

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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Notice Board

ICPS Digest: The International Centre for Prison Studies has released the 12th edition of its News Digest, covering the period November – December 2012. The digest contains updated information on prison population statistics, including awaiting trial populations, in Africa. The digest is available at <http://www.prisonstudies.org/news.html>

Penal Reform International Newsletter: Penal Reform International has released its first newsletter of 2013. It contains articles on the proposed “modernizing” of the United Nations Standard Minimum Rules for the Treatment of Prisoners as well as the Committee against Torture’s General Comment on the right to redress. The newsletter is available at <http://www.penalreform.org/>

International CURE Newsletter: CURE International has released their Winter 2012 newsletter. The newsletter contains articles on the use of pre-trial detention in relation to women and children and an update on events at CURE International’s Ghana office. The newsletter is available at <http://www.internationalcure.org/newsletters/INL%20Winter%202012%20pp%201-10.pdf>

Adoption of the UN Principles and Guidelines on Legal Aid in Criminal Justice Systems: The UN Principles and Guidelines on Legal Aid in Criminal Justice Systems were formally adopted by the United Nations General Assembly on 20 December 2012. The guidelines invite member states to adopt and strengthen measures to ensure that effective legal aid is provided. Such measures include, for example, the availability legal aid as a right and the description of such in national legislation. The guidelines are available at http://www.un.org/ga/search/view_doc.asp?symbol=E/RES/2012/15

Country Reports

EGYPT

Journalist to be tried by military court: allAfrica.com reported a journalist, arrested whilst covering a story in the North Sinai region, will be tried by a military court. The journalist was reportedly arrested and detained in connection with “trespassing and filming in a prohibited military zone. Amnesty International has called for his immediate release. Reported by allAfrica.com, 7 January 2013, at <http://allafrica.com/stories/201301072100.html>

Armed forces granted powers of arrest: Bikya News reported that the Egyptian government granted the armed forces the authority to arrest civilians on Monday 28 January 2013. The announcement was made in the wake of the latest violence which followed the announcement of a state of emergency by President Morsi in all Suez Canal cities for 30 days. Reported by Joseph Mayton, 28 January 2013, at <http://bikyaneews.com/84830/breaking-egypt-army-granted-right-to-arrest-civilians/>

KENYA

Prisoners to vote: Capital FM News reported that as a result of a recent court action, prisoners who were registered as voters before they were imprisoned will be able to participate in the 4 March 2013 elections. The High Court reportedly directed the Independent Electoral Boundaries and Commission (IEBC) to put in place mechanisms to enable registered voters in remand detention and sentenced facilities to vote. It declined, however, to direct the IEBC to re-open registration to non-registered voters in prison. Reported by Capital FM News, 21 January 2013, at <http://www.capitalfm.co.ke/news/2013/01/inmates-already-listed-as-voters-will-cast-ballots/>

MOROCCO

Torture prevention experts comment on Morocco: In a blogpost dated 14 December 2012, the World Organisation against Torture (OMTC) report back on a six-day visit to Rabat by a delegation of anti-torture experts. In this post, the OMTC calls on governmental authorities to ensure that the legislative reform process leads to an end to torture and to full accountability. It also emphasises the role of civil society in ensuring the fulfillment of constitutional standards. The OMTC notes that it was clear to the delegation that "the biggest challenge facing the improvement of human rights in Morocco is the difference between the rate of reform and the rate of implementation of the reforms." The blogpost is available at <http://www.omct.org/statements/morocco/2012/12/d22096/>

NIGERIA

Importance of legal assistance highlighted: The Vanguard reported that the Director-General of the Legal Aid Council called on the Inspector-General of Police to issue a "Force Order," directing the police to inform suspects, upon arrest, of their right to have a lawyer present during interrogation. The report noted that "most police officers refuse to inform suspects of such rights" and that a Force Order would thus compel them to do so. The statements were reportedly made at the Police Duty Solicitors Scheme, supported by the Open Society Justice Initiative. Reported by Innocent Anaba, 6 December 2012, at <http://www.vanguardngr.com/2012/12/council-advocates-legal-representation-for-suspects/> also reported at <http://thenationonlineng.net/new/law/respect-accused-persons-rights/>

Government considers public private partnerships: allAfrica.com reported that the Ministry of Interior had proposed that the government enter into public private partnerships (PPPs) for the purpose of running the country's prisons in a manner that will reduce prison congestion. Prison officials have reportedly stated, however, that prison overcrowding is a result of a "malfunctioning judicial system" and it is thus this issue that should be examined and not the possibility of PPPs. Reported by Abdullah Badsha Mukhtar, 31 December 2012, at <http://allafrica.com/stories/201212311079.html>

SOMALIA

Journalist detained: The Indian Express reported that the police arrested a journalist after he wrote a story about a woman who stated that she was raped by government security forces. The story reportedly led to an outcry from human rights organisations, who are now calling for the immediate release of the journalist. Reported by The Indian Express, 16 January 2013, at <http://www.indianexpress.com/news/somali%E2%80%91journalist%E2%80%91arrested%E2%80%91after%E2%80%91story%E2%80%91on%E2%80%911060103>

SOUTH AFRICA

Detainees escape from police cells: News24 reported that five detainees escaped from police holding cells in Polokwane on 9 January 2013. It was not clear how the detainees, who are facing charges of armed robbery and rape, had escaped. Reported by News24, 9 January 2013, at <http://www.news24.com/SouthAfrica/News/5-detainees-on-the-run-in-Limpopo-20130109>

Legal aid in rural areas: allAfrica.com reported that Legal Aid offices in Mpumalanga and Limpopo, largely rural areas, intend to increase their efforts to bring information on how to obtain access to state legal representation to unemployed people and those earning less than R5 500 per month. The offices reportedly intend to liaise with ward councilors and traditional authorities to ensure the expansion of knowledge through various methods, including pamphlet distribution. Reported by Eric Mashaba, 17 January 2013, at <http://allafrica.com/stories/201301180341.html?viewall=1>

Death of foreign suspect in police custody: The Cape Argus reported that the Nigerian Consul-General in Cape Town has heavily criticized the police over the death of a Nigerian in custody. The report quotes the Consul-General as saying that "this is not the first time Nigerians have been assaulted by members of the SA police" Jason Osuafor, former President of the Nigerian Union in the Western Cape, reportedly added that four Nigerians had died in police custody in the past two years. Reported by The Cape Argus, 24 January 2013, at <http://capeargus.newspaperdirect.com/epaper/showarticle.aspx?article=2dd90c39-7166-4e04-b735->

[7939024b2dad&key=cor1do%2bROR91LAdWFgQMIA%3d%3d&issue=6256201301230000000001001](http://www.iol.co.za/news/crime-courts/ipid-probing-sasolburg-deaths-1.1458028#.UQjSgdmDzcv)

Probes into alleged police shootings: IOL News reported that police shot at a group of protesters “when they threw stones at the Zamdela police station” on Tuesday 22nd January 2013, damaging windows and police cars. The police’s involvement in the deaths of at least two people during the protests was reportedly being investigated by the Independent Police Investigative Directorate. Reported by IOL News, 24 January 2013, at <http://www.iol.co.za/news/crime-courts/ipid-probing-sasolburg-deaths-1.1458028#.UQjSgdmDzcv>

TANZANIA

Increase in remand detention numbers causing overcrowding: The Citizen reported that the number of prisoners exceed the country’s prison capacity by 23 per cent. The Parliamentary Committee for Defense reportedly stated that “poor case flow management and lack of communication between prison staff, police and investigators” were some of the major causes of congestion in prisons. Reported by Bernard Lugongo, 21 January 2013, at <http://thecitizen.co.tz/news/-/28301-number-of-prisoners-remanded-exceeds-prison-capacity-by-23pc>

ZIMBABWE

Unaccompanied children detained in poor conditions: Zimeye reported that almost one thousand Zimbabwean children were being detained in Johannesburg and Musina after having attempted to cross the border illegally. They are reportedly being detained in “unsafe and unhealthy environments where facilities are congested” In 2012 alone, approximately 600 unaccompanied minors were deported to Zimbabwe by the South African authorities. Reported by Zim Eye, 9 January 2013, at <http://www.zimeye.org/?p=70663>

Alleged ill-treatment of suspects: The Mail and Guardian reported that Zimbabwe Lawyers for Human Rights has documented evidence of the frequent arrest, torture, beatings and shootings of criminal suspects. It has reportedly documented more than a dozen cases over the past two years in which suspects have died in similar circumstances. A senior police official reported told the Mail and Guardian that “criminals have become a ‘bother and burden to the state’ and the kill-in-custody policy “is nothing new within the force.” Reported by Inyasha Chivara, 11 January 2013, at <http://mg.co.za/article/2013-01-11-suspects-deaths-cast-suspicion-on-zimbabwes-police-inyasha-chivara>

Global Campaign for Pretrial Justice

On any given day, an estimated three million people around the world are behind bars awaiting trial. Many will spend months and even years in detention - without being tried or found guilty - languishing under worse conditions than people convicted of crimes and sentenced to prison. To address the over-reliance on pretrial detention and promote greater access to legal assistance, the Global Campaign for Pretrial Justice is working to gather empirical evidence to document the scale and gravity of the problem; pilot innovative practices and methodologies, to identify effective, low-cost solutions; and build a forum for sharing knowledge among practitioners, researchers and policymakers. For more information on the Global Campaign for Pretrial Justice, please visit http://www.soros.org/initiatives/justice/focus/criminal_justice/projects/globalcampaign

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