentence by hanging or firing squad. This shows that jailbreak has push and pulls factors. Prison reports in recent times have shown that suspects and those convicted for serious crimes and who have expertise in using arms have dominated the number of those involved in jailbreak than others convicted for minor crimes. But pull factors are more externally driven than internal.

The nature of cells, height of fence with double security wires (paced in triangular form on both sides of the fence) that surrounds the prisons, spaces in the prison environment, the number of prison warders policing the surroundings can all facilitate or reduce the occurrence of jailbreak. Prisons with officers that sleep deeply are at risk of jailbreak because arms and door keys can be seized by inmates to effect jailbreak. Of course the fact that most jailbreaks occur in the night when everywhere is dark or officers are relaxing makes it crucial that more staff are on duty than in the day time. Jailbreak will make it difficult for runaway prisoners to re-enter the society and thus, cannot undergo proper correctional reintegration.

The government and comptroller general of prisons need to investigate the conspiracy associated with prison breaks; whether prisoners or their relatives offer monetary gift to prison officers to facilitate their escape.

Conclusion

This study has examined the incremental wave of jailbreaks in the country as well as the human rights implications. When prisoners do not have confidence in the criminal justice system which they believe cannot dispense justice as required, they may consider jailbreak as a way out. In Nigeria, it is apparent that provisions are rarely made for those arrested and kept in prison custody for minor offences so much so that some of them are left and forgotten for years without conclusion of their cases in courts of law. This is simply a violation of their socio-economic rights, and rights to freedom of movement and association. It is obvious that the phenomenon of jailbreak is usually aided by inmates' population and sometimes their ability to take advantage of the lapses in the prisons and officers' lack of commitment to duty. Instead of merely sacking prison officers in affected prisons, the government needs to look into the factors causing the incidents, especially by embarking on decongestion of prisons and facilitating speedy trial of inmates awaiting trial. The death of some inmates after attempted jailbreak in Abakaliki indicates the risks associated with such act. The dilemma of jailbreak is that it encourages illegal freedom when convicted or awaiting trial inmates escape from the premises. It makes the escapees to avoid sentencing as punitive measure for the crimes they may have committed. For this reason, some inmates who have spent many years without prosecution ought to be considered for pardon by justices, governors or other leaders that have the constitutional authority for such action.

The issue of jailbreak raises a lot of issues as far as Nigeria's criminal justice system is concerned. It points to the fact that if the country desires to contain jailbreaks and prevent the security threat, there is need to examine and improve the criminal justice system, as well as the condition of prisons to make life worth living for the inmates. The comment by Nigeria's President, Muhammadu Buhari on the bad condition of prisons calls for action by the authorities. Although prisoners, whether convicted or awaiting trial, are a security threat when they attempt to escape or succeed in escaping, killing them in the process is also a miscarriage of justice, which

must be avoided. If the government and security agencies are not prepared to prosecute the accused inmates, they should consider the option of granting them prerogative of mercy, especially inmates that have been held for a decade or more. Additionally, prioritising the food and health rights of prisoners is an unparalleled strategy in curbing jailbreaks.

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