

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

August 2011

The Africa Pretrial Justice Monitor is published by the Civil Society Prison Reform Initiative, Community Law Centre, University of the Western Cape as part of the Global Campaign for Pretrial Justice, supported by the Open Society Justice Initiative.

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World Prison Population List: The International Centre for Prison Studies has released the 9th edition of the World Prison Population List. It is available at

http://www.prisonstudies.org/images/news_events/wppl9.pdf

United Nations Convention against Torture Submissions: The Committee against Torture called for comments on the Working Document on Article 14 of UNCAT. Submissions and comments must be sent to cat@ohchr.org on or before the 15 September 2011. More information is available at

http://www2.ohchr.org/english/bodies/cat/comments_article14.htm

Wits Justice Project Conference on Remand Detention: On 10 August 2011 the Wits Justice Project hosted the conference "Remand Detention - Challenges and Solutions." The conference discussions and debates dealt with the various issues surrounding remand detention in South Africa. More information is available at <http://www.journalism.co.za/the-justice-project.html>

UN Working Group on Arbitrary Detention Session: The UN Working Group on Arbitrary Detention began its five-day session on 28 August 2011. A UN expert panel on arbitrary detention will also be meeting during this session to discuss 43 confidential cases of arbitrary detention concerning 22 countries. Reports from both the panel and the working group will be finalised later on in the year. More information is available at

<http://www.un.org/apps/news/story.asp?NewsID=39394&Cr=detention&Cr1=arbitrary>

Human Rights Committee concludes 100th Session: The HRC's report on its one-hundredth session includes observations on Ethiopia's recent amendments to its Criminal Code which criminalises acts of torture and cruel, inhuman or degrading treatment or punishment. The Report is available at

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11274&LangID=E>

Report on Juvenile Justice in Africa: Unicef, UNODC and the UNDP have published a report entitled Child-Friendly Legal Aid in Africa. The report deals with the legal, policy and practical issues involved in maintaining "child-friendly" legal aid programmes. It is available at

http://www.juvenilejusticepanel.org/resource/items/U/N/UNICEF-UNDP-UNODC_Child_Friendly_Legal_Aid_in_Africa_2011_EN.pdf

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BURKINA FASO

Burkina Faso police imprisoned: The BBC reported that two police officers have been sentenced to ten years imprisonment in connection with their role in the February 2011 death of student, Justin Zongo, who died in police custody. Reported by the BBC, 24 August 2011, at <http://www.bbc.co.uk/news/world->

CAMEROON

No separation of detainees in Douala police cells: Jade Cameroun reported that the majority of police cells throughout Douala fail to adequately separate male detainees from females. Following his visit to Cameroon in 1999, the UN Special Rapporteur on Torture also stressed the need for improved conditions and the separation of categories. Certain police stations have since then reportedly been equipped with additional and better equipped cells. Original report in French. Reported by Christian Locka, 2 August 2011, at <http://www.jadecameroun.com/news.php?detailAct=197>

Men detained for homosexuality: Star Africa reported that Amnesty International have appealed to Cameroonian authorities to release two young men due to stand trial on 18 August 2011 on charges of homosexuality. The international human rights organisation also appealed for the repeal of Section 347a of the Cameroonian Penal Code which criminalises homosexuality. Reported by Star Africa, 15 August 2011, at <http://www.starafrika.com/en/news/detail-news/view/cameroon-men-detained-for-homosexualit-183889.html>

Military police accused of having taken bribes: Jade Cameroun reported on an incident of arbitrary arrest by military police which reportedly occurred on 18 August 2011. Ouadjiri Abdoulaye explained that he had been detained at Douala airport, without charge, and was refused permission to use the toilet. In addition, the provisions brought to him by visitors were confiscated. Abdoulaye was released after he paid USD 360000 to the military police. The report notes that arbitrary arrests of this type take place frequently and have been denounced by human rights organisations. Original report in French. Reported by Charles Nfongang, 31 August 2011, at <http://www.jadecameroun.com/news.php?detailAct=201>

DEMOCRATIC REPUBLIC OF CONGO

Escapees from prison intimidating magistrates: Le Potentiel reported that magistrates in the city of Beni in the North-Kivu province have threatened to go on strike if the provincial authorities continue to fail to guarantee their safety. The door of the central prison of Kangwayé has reportedly been missing for six months, which has allowed numerous prisoners to escape, including some who were convicted of serious offences and who have reportedly been threatening magistrates. Original report in French. Reported by Stephane Etinga, 9 August 2011, at <http://fr.allafrica.com/stories/201108090393.html>

Five remand detainees released from Kisangani detention centres: Radio Okapi reported that five remand detainees, including one child, were released from different detention centres across Kisangani on 11 August 2011 following a round of visits by judges and prosecutors. The visits were organised in order to verify the lawfulness of detention of the awaiting trial detainees. Original report in French. Reported by Radio Okapi, 12 August 2011, at <http://radiookapi.net/actualite/2011/08/12/province-orientale-5-personnes-liberees-des-cachots-de-kisangani/>

EGYPT

Riots in military prison contained: The Ahram Online reported that inmates had set fire to the military Hike Step Prison in protest of what they reportedly said were unfair trials in military courts. Reported by Ahram Online, 23 August 2011, at <http://english.ahram.org.eg/NewsContent/1/64/19558/Egypt/Politics-/Riots-in-military-prison-contained,-says-army-offi.aspx>

ETHIOPIA

Arbitrary arrest and detention: The Jurist published a column in which the author criticises the Ethiopian government for using the war on terror to maintain its power by labelling opposition groups, journalists and others as terrorists and detaining them under "suspicious circumstances." Reported by Abigail Salisbury, 2 August 2011, at <http://jurist.org/forum/2011/08/abigail-salisbury-ethiopia-terror.php>

GHANA

Remand detainee population aggravating factor in prison overcrowding: Peace fm reported that prisons across the country are severely overcrowded and are forced to accommodate far more prisoners than what they were designed to accommodate. The report states that approximately one third of Ghana's prison population consists of remand prisoners, both those committed to stand trial and those not yet on trial. Reported by Peace FM Online, 23 August 2011, at

<http://news.peacefmonline.com/social/201108/64740.php>

KENYA

Failure to assist detainees criticised: Capital FM reported that the Kenya National Commission on Human Rights has criticised the Kenyan government for failing to show its commitment to protecting the rights of Kenyans currently detained in Uganda on terrorism charges. Reported by Lordrich Mayabi, 4 August 2011, at <http://www.capitalfm.co.ke/news/2011/08/04/kenyan-officials-slammed-over-uganda-renditions/>

LIBYA

Evidence of detainees massacred revealed: The National Post reported that evidence has been found indicating that Gaddafi forces massacred dozens of detainees. Forty five skeletons and two bodies were found burnt beyond recognition at the makeshift prison in Salaheddin. Reported by the Nation Post, 29 August 2011, at <http://news.nationalpost.com/2011/08/29/evidence-of-libya-detainee-massacre-human-rights-watch/>

NIGERIA

Release of remand detainees ordered: Sun News reported that President Goodluck Jonathan has ordered that all members of the Movement for the Actualisation of a Sovereign State of Biafra (MASSOB) held in prisons across the country be released. There are reportedly more than 1000 MASSOB activists currently detained. Reported by Chidi Nnadi and Petrus Obi, 30 August 2011, at <http://www.sunnewsonline.com/webpages/news/national/2011/aug/30/national-30-08-2011-007.html>

SOUTH AFRICA

Prisoner walks out of court: The BBC reported that one of South Africa's most wanted crime suspects, Bongani Moyo, a Zimbabwe national, escaped by walking out of court. The suspect was due to go on trial for his role in the robbery of 35 banks. Reported by the BBC, 11 August 2011, at <http://www.bbc.co.uk/news/world-africa-14476421>

Unaffordable bail blamed for overcrowding: Sowetan Live reported that 1000 remand detainees are being held in prisons because they are unable to pay bail. Unaffordable bail amounts are reportedly one of the reasons why many remand facilities are severely overcrowded. Reported by Sibongile Mashaba, 11 August 2011, at <http://www.sowetanlive.co.za/news/2011/08/11/prisons-over-crowded-because-suspects-can-t-pay-bail>

Dewani faces extradition: Business Day reported that Judge Howard Riddle of the Westminster Magistrate's Court in London had ruled in favour of the South African government's application to extradite Shrien Dewani to face charges linked to the murder of his wife. Reported by Business Day, 12 August 2011, at <http://www.businessday.co.za/articles/Content.aspx?id=150577>

Officials suspended after prisoner escape: IOL reported that four police officers were suspended in connection with the escape of a prisoner, Bongani Moyo. Reported by IOL, 18 August 2011, at <http://www.iol.co.za/news/crime-courts/officers-suspended-after-moyo-escape-1.1120890>

White Paper on remand detention: IOL reported that the Minister of Correctional Services blamed "bureaucracy" for the delays in unveiling the Department's White Paper on Remand Detention. A legal official in the Department, Loyiso Jafta, had reportedly said that additional funding was necessary to finalize the editing process. Reported by Jeremy Gordin, 22 August 2011, at <http://www.iol.co.za/saturday-star/awaiting-trial-detainees-stepchildren-of-the-system-1.1122882>

Man gets R205 000 in damages for wrongful detention: The Mercury reported the North Gauteng High Court had ordered the police to pay Stoffel Coetzee R205 000 in damages for having locked him up for fifteen hours in a crowded cell. Coetzee had argued that his health had been compromised as he suffers from claustrophobia and a heart ailment, and that he was treated in an "undignified manner." Reported by the Mercury, 23 August 2011, at <http://www.iol.co.za/mercury> (subscription needed).

Concern over delays in laboratory results: IOL reported that more than 66 000 toxicology and alcohol tests are outstanding across South Africa. The delays in processing the samples are reportedly linked to the fact that there are only three forensic chemistry laboratories throughout South Africa. The delays in

laboratory results are reportedly causing delays in criminal trials around the country. Reported by Warda Meyer and Henriette Geldenhuys, 28 August 2011, at <http://www.iol.co.za/news/south-africa/western-cape/court-nightmare-over-lab-backlog-1.1126364>

TANZANIA

Commitment to decongest prisons: Ipp Media reported that the Ministries of Home Affairs and Constitutional Affairs and Justice were working hand in hand to reduce congestion in the country's prisons. One of the measures reportedly proposed is to speed up criminal case processing in the country's courts, for an important contributing factor to prison overcrowding is the remand detainee population. Reported by Lydia Shekighenda, 12 August 2011, at <http://www.ippmedia.com/frontend/index.php?l=32189>

TUNISIA

Tunisia ratifies Optional Protocol to the UN Convention against Torture: The Association for the Prevention of Torture (APT) has congratulated Tunisia on its ratification of the Optional Protocol to the Convention against Torture at the end of June, opening the possibility for independent mechanisms to visit detention centres. Considering the peculiar situation of the country, APT called on Tunisia to set up a National Preventive Mechanism as quickly as possible, in consultation with civil society. Original report in French. Available at http://www.apr.ch/index.php?option=com_k2&view=item&id=1105:tunisie-cdp&lang=en

UGANDA

Legislators decry torture and detention without trial: allAfrica.com reported that Members of Parliament have condemned the torture and detention without trial of suspects by the Kireka-based Rapid Response Unit (RRU), describing their actions as "inhuman." Reported by Isaac Imaka, 5 August 2011, at <http://allafrica.com/stories/201108050008.html>

Detention of journalist criticised: Star Africa reported that Reporters without Borders is concerned about Augustine Okello, a presenter for Radio Rhino FM in the northern city of Lira, who has been remanded in Kampala's Luzira prison. The presenter, accused of treason, has reportedly told journalists that he has been tortured. If convicted of treason, Okello could be sentenced to the death. Reported by Star Africa.com, 10 August 2011, at <http://www.starafrica.com/en/news/detail-news/view/uganda-radio-presenter-facing-possibly-183016.html>

Government envisages influx of remand detainees: New Vision reported that authorities in Uganda are anticipating an influx of prisoners as a result of what they call "riots and terrorism activities" gripping the country. The daily average population is projected to be 34,224 for the year 2011/2012 according to the Commissioner General of Prisons, Johnson Byabashaija. Reported by Catherine Bekunda, 11 August 2011, at <http://www.newvision.co.ug/D/8/12/762420>

Man wins deportation reprieve: The Portsmouth News reported that a man facing with deportation to Uganda won an "eleventh-hour reprieve." Robert Segwanyi, a citizen of Uganda currently in the United Kingdom, argued that he was gay and would be imprisoned and tortured for his sexuality if he was deported to Uganda. Reported by Portsmouth News, 11 August 2011, at http://www.portsmouth.co.uk/news/politics/portsmouth_man_wins_deportation_reprieve_1_2951999

Government to fast track anti-bail law: The Monitor reported that government would be meeting a team of legal experts on 15 August 2011 to fast track the drafting of the proposed anti-bail law. The proposed legislation requires that suspects facing charges of rape, rioting and economic sabotage be denied bail until having spent at least six months in custody. Reported by the Monitor, 15 August 2011, at <http://www.monitor.co.ug/News/National/-/688334/1219010/-/bkensuz/-/index.html>

Protests against anti-bail legislation: The Monitor reported that the Uganda Law Society had assembled a team of lawyers from East Africa to contest the anti-bail proposal which will soon be tabled before the Parliamentary Committee on Legal Affairs. Human rights groups are quoted as saying that the proposed legislation is part of a plan by government to curtail civil liberties. Reported by Richard Wanambwa, 16 August 2011, at <http://www.monitor.co.ug/News/National/-/688334/1219664/-/bkeiykz/-/>

ZIMBABWE

Torture camp discovered: The BBC reported that a torture camp run by Zimbabwe's security forces is operating in the country's rich Marange diamond fields. Miners suspected of illegal mining activities allege widespread torture and rape on the part of the security forces. Reported by Hilary Andersson, 8 August 2011, at <http://www.bbc.co.uk/news/world-africa-14377215>

Minister sues for illegal detention: The Standard reported that Jameson Timba, the Minister of State in the Prime Minister's office, is demanding US\$250 000 in damages from Police Commissioner- General Augustine Chihuri who reportedly detained him for calling the incumbent President a "liar" in June 2011. The Minister highlights the fact that he was detained at a facility described by the Supreme Court as "unfit for human beings". Reported by Kholwani Nyathi, 14 August 2011, at <http://www.thestandard.co.zw/local/31088-minister-timba-demands-us250-000-from-chihuri.html>

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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