

# AFRICA PRETRIAL JUSTICE MONITOR



APJM MARCH 2011

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**The Global Campaign for Pretrial Justice in Africa Regional Retreat:** The Open Society Justice Initiative and the OSF Global Criminal Justice Fund convened the Africa Regional Retreat from 3 to 5 December 2010 in Johannesburg as part of the on-going Global Campaign for Pretrial Justice. The retreat brought together 30 organisations from ten countries in the Sub-Saharan region as well as a number of international and regional organisations. The retreat addressed various issues relevant to the Campaign and saw the strengthening of regional partnerships. A full report on the retreat can be downloaded at [http://www.soros.org/initiatives/justice/focus/criminal\\_justice/articles\\_publications/publications/africa-retreat-20110315/africa-retreat-summary-20101201.pdf](http://www.soros.org/initiatives/justice/focus/criminal_justice/articles_publications/publications/africa-retreat-20110315/africa-retreat-summary-20101201.pdf)

**Pretrial Justice Report on the Socioeconomic Impact of Pretrial Detention:** In February 2011 the Open Society Justice Initiative and the United Nations Development Program jointly published *The Socioeconomic Impact of Pretrial Detention*. The report is a study of both statistical and personal accounts of the economic effects of excessive pretrial detention and recommends various measures aimed at reform. More information can be accessed at [http://www.soros.org/initiatives/justice/focus/criminal\\_justice/articles\\_publications/publications/socioeconomic-impact-detention-20110201](http://www.soros.org/initiatives/justice/focus/criminal_justice/articles_publications/publications/socioeconomic-impact-detention-20110201)

**Special Rapporteur on Torture addresses Human Rights Council:** Mr. J Mendez, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, addressed the 16<sup>th</sup> Session of the Human Rights Council on 7 March 2011. He noted that pretrial detention, conditions of detention and torture in secret places of detention would be important aspects of his engagement with States. He also stated that places of detention and interrogation should be under the supervision of judicial authorities so empowered to protect and enforce the rights of detainees. The address can be accessed at <http://www2.ohchr.org/english/issues/torture/rapporteur/docs/StatementHRC16%20SRTORTUREMarch2011.pdf> Mendez' first report was submitted on the 3 February 2011, and is available for download at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.52.pdf>

## Country Reports

### COUNTRY REPORTS

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#### ANGOLA

**Imprisonment to suppress anti-government demonstrators:** *Internacional* reported that the Angolan authorities warned that it would imprison organisers of anti-government demonstrations. The report said 20 people had been imprisoned as a measure to suppress possible demonstrations against the regime of President Jose Eduardo dos Santos. It also reported that the Dos Santos government - which has been in power for 32 years - is being accused of corruption. *Original report in Portuguese*. Reported by *Internacional*, 7 March 2011, at [http://www.pco.org.br/conoticias/ler\\_materia.php?mat=27184](http://www.pco.org.br/conoticias/ler_materia.php?mat=27184)

**Lawyer unlawfully imprisoned:** The RFI reported that the Angolan authorities had unlawfully detained a lawyer and human rights activist who had tried to leave the country to access medical treatment in Portugal. The report said Francisco Luemba had previously been imprisoned in connection with the attack on the Togo

national football team in 2009. He was re-arrested and imprisoned after police failed to acknowledge that he was no longer required to follow an order issued by a court in 2010, which banned him from travelling until his case was finalised. It also said that at the time of his arrest another court order had been issued acquitting him of all the charges. *Original report in Portuguese*. Reported by RFI, 20 March, at <http://www.portugues.rfi.fr/africa/20110320-francisco-luemba-detido-quando-tentava-sair-de-angola>

## BENIN

**One step further towards preventing torture in Benin:** The Association for the Prevention of Torture (APT) reported that it had welcomed Benin's publication of the Subcommittee on the Prevention of Torture's (SPT) report. The SPT report provides an overview of the formal safeguards against ill-treatment in Benin as well as comments on draft legislation establishing the National Observatory for the Prevention of Torture. The SPT highlighted a few concerns regarding the "future composition of the NPM (National Preventive Mechanism)," the need to include medical professionals, financial autonomy and management. Reported by the APT, 22 March, at [http://www.apr.ch/index.php/en/aboutapr/region/africa/content/view/index.php?option=com\\_k2&view=item&id=1058%3Aone-step-further-in-torture-prevention-in-benin-the-spts-report-is-now-public&lang=en](http://www.apr.ch/index.php/en/aboutapr/region/africa/content/view/index.php?option=com_k2&view=item&id=1058%3Aone-step-further-in-torture-prevention-in-benin-the-spts-report-is-now-public&lang=en)

## BURKINA FASO

**Student protests over police brutality:** Radio Netherlands Worldwide reported that universities in Burkina Faso closed for two days in March 2011 following student protests over the "suspicious death of a fellow student" whilst in police custody. The "official reports" stated that the cause of death of Justin Zongo was meningitis. However, students claim that "police brutality" ultimately caused Zongo's death. The report quotes a student protester: "there was a police blunder in Koudougou. We are in a free country so we have the right to demand justice. Impunity is rampant in this country and it is frustrating." Students in Ouagadougou had initially planned to meet and protest earlier in the month, however, the government decided to close down and blockade all public universities, including residences and cafeterias, leaving "many students homeless and hungry." Reported by Yaya Boudani, 17 March, at <http://www.rnw.nl/africa/article/burkina-faso-students-protest-against-police-brutality-0>

## CAMEROON

**Journalist detained after having met with detained former Minister:** Cameroun Actu reports that Raphaël Kamtchuen, director of Cameroonian newspaper La Boussole, has been in detention since 17 February 2011 at the Kondengui police station in Yaoundé. Kamtchuen has been accused by the Director of the Central Prison of Kondengui of breaking and entering the prison in order to steal "secret" documents from the former Minister of Economics and Finance, Abah Abah, detained there on charges of misappropriation of public funds. No official information on the arrest had been released by Cameroonian authorities. *Original report in French*. Reported by Cameroun Actu, 21 February, at <http://www.camerounactu.net/fr/communication/medias/2163-un-journaliste-incarcere-pour-avoir-rencontre-abah-abah>

**Concern over detention of journalists:** Kai Walai reports that the United Nations Committee against Torture had expressed its concern as early as May 2010 over the increasing number of journalists and human rights activists being held in detention who have allegedly been subjected to torture and other cruel, inhuman and degrading treatment. In April 2010, a Cameroonian journalist, Bibi Ngota, died in detention in Yaoundé. *Original report in French*. Reported by Kai Walai, 21 February, at <http://www.kwalai.com/toute-lactu-minute-by-minute/media/8035-cameroun-un-journaliste-incarcere-apres-avoir-rencontre-un-detenu-en-prison>

**Imprisoned musician fights for freedom of musical expression:** The Voice of America reported that Lapiro de Mbanga, one of Cameroon's best known musicians, would be spending Cameroon's annual International Music Day at Douala Court house. de Mbanga would be challenging his arrest and imprisonment for charges relating to a song he wrote called "Constipated Constitution" which denounces a constitutional amendment giving the President of Cameroon, Paul Biya, unlimited terms in office. Reported by Voice of America, 9 March, at <http://www.voanews.com/english/news/arts-and-entertainment/music/Jailed-Cameroonian-Musician-Fights-for-Freedom-of-Musical-Expression-117398078.html>

## DEMOCRATIC REPUBLIC OF CONGO

**NGO calls for the release of 17 detainees:** Radio Okapi reported that the NGO La Voix des Sans Voix (the voice of the voiceless, VSV) called upon the government to respect the rights of all those who were detained following an attack on the official residence of President Kabila on 27 February 2011. VSV published a list of 17 detainees who, according to them, are doubtlessly innocent and calls for their immediate release. Government spokesman, Lambert Mende, responded by saying that that it was not up to an NGO to declare their innocence, but up to the justice system. *Original report in French*. Reported by Radio Okapi, 1 March 2011, at <http://radiookapi.net/actualite/2011/03/20/attaque-contre-la-residence-de-kabila-la-vsv-exige-la-liberation-de-17-detenus-innocents/>

**Immigration detainees awarded compensation for wrongful detention:** The Guardian reported that two

immigration detainees, one of which is from the Democratic Republic of Congo, have been awarded nominal damages of £1 each for their wrongful arrest and imprisonment for a two year period in terms of a "secret policy operated by the Home Office." The majority judgment of the Supreme Court criticised the previous government's reliance between 2006 and 2008 on unpublished regulations governing the detention of foreign national prisoners pending deportation. Reported by the Owen Bowcott, 23 March, the Guardian at <http://www.guardian.co.uk/uk/2011/mar/23/immigration-detainees-win-damages?INTCMP=SRCH> \_

## EGYPT

**Rights groups claim military abuse against prisoners:** The Bellingham Herald reported that human rights groups have voiced concerns about what they call a pattern of prisoner abuse by the US-backed Egyptian military, which took control over the country after President Hosni Mubarak resigned on 11 February 2011. The report said that the concerns were voiced after it heard that Egyptian writer and poet, Ramy Salah, had been tortured in a prison under the control of armed forces. The report also said at the point of his arrest, Salah was beaten with fists and batons and, the next day, was tied to a wall, stripped naked, whipped and subjected to electric shocks. Reported by the Bellingham Herald, 13 February, at <http://www.bellinghamherald.com/2011/02/13/1865245/as-egypts-army-vows-democracy.html#>

**Prime Minister promises to release political prisoners:** Reuters Africa reported that Egyptian Prime Minister, Ahmed Shafiq, promised to release an estimated 222 political prisoners, which would include those detained during the uprisings against former President Hosni Mubarak. The report said that there are claims that thousands of prisoners, some of whom could be classed as 'political prisoners,' were detained without charge under an emergency law. It also said that many of the hundreds of people who disappeared during the uprisings were being held by the authorities. Reported by Reuters Africa, 20 February, at <http://af.reuters.com/article/topNews/idAFJOE71J02I20110220>

**Women protesters forced to take "virginity tests":** Amnesty International reported that they have called on the Egyptian authorities to investigate serious allegations of torture, including forced "virginity tests," inflicted by the army on women protesters arrested at Tahrir Square. After army officers reportedly violently cleared the square of protesters on 9 March 2011, at least 18 women were held in military detention without trial. Amnesty International reported that it "opposes the trial of civilians before military courts in Egypt, which have a track record of unfair trials and where the right to appeal is severely restricted." Reported by Amnesty International, 23 March, at <http://www.amnesty.org/en/news-and-updates/egyptian-women-protesters-forced-take-%E2%80%98virginity-tests%E2%80%99-2011-03-23>

**Press conference on torture:** Ahram Online reported that a rehabilitation centre for torture victims would be holding a press conference on the 16 March 2011 where victims and families of victims would be given the opportunity to highlight the realities of military trials and torture. The incidents allegedly occurred on 9 March 2011 when the army, accompanied by plain-clothed police officers, over-ran Tahrir Square forcefully ending the sit in. A number of activists were reportedly arrested and are still awaiting military trial. Reported by Ahrah Online, 16 March, at <http://english.ahram.org.eg/NewsContent/1/64/7847/Egypt/Politics-/ElNadeem-hold-press-conference-on-military-trials-.aspx>

## ETHIOPIA

**Ethiopia accused of detaining activists to deter uprising:** Voice of America reported that Ethiopian authorities had detained dozens of political activists as part of what opposition groups called "a crackdown aimed at preventing a North African or Middle Eastern style popular uprising." The crackdown is focused on the politically sensitive Oromia region where opposition leaders said that "as many as 100 of their party members were arrested during federal police sweeps over the past two weeks." Reported by Voice of America, 23 March, at <http://www.voanews.com/english/news/africa/Ethiopia-Accused-of-Detaining-Activists-to-Deter-Uprising--118543469.html>

## GABON

**Opposition supporters' trial delayed:** News24 reported that a court in Gabon postponed the trial of 26 suspects charged with public order violations. The report said that the suspects, supporters of the country's opposition leader, Andre Mba Obame, were imprisoned between 27 January and 5 February 2011 after participating in a rally in support of Obame's claim to the Presidency. The trial was set down for 17 February 2011. Reported by News24, 2 February, at <http://www.news24.com/Africa/News/Gabon-court-delays-opposition-trial-20110208>

**Senior army official denies criminal charges:** News24 reported that a general in Gabon's army has denied charges that he had planned a *coup d'état* against the son of the late President of Gabon, Ali Ondimba Bongo, who succeeded his father, Omar Ondimba Bongo in June 2009. The report said that Jean-Philippe Ntumpa Lebani, who has been in prison since September 2009, denied the charges saying he had "never incited a plot" or a "*coup d'état*." Reported by News24, 23 February, at <http://www.news24.com/Africa/News/Army-general-denies-plotting-Gabon-coup-20110222>

**New prison for Libreville:** Gabon Actualités reported that the Gabonese Council of Ministers adopted three decrees regarding the creation of a new central prison in Libreville. The planned construction of this prison should improve the general conditions of detention as well as alleviate the problem of overcrowding. The decrees are an important part of implementing the late President Ali Bongo Ondimba's pledge, made in 2007, to improve conditions at the original central prison. *Original report in French.* Reported by Narcisse Leroy, 4 March 2011, Gabon Actualités, at [http://www.gabonactualites.com/index.php?option=com\\_content&view=article&id=144:une-nouvelle-prison-centrale-pour-libreville&catid=25:politique&Itemid=28](http://www.gabonactualites.com/index.php?option=com_content&view=article&id=144:une-nouvelle-prison-centrale-pour-libreville&catid=25:politique&Itemid=28)

## GAMBIA

**Inmates in Bawku to acquire new skills:** The Ghana News Agency reported that the Bawku Municipality is to revamp prison education in an effort to provide skills training to inmates. Mr Sulemana Bukari, Bawku Municipal Non-Formal Coordinator, reportedly said that the inmates needed to be trained in order to acquire skills to help them to make a living after their prison terms. The skills to be taught include reading, writing, numeracy and developmental activities such as tree planting. Income generating activities such as shea butter extraction, malt preparation, rice processing, dressmaking, and agro-processing undertaken by inmates had been able to support the programme. The report said that 65 per cent of the inmates were on remand terms and might not be in prison for long. Reported by the Ghana News Agency, 23 March 2011, at [http://www.ghananewsagency.org/social/r\\_26950/social/prison-inmates-in-bawku-to-acquire-skills](http://www.ghananewsagency.org/social/r_26950/social/prison-inmates-in-bawku-to-acquire-skills) \_

## GUINEA

**Guinea plans closure of certain detention facilities:** Le Jour Guinée reports that the Government of Guinea plans to close certain military garrisons being used as prisons. One such prison, which houses both military and civilian prisoners, is on the Island of Kassa. A dozen officers linked to Captain Moussa Dadis Camara, arrested in March 2010, have not yet been formally charged or brought before a court. Another civilian detainee, Sékou Souapé Kourouma, former secretary general of the youth wing of RPG (Gathering of the People of Guinea), has not been formally charged. *Original report in French.* Reported by Le Jour Guinée, 6 February, at [http://www.lejourguinee.com/index.php?option=com\\_content&view=article&id=4595%3AAla-guinee-envisage-la-fermeture-des-lieux-de-detention-non-conventionnels&catid=19&Itemid=33&lang=fr](http://www.lejourguinee.com/index.php?option=com_content&view=article&id=4595%3AAla-guinee-envisage-la-fermeture-des-lieux-de-detention-non-conventionnels&catid=19&Itemid=33&lang=fr)

## KENYA

**Activist detained in Ugandan prison:** The Standard reported that human rights lawyer and activist, Al-Amin Kimathi, was arrested upon his arrival in Uganda where he intended to "defend the rights of other Kenyans who had been renditioned to Uganda." Kamithi is reportedly being held at Kampala's Luzira prison in solitary confinement and is forced to sleep on the cold, hard floor. He has since been charged with "79 counts of murder, ten counts of attempted murder and three counts of terrorism in connection to the terrorist bombings in Kampala on July 11 last year." Six months after his arrest Kamithi's wife reportedly says that "there is no hope of him being released anytime soon." According to the report, before his arrest, Kimathi had "been in the forefront in exposing and documenting human rights violations, arbitrary detention and unlawful renditions in the context of counter-terrorism operations in East and Horn of Africa." Moreover, he had repeatedly accused the Kenyan and United States governments for their complicity in renditions that have been carried out in Kenya since 2007. Reported by Alex Kiprotich, 11 March, at <http://www.standardmedia.co.ke/InsidePage.php?id=2000031006&cid=4>

**"Ocampo 6" to appear before the International Criminal Court:** allAfrica.com reported that International Criminal Court would not be arresting the "Ocampo Six" when they appear at The Hague. The Court's registrar reportedly said that "those persons are free. They are not detained and will not be detained. They will come on the day of the hearing, and the next day they can be back in Kenya." However, the report noted that there were bail conditions imposed by the ICC which the six accused were mandated to obey. Deputy Prime Minister Uhuru Kenyatta, Head of Public Service Francis Muthaura, suspended Higher Education Minister William Ruto, Orange Democratic Party chairman and suspended Industrialisation Minister Henry Kosgey, Postmaster-General Hussein Ali and radio presenter Joshua Sang are accused of crimes against humanity allegedly committed during the post-election violence. Reported by Peter Leftie and Caroline Wafula, 29 March, at <http://allafrica.com/stories/201103291126.html>

**UNODC pledges support to Kenya:** Coastweek.com reported that the head of UNODC (UN Office on Drugs and Crime), Yury Fedotov, during a visit to Nairobi, had assured Kenya of UNODC's support in combating regional security threats such as counter-piracy, police reform and illicit drug trafficking. UNODC's work in Kenya reportedly forms part of the wider Eastern Africa regional approach which focuses on certain priority areas such as "the capacity building of international cooperation on law enforcement, strengthening of border control, anti-corruption and prison reform." In particular, counter piracy activities would continue to be aimed at building the capacity of Kenya's criminal justice systems, prosecuting suspected pirates in Somaliland and Puntland, as well as improving prison conditions to meet minimum international standards. UNODC has reportedly been "particularly active in Shimo Le Wawa where the newly built courtroom and refurbished prison

ensure sufficient levels of security, as well as humane prison conditions for . . . on trial prisoners." Reported by Coastweek.com, 31 March, at [http://www.coastweek.com/3412\\_nairobi.htm](http://www.coastweek.com/3412_nairobi.htm)

## LIBYA

**Protesters jailed:** Aljazeera reported that Libyan authorities had arrested anti-Gadhafi protesters, including 25-year old Rabie al-Messrati for posting and spreading protest messages on the social network facebook. The report also noted that there was speculation that 110 prisoners linked to the outlawed Libyan Islamic Fighting Group were due to be released from the Abu Salim prison on 16 February in a move to quell tension. Reported by Aljazeera, 16 February, at <http://english.aljazeera.net/news/africa/2011/02/20112167051422444.html#>

**United Nations investigating allegations of torture:** Voice of America reported that the United Nations Special Rapporteur on Torture said that he had received complaints alleging torture, arbitrary detentions and extra-judicial killings in Libya, which came to light since fighting erupted. Juan Mendez also reportedly said that he would be "looking into these cases," which, thus far, had only been allegedly perpetrated by the Gadhafi regime. He had not received any allegations of wrongdoing on the part of the rebel forces. Reported by Voice of America, 9 March, at <http://www.voanews.com/english/news/africa/north/UN-Investigator-Receives-Allegations-of-Torture-in-Libya-117657768.html>

**Libyan rebel forces arresting and detaining suspected mercenary fighters:** The Globe and Mail reported that as Libyan rebel forces continue to capture suspected Gadhafi loyalists along the way to the capital, they are forced to "take steps to deal with the rising number of prisoners." Despite assurances from rebel forces that they are not harming those captive, there are allegations that rebels are imprisoning and torturing African migrant workers suspected of being mercenary fighters employed by the Gadhafi regime. The "rebel council" has, however, reportedly allowed the International Committee of the Red Cross and Human Rights Watch to visit prisoners and both organizations say that the rebels have been open to suggestions as to how to improve their detention system. Reported by Graeme Smith, 28 March, at <http://www.theglobeandmail.com/news/world/africa-mideast/in-a-rebel-prison-any-african-is-a-mercenary/article1960597/>

## MOZAMBIQUE

**Arrested policemen tortured in prison:** AllAfrica.com reported that five Mozambican policemen, arrested on 18 January, accused of facilitating the escape of 68 Somali refugees from the Maratane refugee camp in the northern province of Nampula, claimed that they had been tortured while in the provincial prison in Nampula city. The report said that the policemen had been the target of constant death threats by other inmates, allegedly at the behest of prison officials. Reported by [allafrica.com](http://allafrica.com), 22 March 2011, at <http://allafrica.com/stories/201103171078.html> \_

## RWANDA

**Rwanda prison officials attend training on international human rights:** allAfrica.com reported that prison officials drawn from different prisons completed a three-day workshop on international human rights laws on 13 March 2011. The training, which was organized by the National Human Rights Commission in partnership with the United Nations, focussed on minimum standards for the treatment of prisoners, standards of living and health, and the rights of female inmates. Participants were also trained on the rights and treatment of people living with HIV/Aids and the respective conventions against torture and discrimination. Reported by Bonny Mukombozi, 14 March at <http://allafrica.com/stories/201103141100.html> \_

## SENEGAL

**Senegal releases coup leaders:** The BBC reported that Senegal released four people who were arrested last week on suspicion of planning a coup. Government spokesman Mamba Guirassy reportedly said that there had not been enough evidence to prosecute them. The report also said that security forces had thwarted a coup attempt by detaining a "commando" group linked to the opposition. Opposition leaders reportedly said that the arrests were a "deliberate attempt to deter anti-government rallies in Dakar." Demonstrators reportedly blamed President Abdoulaye Wade's government for rising prices and worsening power supply interruptions in the West African country. Reported by the BBC, 23 March 2011, at <http://www.bbc.co.uk/news/world-africa-12839105>

## SIERRA LEONE

**Freetown prison a "living hell":** The Independent published a lengthy article on conditions of detention in Sierra Leone. John Carlin describes in detail the difficulties experienced by child inmates (who are not separated from adults), in particular, the deplorable conditions of the prison, poor standards of health care and nutrition, inadequate and corrupt judicial services and the very lengthy periods of time that suspects are detained before being formally tried. Reported by John Carlin, 5 March, at <http://www.independent.co.uk/news/world/africa/a-boy-named-abdul-sierra-leones-child-inmates->

[2229670.html](#) \_Also discussed in <http://www.worldpress.org/Africa/3712.cfm> \_

**Opening the doors to justice in Sierra Leone:** The Awoko reported that the Pilot National Legal Aid established by the government of Sierra Leone and the Justice Sector Development Program on the 6 January 2011, would focus primarily on providing advice, assistance and representation at the entry points of prisons, police stations and courts. The report mentioned that the majority of the people held in prisons in Sierra Leone do not have access to legal assistance or advice during court proceedings. The Attorney-General and Minister of Justice reportedly commended the fact that the Legal Aid Bill, establishing the National Legal Aid Scheme, will be enacted into law in the near future. Reported by Nancy Koroma, 7 March, at <http://www.awoko.org/2011/02/23/%E2%80%9COpening-doors-to-justice%E2%80%9D-pnla-outlines-successes/>

## SOMALIA

**Suspected pirates to be tried:** NBC News reported that seven Somalis had pleaded not guilty in a United States federal court to piracy, kidnapping and possession of firearms - charges related to the hijacking of a yacht that left four Americans dead in February 2011. If convicted of piracy, the suspects face mandatory life sentences. Reported by the NBC News, 15 March, at <http://www.nbclosangeles.com/news/local/Somali-Pirates-118026544.html>

**United Nations to set up special prison for pirates in Hargeisa:** RBC Radio reported that the United Nations Office on Drugs and Crime (UNODC) had funded a new prison for captured pirates in Hargeisa, the capital of Somalia's break-away region, Somaliland. The detention centre, which will be the first "pirate prison" in the region, will reportedly be the "biggest" for Somali pirates seized during counter piracy operations in the Horn of Africa. Somaliland currently holds 88 suspected pirates in its detention centers. The report states that in the past, foreign countries have been reluctant to detain suspected pirates due to their unwillingness to deal with the criminal trials. Reported by Abdalle Ahmed, 27 March, at <http://www.raxanreeb.com/?p=88724>

**Somaliland not accepting pirates detained by foreign powers:** France24 reported that Somaliland inaugurated a UN-funded prison for "holding pirates." Somaliland officials reportedly warned, however, that it "was not yet accepting those detained by foreign powers." The report noted that this may be seen as a "setback to attempts by the international community to repatriate Somali pirates arrested on the high seas to East Africa or the Horn of Africa for trial." The new prison was reportedly refurbished at a cost \$1.5 million with the aim of making "conditions there acceptable to countries wishing to repatriate Somali pirates." Kenya, the first country to indicate its willingness to try Somali pirates, recently stated that it was "unwilling to take more." Seychelles, however, indicated in 2010 that it would prosecute Somali pirates. Reported by AFP, 29 March, at <http://www.france24.com/en/20110329-somaliland-warns-will-not-take-foreign-seized-pirates>

## SOUTH AFRICA

**Dewani extradition hearing set to begin:** The Thaindian News reported that the extradition case of Shrien Dewani, a British-Indian millionaire charged with the killing of his wife during their honeymoon in South Africa in 2010, will begin on 3 May 2011. Citing Dewani's lawyer, the report said that the case against his extradition would focus on prison conditions in South Africa when awaiting trial, his mental and physical condition and whether or not he would receive a fair trial. The report also noted that four South Africans had been arrested in connection with the killing, including the couple's taxi driver who was sentenced to 18 years for his part in the killing. Reported by the Thaindian News, 8 February, at [http://www.thaindian.com/newsportal/world-news/extradition-case-date-set-for-brit-indian-honeymooner-dewani-over-wifes-murder\\_100500274.html](http://www.thaindian.com/newsportal/world-news/extradition-case-date-set-for-brit-indian-honeymooner-dewani-over-wifes-murder_100500274.html)

**Kidnapping suspect to await trial in prison:** The Citizen Online reported that the Durban Magistrate's Court had denied bail to a father who allegedly kidnapped his daughter after fetching her from a crèche on 18 January 2011. Clint Walley was imprisoned on 28 January after the child's mother alerted the police and is expected to remain there until trial. Reported by Paul Kirk, 16 February, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=172971&sn=Detail&pid=334&Kidnapping--suspect-has--bail--denied>

**Dewani co-accused claim torture:** The Guardian reported that lawyers for Shrien Dewani were investigating allegations of torture committed against two men recently convicted of the murder of Dewani's wife, Anni. The report said that should the allegations be confirmed, it is probable that questions would be raised about the credibility of investigations in South Africa. One of the co-accused, the report said, claimed that he was beaten with a heavy torch and that his statements in the case had been suggested by police officers. Reported by Steven Morris, David Smith and Alex Duval Smith, 17 February, at <http://www.guardian.co.uk/world/2011/feb/17/shrien-dewani-case-torture-claims>

**Kidnapping and armed robbery suspect escapes from holding cell:** The Independent on Saturday reported that a prisoner accused of kidnapping and armed robbery had escaped from a holding cell at the Durban Magistrate's Court. The report said that Xolani Sikhakane escaped from the holding cell by cutting through three thick steel bars. The suspect is reportedly a member of a gang of five who kidnapped and robbed

a taxi driver and eight passengers in May 2008. Reported by Tania Broughton, 2 March, at <http://www.tios.co.za/houdini-baffles-officials-1.1034798>

**Correctional Matters Amendment Bill:** The Saturday Star reported that the Correctional Services Portfolio Committee had approved a re-drafted version of the Correctional Matters Amendment Bill. The Bill seeks, amongst other things, to "manage remand detainees." One of the provisions in the Bill would, according to Committee Chairperson Vincent Smith, stipulate that remand detainees would only be released into police custody with the permission of the Correctional Services Commissioner, and for a finite period of seven days. In addition, if released into police custody, a remand detainee would have to be medically examined before and after his or her release. Another provision of the Bill places a time limit of two years on the length of time an accused can be detained. Reported by Eleanor Momberg, 5 March 2011, The Saturday Star at <http://thestar.newspaperdirect.com/epaper/viewer.aspx>

**Extradition hearing for Dewani:** The Government Communication and Information Service reported that an application by the South African authorities to have Shrien Dewani's bail revoked would resume in the Belmarsh Magistrate's Court in London on 15 March 2011. The application was initially filed in February after Dewani allegedly tried to commit suicide by taking a number of pills. South African authorities are requesting that Dewani be brought back to South Africa to stand trial on charges related to his wife's murder. An extradition hearing has been set for May 2011. Compiled by the Government Communication and Information System, 15 March, at <http://www.buanews.gov.za/news/11/11031510051001> \_

**South African national extradited to United Kingdom:** The Mail and Guardian reported that South African national, George Champion Sithole, accused of murdering a six-year old girl in the United Kingdom had been successfully extradited. Police spokesperson, Brigadier Sally de Beer said Sithole was handed over to three British police officers and flown out of South Africa on 15 March 2011 under an extradition order. He is reportedly due to stand trial in the United Kingdom on charges of arson and murder. Reported by the Mail and Guardian, 16 March, at <http://mg.co.za/article/2011-03-16-sa-murder-accused-extradited-to-uk> \_

**Government response to problem of "court backlogs":** Defence Web reported on parliamentary questions posed to the Minister of Justice and Constitutional Development regarding court backlogs. The Minister reportedly said that "various interventions" had been implemented to deal with the problem. In particular, the Case Backlog Reduction Project (established in 2006 and which aimed to "add capacity" to courts dealing with a high volume of cases) established 50 additional regional "backlog courts." The project was reportedly set to continue in 2011/2012. The Minister also noted that, regarding the management of remand detainees, there was "constant interaction between the relevant government departments to try and "reduce the number of awaiting trial detainees." He noted too that the White Paper on Awaiting Trial Detainees and investigations into how lengthy cases could be "fast tracked" would also be of assistance in reducing the number of remand detainees. Reported by Defence Web, 17 March, at [http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=14215:parliamentary-question-doj-court-backlocks&catid=86:parliamentary-questions&Itemid=187](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=14215:parliamentary-question-doj-court-backlocks&catid=86:parliamentary-questions&Itemid=187)

**Seven remand detainees escape:** News Time reported that seven prisoners had escaped from uMthatha Correctional Centre by shooting and wounding a prison officer. The prisoners were reportedly facing charges ranging from theft to murder. The Department is investigating the escape and especially how the prisoners were able to obtain a firearm. Reported by News Time, 21 March, at [http://www.newstime.co.za/SouthAfrica/Seven\\_Awaiting\\_Trial\\_Prisoners\\_Escape\\_In\\_uMthatha/22786](http://www.newstime.co.za/SouthAfrica/Seven_Awaiting_Trial_Prisoners_Escape_In_uMthatha/22786)

**Four accused have appeared in court over 100 times:** The Sowetan reported that the case against four accused charged with two counts of housebreaking, kidnapping, robbery with aggravating circumstances, rape and assault has been postponed 100 times over a period of 5 years in the Protea Magistrate's Court, Soweto. The delays were reportedly caused by difficulties in locating witnesses and a certain witness requiring "counselling." The mother of one of the accused reportedly said that the case had "crippled them financially." Reported by Ananias Ndlovu, 22 March, at <http://www.sowetanlive.co.za/news/2011/03/22/100-times-in-court-and-case-continues>

**Minister is sued for wrongful arrest:** The Witness reported a man is suing the Minister of Safety and Security for damages in the amount of R200 000 arising from what he describes as wrongful arrest and detention as well as police brutality and assault. Riaan Underhill, a manager at Vodacom, Gateway shopping mall in Durban, reportedly told the KwaZulu-Natal High Court that he was arrested at the store in July 2008 and taken to Greenwood Park Police Station where he and a fellow employee were assaulted and tortured. Reported by Ingrid Ollermann, 24 March, at [http://www.witness.co.za/index.php?showcontent&global\[id\]=57676](http://www.witness.co.za/index.php?showcontent&global[id]=57676)

**Woman awarded damages for wrongful arrest:** The Daily Dispatch reported that a woman had been awarded R75 000 in damages following her arrest and detention at a road block when she was found not to have her driver's licence with her. Judge Roberson of the Eastern Cape High Court reportedly wrote that the "arrest and detention of Ms Erasmus amounted to flagrant abuse and disregard for the provisions of the Criminal Procedure Act." She reportedly also said that although driving without a licence was a serious offence,

a "peace officer's extensive powers cannot be used merely for the purpose of teaching a person a lesson . . ." Reported by the Estelle Ellis, 30 March, at <http://dispatch.newspaperdirect.com/epaper/viewer.aspx#> - subscription required.

## SUDAN

**Demonstrators imprisoned and assaulted:** Ahewar reported that the Sudan Democracy First Group had documented a wide range of abuses committed against anti-government protesters. The report said that demonstrators were imprisoned and assaulted by the country's security forces. It also said that some of the women had been raped, tortured and verbally abused during interrogations at a police Station in Khartoum. Reported by Ahewar, 23 February, at <http://www.ahewar.org/eng/show.art.asp?aid=1252>

**International Criminal Court orders trial of Sudanese rebels:** Times Live reported that the International Criminal Court has ordered two Sudanese rebels to stand trial for crimes allegedly committed in the Darfur region. Abdallah Banda and Saleh Jerbo were ordered to stand trial following a confirmation of charges hearing in December 2010. The charges against the accused include intentionally directing attacks against personnel, installations, material, units and vehicles involved in a peacekeeping mission, as well as violence to life and attempted violence to life. Reported by The Times, 9 March, at <http://www.timeslive.co.za/world/article956692.ece/ICC-orders-Sudan-rebels-to-stand-trial-over-Darfur>

## TANZANIA

**Overcrowding in prisons:** Ippmedia reported that the Tanzanian Prison Services had significantly improved the problem of prison overcrowding through the use of parole, the expansion of facilities and the granting of bail to inmates whose cases were pending. This was reportedly said by the Principal Commissioner of Prisons, Augustine Nanyaro, at a three-day training workshop in Dar es Salaam. It was also reported that despite the successful reduction in numbers, "efforts to further decongest prisons [were] hampered by the fact that many of the inmates do not qualify for bail." The Commissioner also reportedly acknowledged that "some of the prison guards" had deliberately mistreated and humiliated prisoners. Reported by Ippmedia, 22 March, at <http://ippmedia.com/frontend/index.php?!=27271> \_

## TUNISIA

**Former President faces extradition:** BBC News reported that the Tunisian authorities have formally requested the extradition of former President, Zine al-Abidine Ben Ali, from Saudi Arabia. According to the report Ben Ali fled to Saudi Arabia on 14 January 2011 following the outbreak of protests against his 23-year rule. The report also said that the Tunisian government is seeking to try Ben Ali on charges linked to the deaths of protesters killed during uprisings against his regime. Reported by BBC News, 20 February, at <http://www.bbc.co.uk/news/world-africa-12520040>

## UGANDA

**Torture and illegal detention by Ugandan Police Rapid Response Unit:** Human Rights Watch has released a report critical of the conduct of the Ugandan Police Rapid Response Unit. The unit is accused of frequently operating outside the law, carrying out torture, extortion, and in some cases, extrajudicial killings. The report urges Ugandan authorities to open an independent investigation into the unit's conduct and activities and to hold accountable those responsible for human rights violations. The Human Rights Watch report is based on investigations spanning the period November 2009 to January 2011. Reported by Maria Burnett, 23 March, at <http://www.hrw.org/node/97144>

## ZAMBIA

**Detained Zambians await trial:** The Zambian Watchdog reported that two Zambian women, arrested in Pakistan and South Africa respectively on drug trafficking charges, are currently awaiting trial. Christine Musonda Banda, arrested at Benazir Bhutto International Airport after being caught with 860 grams of heroin, is reportedly being detained in Rawalpindi. Catherine Mukala, another citizen from Zambia was detained at Oliver Tambo International Airport when she was found in possession of heroin on her arrival from Pakistan. This brings the number of Zambian women arrested for drug trafficking in the past two years to 47, of which four have since died in different Asian prisons. Reported by the Zambian Watchdog, 9 March, at <http://www.zambianwatchdog.com/2011/03/06/two-zambian-women-arrested-in-pakistan-sa-for-drug-trafficking/> \_

**Judge urges speedy prosecution of cases:** The Zambia National Broadcasting Corporation reported that the Kitwe High Court urged state prosecutors to hasten the clearance of criminal cases in order to reduce the number of people in remand detention. According to the report, Judge Makungu said that it was "against the laws of Zambia to keep suspects in custody for long periods of time without producing adequate evidence to allow quick expedition of cases." The report also refers to Chief Superintendent Officer Patrick Mundia Nawa who reportedly said that there is an urgent need for new or extended prison facilities in the [Copperbelt]

province, which, according to him, house 2793 inmates, an amount "way above the capacity of the prisons." Reported by the Zambia National Broadcasting Corporation, 9 March, at <http://www.znbc.co.zm/media/news/viewnews.cgi?category=11&id=1299593954> .

## ZIMBABWE

**Alleged plotters detained:** The Mail & Guardian reported that 46 people were brought before court in connection with allegations of treason and plotting an "Egyptian-style" uprising in Zimbabwe. The report stated that defence counsel for the accused had stated that some of his clients were tortured by police and that others were denied medication and access to legal representation. The 46 suspects deny any wrongdoing, stating that they were simply attending a lecture on North African anti-government protests. Reported Gillian Gotora, 25 February, at <http://mg.co.za/article/2011-02-24-alleged-zimbabwe-plotters-tortured-lawyers-say>

**Four arrested by plain-clothed police officers:** SW Radio Africa News reported that four members of Women of Zimbabwe Arise (WOZA) were arrested by plain-clothed Zimbabwean police officers on 28 February 2011. The arrests occurred amidst reports of widespread violence and looting being committed by ZANU PF war veterans and youth militia. Reported by Alex Bell, 28 February, at <http://www.swradioafrica.com/news280211/buhera280211.htm>

**Court orders alleged plotters to stay in prison:** Times Live reported that a Zimbabwean court held that 45 people facing charges of treason involving an "Egyptian-style" uprising against President Robert Mugabe, must be kept in prison until their hearing. The report said that the decision of the court was meant to give prosecutors time to prepare the case against the accused. Defence lawyers for the accused claimed that their clients had been tortured in police custody. Reported by Times Live, 1 March 2011, at <http://www.timeslive.co.za/africa/article942672.ece/Zimbabwe-court-keeps-alleged-plotters-in-jail>

**Prison authorities ignore court order:** The Times Live reported that prison authorities in Zimbabwe have ignored a court order directing that twelve activist being held in connection with allegations of treason against President Mugabe be given medical treatment for torture-inflicted injuries. The report said that the accused were part of a larger group of 45 people who had gathered to watch a DVD of news clips of the unrest in Egypt. Reported by Times Lives, 1 March, at <http://www.timeslive.co.za/africa/article941252.ece/Zim-flouts-court-order>

**Kidnapping suspect granted bail:** News Day reported that Job Sikhala, MDC99 President, had been granted \$500 bail by a Mutare magistrate's court on kidnapping charges. The state had initially proposed that Sikhala deposit \$2000, but the magistrate had dismissed this amount stating that "bail should not act as a punishment to the accused" and that \$2000 was "way too much." Counsel for Sikhala, Obed Shava, reportedly stated that Sikhala had been detained in "terrible conditions" and had been assaulted whilst being held in Harare. An affidavit before the court stated that upon his arrest, Sikhala had been told that his arrest was linked to the "one million-men march due to take place on 1 March 2011 in a bid to topple the government through an 'Egyptian style' revolution and that he was going around the country mobilising people to participate." Sikhala was reportedly surprised when charged formally the next day with kidnapping. Reported by Chengetai Murimwa, 2 March, at <http://www.newsday.co.zw/article/2011-03-02-sikhala-charged-with-trespassing>

**Zimbabwe Exile Forum condemns arrest and torture of activists:** The Zimbabwean reported that the Zimbabwe Exiles Forum had condemned the torture of human rights and political activists arrested in Zimbabwe on 19 February 2011. The group issued the statement following the solidarity march at the Zimbabwean Consulate in Johannesburg demanding the release of the activists. The activists were arrested as they gathered at a private meeting organised for the purpose of discussing recent uprisings in Tunisia and Egypt. The Zimbabwe Exiles Forum urged the Inclusive Government in Harare to ratify regional and international protocols outlawing torture. Reported by the Zimbabwean, 4 March, at [http://www.thezimbabwean.co.uk/index.php?option=com\\_content&view=article&id=37774:zef-condemns-arrests-and-torture-of-activists&catid=52&Itemid=32](http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=37774:zef-condemns-arrests-and-torture-of-activists&catid=52&Itemid=32)

**82-year old woman languishes in jail:** The Zimbabwean reported that an 82-year old woman is one of 24 Nyanga villagers being detained at Mutare Remand Prison after the High Court postponed the hearing of an appeal filed by the Attorney General's Office challenging a bail order in their favour. The 24 are accused of instigating political violence. Reported by the Zimbabwean, 10 March, at [http://www.thezimbabwean.co.uk/index.php?option=com\\_content&view=article&id=37942:82-year-old-languishes-in-prison-as-judge-postpones-hearing-of-ags-appeal-against-hon-mwonzora-and-villagers-&catid=52&Itemid=32](http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=37942:82-year-old-languishes-in-prison-as-judge-postpones-hearing-of-ags-appeal-against-hon-mwonzora-and-villagers-&catid=52&Itemid=32)

**Accused legislator released on bail:** SW Radio Africa reported that a High Court Judge granted bail to MDC-T Member of Parliament for Nyanga North, Douglas Mwonzora, and 24 other activists from the Nyanga region following their arrests a month ago. All 24 are accused of instigating violence during a constituency feedback meeting. Also appearing in court was a MDC-T Member of Parliament for Mazowe Central who was arrested in Chiweshe a few days earlier on charges of digging and stealing quarry stones. Another MDC-T legislator reportedly languishing in police cells is MDC-T legislator for Gokwe, who was arrested on allegations of

committing violence in Kadoma. Another legislator from Zhombe was reportedly also arrested on charges of threatening a chief. In Harare, the High Court postponed a bail application by six activists charged with treason reportedly linked to "discussing the mass protests" that toppled the former Egyptian president. Reported by Tichaona Sibanda, 11 March, at <http://www.swradioafrica.com/news110311/mwonzora110311.htm>

**Prisoners detained in poor conditions:** The News Day reported that seven detainees have complained to a regional magistrate's court of inhuman treatment while in remand prison. Albert Mugove Matapo, facing treason charges and a charge connected to allegedly attempting a prison escape with six other prisoners, reportedly told the court that he was kept naked for a month in darkness and in leg-irons. This came out in an application for referral of the case to the Supreme Court made by the prisoners' lawyers, Charles Warara and Gift Nyandoro, before regional magistrate Morgan Nemadire. The report said that Warara wanted the Supreme Court to determine whether it was constitutional for accused persons to appear in court wearing labelled clothes and standing trial while in leg-irons. Matapo's lawyer was reportedly "not happy" that he was removed from a normal prison cell and taken to a cell called "FB1" where there is no natural light. Reported by Charles Laiton, 15 March, at <http://www.newsday.co.zw/article/2011-03-15-prisoners-stay-naked-in-condemned-cells>

**March for Zimbabwe prisoners:** The New Age reported that a march would take place in Hillbrow on 21 March 2011 in protest of the detention of six people arrested in Zimbabwe for treason after they met to discuss revolts in North Africa. The march was organised by, amongst others, the Zimbabwe Solidarity Forum, the Movement for Democratic Change, Johannesburg Youth Assembly, Amnesty International and the Freedom of Expression Institute. The report quoted alliance spokeswoman Rowena McNaughton: "Each week more and more people are being detained and many continue to be charged for spurious reasons... we want to send a message to dictators everywhere...that an injury to one is an injury to all." Solidarity demonstrations would also be taking place in other cities, including New York and London. Reported by the New Age, 16 March, at [http://www.thenewage.co.za/12970-1007-53-March\\_in\\_Hillbrow\\_for\\_rights\\_of\\_Zim\\_prisoners](http://www.thenewage.co.za/12970-1007-53-March_in_Hillbrow_for_rights_of_Zim_prisoners)

**Human rights activists released from detention:** The Zimbabwean reported that human rights activist Munyaradzi Gwisai and five others detained on treason charges in Harare were granted bail on 16 March 2011, more than three weeks after their arrest. They are reportedly required to report three times a week to the police station. Reported by the Zimbabwean, 19 March 2011, at <http://www.dailynews.co.zw/news/34-news/1901-gwisai-six-others-freed-on-bail.html>

**Three pressure group members detained:** The New Zimbabwe reported that three members of a Bulawayo-based pressure group charged with treason were being held in prison without prospects for immediate trial. Paul Siwela, John Gazi and Charles Thomas were arrested on 3 March 2011 and charged with treason for allegedly distributing pamphlets calling for the "overthrowing of Robert Mugabe's government." Reported by new Zimbabwe, 20 March 2011, at [www.newzimbabwe.com/news...Judge...Mthwakazi...bail.../news.aspx](http://www.newzimbabwe.com/news...Judge...Mthwakazi...bail.../news.aspx)

**Energy Minister detained despite court order of bail:** Voice of America News reported that Energy Minister Elton Mangoma, a close ally of Prime Minister Morgan Tsvangirai and a member of the Movement for Democratic Change, remains in custody despite a court order on the 22 March 2011 directing his release on bail. Prosecutors reportedly invoked a "strict clause of the criminal law statutes requiring suspects to remain in custody while their case is investigated." Mangoma's detention reportedly prevented him from casting a ballot in a "critical" vote in Parliament. Reported by Voice of America, 29 March, at <http://www.voanews.com/english/news/africa/Zimbabwe-Prosecutors-Keep-Tsvangirai-Ally-Jailed-118847624.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](http://www.soros.org/initiatives/justice/focus/criminal_justice/projects/globalcampaign)

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