

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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#### Notice Board

**Torture and transitional societies:** The Association for the Prevention of Torture (APT) has released a report on the conference “Human Rights in the Arab Spring” which was held in Cairo during 11-14 December 2011. The report, entitled “APT’s Building Blocks for a Torture-free Future: the prevention of torture and other ill-treatment in times of transition,” contains recommendations for Arab states in North Africa on how to prevent torture in post-revolution circumstances. The report is available at [http://www.apr.ch/region/mena/Torture Prevention in Times of Transition En.pdf](http://www.apr.ch/region/mena/Torture_Prevention_in_Times_of_Transition_En.pdf)

**Report on pretrial justice in Sudan:** The International Coalition for the Responsibility to Protect has released a report on pretrial justice in Sudan. The report documents the various failings of the Sudanese criminal justice administration and provides recommendations as to how these may be addressed. The report is available at <http://www.responsibilitytoprotect.org/index.php/component/content/article/129-africa/3942-african-centre-for-justice-and-peace-studies-report-on-pre-trial-justice-in-sudan>

**International CURE Newsletter:** International CURE has released its Winter 2011 Newsletter. The newsletter contains information about overcrowding in remand facilities in general, as well as in specific African countries. It is available at <http://www.internationalcure.org/newsletters/INL%20Winter%2011%20pp%201-6.pdf>

**Special Rapporteur on Prisons and Conditions of Detention:** During the 50th Session of the African Commission in November 2011, Mr Med Kagwa, Ugandan Human Rights Commissioner, was appointed Special Rapporteur on Prisons and Conditions of Detention. More information on this appointment is available at <http://ppja.org/regional-information/africa/african-commission-appoints-special-rapporteur-on-prisons-and-conditions-of-detention-in-africa>

#### Country Reports

### BURUNDI

**Remand detainees challenge detention:** RFI reported that 23 detainees, charged with terrorism, had challenged the legality of their detention describing it as “inhumane and arbitrary.” The detainees are still being held in police cells and, according to their lawyers, should be transferred to a penitentiary facility. Reported by RFI, 6 January 2012, at <http://www.rfi.fr/afrique/20120106-burundi-le-proces-23-prevenus-terrorisme-encore-stade-questions-procedure> Original report in French.

### CAMEROON

**Detainee dies during airport detention:** Jade Cameroun reported that a man, detained at Doula airport by military police for ten days, died after contracting cholera. The deceased’s family have reportedly accused the military police of torture. Reported by Christian Locka, Jade Cameroun, 23 December 2011, at <http://jadecameroun.com/news.php?detailAct=218> Original report in French.

**Arbitrary arrests following electoral unrest:** Radio Okapi reported that members of civil society had complained that 150 people

had been arrested arbitrarily during electoral unrest. The detainees, including many lawyers and students, were charged with rebellion and malicious damage to property. Reported by Radio Okapi, 13 December 2011, at <http://radiookapi.net/actualite/2011/12/13/mbuji-mayi-les-arrestations-arbitraires-surchargent-la-prison-centrale-selon-la-societe-civile/> Original report in French.

**Commitment to combat torture:** allAfrica.com reported that the authorities in Cameroon have committed to tackle all forms of torture by ratifying international guidelines on the fight against torture. This commitment was reportedly the outcome of a three-day conference in January 2012. Reported by allAfrica.com, 26 January 2012, at <http://allafrica.com/stories/201201260884.html>

## DEMOCRATIC REPUBLIC OF CONGO

**Release of detainees following mass arrests:** Radio Okapi reported that 56 detainees were released from the central prison of Mbuji-Mayi between 14 and 16 December 2011. Those released had been arrested during riots related to the elections, but could not be detained further as there was insufficient evidence to sustain charges against them. Reported by Radio Okapi, 18 December 2011, at <http://radiookapi.net/actualite/2011/12/18/violences-electorales-56-personnes-liberees-de-la-prison-centrale-de-mbuji-mayi-2/>

## EGYPT

**Court orders cessation of virginity tests:** The BBC reported that a Cairo court had ordered that forced virginity tests on female detainees in military prisons to be immediately stopped. Reported by The BBC, 27 December 2011, at <http://www.bbc.co.uk/news/world-middle-east-16339398>

**Pledge to release prisoners:** CBC reported that Egypt's military rulers have pledged to release more than 1,900 prisoners tried and convicted in military courts in commemoration of the revolution that toppled Hosni Mubarak. Reported by CBC, 24 January 2012, at <http://www.cbc.ca/news/world/story/2012/01/24/egypt-anniversary-looms.html>

## GUINEA

**Call to reform prison system:** IEWY News reported that Human Rights Watch called on authorities to reform the country's prison system which is reportedly plagued by a shortage of personnel, insufficient infrastructure, overcrowding, poor diet, inadequate medical care and prolonged pre-trial detention. Reported by Linda Campell, 1 January 2012, at <http://www.iewy.com/38872-guinea-intensify-attention-to-human-rights-challenges.html>

## KENYA

**Lawyer sues for wrongful arrest:** Afrique en Ligne reported that Mbugua Mureithi, a Kenyan lawyer arrested while attempting to represent suspects arrested in connection with the 11 July 2010 terror bombings, has sued the Kenyan and Ugandan governments at the East African Court of Justice for wrongful detention. Reported by [afriquejet.com](http://www.afriquejet.com), 5 January 2012, at <http://www.afriquejet.com/justice-africa-court-2012010530934.html>

## LIBYA

**Call for authorities to ensure fair judicial processes:** IEWY News reported that Human Rights Watch has expressed concerns to the transitional government regarding detainees being "held outside the legal system." It emphasised the need for the authorities to ensure that Libya has a functional criminal justice system and that detainees are brought before the courts. Reported by [iewy.com](http://www.iewy.com), 1 January 2012, at <http://www.iewy.com/38880-libya-make-urgent-justice-system-reforms.html>

**Medical charity suspends work:** Reuters reported that aid agency Medecins Sans Frontiers had decided to discontinue its work in Misrata detention centres as staff were reportedly being asked to "patch up" detainees who had just been tortured for the purpose of being sent back repeatedly to face abuse. Reported by Reuters, 26 January 2012, at <http://www.trust.org/alertnet/news/msf-quits-prisons-in-libya-city-over-torture/>

**Torture of prisoners prevalent:** The BBC reported that prisoners interviewed at a prison in Misrata alleged to have been beaten, whipped and given electric shocks. Reported by the BBC, 28 January 2012, at <http://www.bbc.co.uk/news/world-africa-16771372>

**Torture allegations:** CTV reported that the Libyan judicial police had started taking control of makeshift prisons in the country after human rights organizations complained of the "rampant torture of inmates." Reported by CTV News, 29 January 2012, at <http://www.ctv.ca/CTVNews/World/20120129/libya-prisons-torture-militias-20120129/>

## MALAWI

**Strike shuts down courts:** News24 reported that a strike on 9 January 2012 by 2 000 Malawian judicial workers over working conditions and poor salaries brought courts to a stand-still, affecting detainees awaiting trial. Reported by [news24.com](http://www.news24.com), 9 January 2012, at <http://www.news24.com/Africa/News/Malawi-judicial-strike-shuts-down-courts-20120109>

## MOROCCO

**Criminalisation of torture:** Reuters reported that various “human rights organisations” criticised the fact that Morocco legislation simply “condemns” torture and that public officials carry out torture with impunity. The report stated that Moroccan authorities should draft laws criminalising torture in order to end this cruel practice. Reported by Reuters, 20 January 2012, at <http://af.reuters.com/article/topNews/idAFJJOE80J02H20120120>

## NIGERIA

**New legislation:** Leadership reported that the Administration of Criminal Justice Bill is currently before the National Assembly and will be passed “shortly”. The Attorney General reportedly said that the Bill will harmonise existing criminal procedure and “eliminate the arbitrary imprisonment of suspects”. Reported by Chuka Odittah, 4 December 2011, at [http://leadership.ng/nga/articles/9606/2011/12/04/new\\_law\\_criminal\\_justice\\_underway\\_%E2%80%93\\_adoke.html](http://leadership.ng/nga/articles/9606/2011/12/04/new_law_criminal_justice_underway_%E2%80%93_adoke.html)

**Dietary concerns raised:** The Tribune reported that prisoners at the Maximum Prison in Lagos State continue to complain of inadequate health care and the fact that much of the food meant for prisoners is being redirected to shops run by prison officials. Reported by Adebayo Waheed, 6 December 2011, at <http://tribune.com.ng/index.php/news/32335-kirikiri-prisoners-lament-inadequate-feeding-health-care>

**Lengthy remand detention:** allAfrica.com reported that 146 remand detainees are languishing at Kirikiri Maximum Prison waiting to be formally charged and tried by the courts. Some detainees have been in remand detention for almost eleven years. Reported by [allafrica.com](http://allafrica.com), 13 December 2011, at <http://allafrica.com/stories/201112130754.html>

**Rights of detainees “systematically violated”:** The Nation reported that two men have been “set free” by the Lagos State High Court after they were jointly detained for 23 years without trial. The report added that Amnesty International had said that Nigeria’s prisons are “filled with people whose human rights are systematically violated and that approximately 65 per cent of prisoners are those in remand detention. Reported by Joseph Jibueze, 28 December 2011, at <http://www.thenationonlineng.net/2011/index.php/news/31319-%E2%80%98-developed-kidney-problem-awaiting-trial-for-13-years%E2%80%99.html>

## SIERRA LEONE

**“Corrupt” criminal justice administration:** Newstime Africa published an open letter from the editor of a Sierra Leone Newspaper in which the Attorney General is requested to take immediate action to ensure that all innocent people arrested and detained are released. The letter describes the general injustices that occur, particularly for those who are poor and cannot secure legal representation. Reported by Newstime Africa, 27 January 2012, at <http://www.newstimeafrica.com/archives/24114>

## SOUTH AFRICA

**Remand detainee remains untreated:** IOL reported that a 34 year old remand detainee at Goodwood Prison, who claims he was raped during October 2011, has not yet received counselling, an HIV test or post-exposure prophylaxis. The prisoner expressed fears that he might have contracted a sexually transmitted disease. Reported by Esther Lewis, 12 December 2011, at <http://www.iol.co.za/news/crime-courts/prisoner-claims-rape-was-left-untreated-1.1196848>

## UGANDA

**Crime fighting methods questioned:** The Monitor reported that the law enforcement approach in Uganda appears to favour imprisonment as opposed to other methods means of dealing with crime. Between 2004 and 2008, the number of prisoners reportedly increased from 18,328 to 21,942. Almost 55 per cent of the prisoners are in remand detention. Reported by Rogers Kasirye, 12 December 2011, at <http://www.monitor.co.ug/OpEd/Commentary/-/689364/1287966/-/12oblkyz/-/>

## ZAMBIA

**Overcrowding in remand detention facilities:** UK Zambians reported that the Zambia Prison Service has appealed to the High Court to speed up court cases in an effort to decongest remand detention centres throughout the country. Reported by UK Zambians, 5 December 2011, a <http://ukzambians.co.uk/home/2011/12/05/zambiaprison-service-bemoans-congestion/>

## ZIMBABWE

**Call to release prisoners:** allAfrica.com reported that Amnesty International called on authorities in Zimbabwe to release three media activists connected to the Media Monitoring Project. The journalists were accused of “participating in a gathering with intent to promote violence, breaches of peace or bigotry.” Reported by [allafrica.com](http://allafrica.com), 10 December 2011, at <http://allafrica.com/stories/201112100109.html>

**State ordered to investigate torture:** SW Radio reported that the state has been ordered by a court to urgently investigate the “inhumane and degrading” conditions that eight activists are facing at Chikurubi Maximum Security Prison where they have been held for almost six months. Reported by Alex Bell, 23 January 2012, at <http://www.swradioafrica.com/2012/01/23/state-ordered-to->

[investigate-mdc-torture/](#)

### 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](http://www.soros.org/initiatives/justice/focus/criminal_justice/projects/globalcampaign)

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<http://www.communitylawcentre.org.za/clc-projects/civil-society-prison-reform-initiative/>

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