

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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## Notice Board

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**Draft guide on legal aid:** The United Nations Office on Drugs and Crime has released a draft version of the “The United Nations Principles and guidelines on Access to Legal Aid in Criminal Justice Systems.” The document is an important advisory tool for countries looking to establish and / or improve their legal aid assistance programmes. The documents is available at [http://www.unodc.org/documents/justice-and-prison-reform/Draft\\_principles\\_and\\_Guidelines\\_on\\_access\\_to\\_legal\\_aid.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Draft_principles_and_Guidelines_on_access_to_legal_aid.pdf)

**Global forum on the prevention of torture:** On 10-11 November 2011 the Association for the Prevention of Torture will be hosting the “APT Global Forum on the OPCAT: Preventing Torture, Upholding Dignity: from Pledges to Actions.” The conference will be held in Geneva and will include discussions on the ratification of OPCAT in Africa. A strategic consultative meeting for Africa will be held ahead of the Global Forum, on 9 November 2011. More information is available at [http://www.apr.ch/index.php?option=com\\_k2&view=item&id=1060&Itemid=270&lang=en](http://www.apr.ch/index.php?option=com_k2&view=item&id=1060&Itemid=270&lang=en)

**Detention monitoring guide:** The Association for the Prevention of Torture has released its 4th Briefing, titled: “Mitigating the risks of Sanctions related to Detention Monitoring.” The document analyses sanctions applied to detainees and advises on how these can best be avoided and mitigated. It is available at [http://www.apr.ch/index.php?option=com\\_k2&view=item&id=1130%3Amitigating-the-risks-of-sanctions-related-to-detention-monitoring&lang=en](http://www.apr.ch/index.php?option=com_k2&view=item&id=1130%3Amitigating-the-risks-of-sanctions-related-to-detention-monitoring&lang=en)

**Article on the special mechanisms procedure of the African Commission in relation to torture:** The 13th edition of the Sur International Journal on Human Rights has recently been released. It contains an article entitled: “The Special Rapporteur on Prisons and Conditions of Detention in Africa and the Committee for the Prevention of Torture in Africa: The Potential for Synergy or Inertia?” By Muntingh and Long. The journal is available at <http://www.surjournal.org/eng/contedudos/pdf/13/05.pdf>

## Country Reports

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### BURUNDI

**Campaign to decongest overcrowded remand prisons:** Afrique en Ligne reported that the Burundian authorities have begun a campaign to decongest the overcrowded prisons in the country. 328 remand detainees have been released from Bujumbura’s central prison, which accommodates 4000 individuals in a facility designed to accommodate only 800 people. The authorities will reportedly continue to release individuals in remand detention suspected of having committed minor offences. Reported by Afrique en Ligne, 8 October 2011, at <http://www.afriquejet.com/justice-prison-burundi-2011100824468.html>. (Original report in French).

### CAMEROON

**Arbitrary detention:** Jade Cameroun reported on a case of arbitrary detention in Yabassi Prison. 22-year old George Fountong has been in detention for almost two years, but is still awaiting trial for a charge of forgery, the punishment for which is reportedly a maximum of one year imprisonment. There are reportedly “no reasons” for him to be continuously detained given the fact that the other co-accused have been released. Reported by Christian Locka, Jade Cameroun, 4 October 2011, at <http://www.jadecameroun.com/news.php?detailAct=206> (Original report in French).

**Alleged ill-treatment of remand detainee:** Jade Cameroun reported that the Police Commissioner of Bafoussam has been accused of having mis-treated a 19-year old female detainee in November 2004. Although the Commissioner was officially charged in 2006, the

trial has yet to begin. Reported by Guy Modeste Dzudie, Jade Cameroun, 18 October 2011, at <http://www.jadecameroun.com/news.php?detailAct=207> (Original report in French).

**Youths arrested and detained in Douala:** Jade Cameroun reported that 17 youths, of which two are children, were arrested on 4 October 2011 while distributing political pamphlets in Douala. Accused of disturbing public order, they were detained altogether in a 5m<sup>2</sup> cell for eight days during which they were prevented from washing and denied access to food and water. On 12 October 2011 they were reportedly released on bail. Reported by Jade Cameroon, 20 October 2011, at <http://jadecameroun.com/news.php?detailAct=209> (Original report in French).

**Lengthy remand detention:** Jade Cameroun reported that Joshua Mbah, accused of aggravated robbery, has been in remand detention since 16 November 2007. His writ of habeas corpus was reportedly rejected on the basis that he had not always responded to summons of appearance in the past. According to Mbah, however, this was because he did not have legal assistance and was not notified by the court of his court dates in time. Reported by Anne Matho, Jade Cameroun, 26 October 2011, at <http://jadecameroun.com/news.php?detailAct=210> (Original report in French).

## DEMOCRATIC REPUBLIC OF CONGO

**Woman in remand detention has miscarriage following police torture:** Radio Okapi reported that a 30-year old woman suffered a miscarriage in police detention cells in Mutshima, Kasai-Occidental. The miscarriage was reportedly a result of torture inflicted by the police during her four-day detention during which she has not informed of the reason for her arrest. Reported by Radio Okapi, 12 October 2011, at <http://radiookapi.net/actualite/2011/10/12/kasai-occidental-une-prevenue-fait-fausse-couche-suite-aux-tortures-de-policiers/> (Original report in French).

## EGYPT

**Emergency laws to be repealed:** News24.com reported that Egyptian officials had indicated their plans to scrap an emergency law which permits arrests without charge and restricts the rights of defendants in special courts. These laws are reportedly seen as a symbol of repression under former President Hosni Mubarak's regime. Reported by [news24.com](http://www.news24.com), 5 October 2011, at <http://www.news24.com/Africa/News/Egypt-unlikely-to-lift-emergency-law-soon-20111005>

## LIBYA

**Concern about torture of detainees:** Reuters reported that up to 7000 detainees are held in 67 makeshift detention centres in Libya more than two months after rebel forces toppled Muammar Gaddafi. The report added that evidence of the torture of prisoners in these detention facilities was beginning to emerge. Reported by Stephanie Nebehay, 14 October 2011, at <http://www.reuters.com/article/2011/10/14/us-libya-un-rights-idUSTRE79D42M20111014>

**African nationals detained:** Menafn.com reported that over 1000 nationals from various African countries, the majority of which are Nigerians, are detained at the al-Judaïda Prison in Libya. Most of the detainees reportedly lack the necessary paperwork to remain lawfully in Libya. The prison is well as a place where prisoners were tortured during the Gadhafi's regime. Reported by [menafn.com](http://www.menafn.com), 17 October 2011, at [http://www.menafn.com/qn\\_news\\_story.asp?storyid=%7Bbbdc1507-62f1-41dc-aa79-cf284191ff4c%7D](http://www.menafn.com/qn_news_story.asp?storyid=%7Bbbdc1507-62f1-41dc-aa79-cf284191ff4c%7D)

## MALAWI

**Call to release detained activists:** The Nyasa Times reported that Amnesty International called on Malawian authorities to immediately and unconditionally release five activists who are being detained in connection with a peaceful protest in the capital, Lilongwe. Reported by The Nyasa Times, 17 October 2011, at <http://www.nyasatimes.com/malawi/2011/10/17/amnesty-international-calls-on-malawi-to-release-activists/>

## MOROCCO

**Allegations of torture of remand detainees:** allAfrica.com reported that evidence that Moroccan authorities had tortured many of the Saharawis being detained there is beginning to emerge. The report said that the methods of torture included beatings, electric shocks and threats of rape. Reported by Peter Kenworthy, 20 October 2011, at <http://allafrica.com/stories/201110210515.html>

## NIGERIA

**Journalists arrested:** The Mail and Guardian reported that police raided the office of The Nation newspaper, arresting four journalists in connection with the publication of a letter from the country's former President instructing its current leader to fire government officials. Reported by The Mail and Guardian, 12 October 2011, at <http://mg.co.za/article/2011-10-12-six-journalists-arrested-in-nigeria-over-presidential-letter>

## REPUBLIC OF CONGO

**UN expresses concern over detention of three DRC military officers in Brazzaville:** Radio Okapi reported that the UN Working Group on Enforced or Involuntary Disappearances expressed concern about the unlawful detention of three military officers from the Democratic Republic of the Congo. They have reportedly been in detention for more than seven years, but have never been brought before a judge. The authorities responded that the officers have been detained for their own safety as their requests for asylum have not yet been fully processed. Reported by Radio Okapi, 4 October 2011, at <http://radiookapi.net/actualite/2011/10/04/trois-officiers-de-la-rdc-detenus-brazzaville-depuis-7-ans-le-groupe-de-travail-de-lonu-inquiet/> (Original report in French).

A news release from the UN Working Group can be found at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11463&LangID=E>

## SOUTH

## AFRICA

**Justice “overhaul”:** The Citizen reported that the proposed overhaul of the country’s justice system will introduce electronic files and expedite the trial of 40 000 prisoners currently awaiting trial. Justice Bertelsman reportedly stated that the new system should prevent “meddling” with case files. Reported by The Citizen, 6 October 2011, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=230163&sn=Detail&pid=146826&Justice-overhaul-prevents-meddling>

**Former remand detainee sues Department of Correctional Services:** IOL reported that a former remand detainee, Noah Joseph Taukobong, is claiming R500 000 in damages from the Department of Correctional Services, claiming that a male nurse at the Pretoria Local Prison severely assaulted him by hitting him with a baton on his genitals. The assault reportedly took place while the detainee was awaiting trial on robbery charges. Reported by Zelda Venter, 19 October 2011, at <http://www.iol.co.za/news/crime-courts/detainee-hit-on-genitals-allowed-to-sue-1.1160144>

**Improved legal aid for the poor:** The New Age reported that according to Legal Aid’s 2012 – 2017 strategic plan, the poor and vulnerable would “soon have access to justice and legal representation.” In particular, the plan reportedly seeks to maintain and improve services in the deep rural area and at traditional courts. Reported by Elfias Torerai, 12 October 2011, at [http://www.thenewage.co.za/31638-1017-53-Plans\\_to\\_bring\\_justice\\_to\\_rural\\_poor](http://www.thenewage.co.za/31638-1017-53-Plans_to_bring_justice_to_rural_poor)

## SUDAN

**Calls made for release of detained activist:** Amnesty International appealed to authorities in Khartoum to release a detained human rights activist on a hunger strike and reportedly at risk of torture. The prisoner, Bushra Gamar Hussein Rahma, was detained following the arrest of Nubians affiliated with the Sudan People’s Liberation Movement. Reported by Amnesty International, 12 October 2011, at <http://www.amnesty.org/en/news-and-updates/health-fears-detained-sudanese-activist-hunger-strike-2011-10-12>

## UGANDA

**Criticism of proposed amendments to bail legislation:** Irin News reported that Ugandan human rights activists have expressed concern that President Yoweri Museveni’s proposal to do away with bail for people suspected of committing certain crimes could swell the country’s already overcrowded prison system and exacerbate severe problems in delivering health services to inmates. Reported by Irin News, 26 October 2011, at <http://www.irinnews.org/report.aspx?reportid=94071>

## ZIMBABWE

**Officials remanded in custody:** SW Radio reported that eight MDC-T officials, including youth president Solomon Madzore, were remanded in custody over allegations that they had a hand in the death of a police official. Seven other MDC-T activists are also reportedly in remand detention in connection with the same murder, five months after having been arrested. Reported by Tichaona Sibanda, 7 October 2011, at <http://www.swradioafrica.com/news071011/madzore071011.htm>

**Strike affects bail hearings:** The Herald reported that a strike by prosecutors caused a massive backlog at the High Court where bail applications are being repeatedly postponed as a result. High Court judges reportedly criticized the Office of the Attorney-General for the non-performance of its staff. Reported by The Herald, 12 October 2011, at [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=23549:strike-causes-backlog-at-high-court&catid=46:crime-a-courts&Itemid=138](http://www.herald.co.zw/index.php?option=com_content&view=article&id=23549:strike-causes-backlog-at-high-court&catid=46:crime-a-courts&Itemid=138)

**Remand detainees affected by lack of transport:** News Day reported that Harare Remand Prison has been hit hard by a shortage of transport for the purposes of ferrying detainees to and from court. The reported result is that the district court is able to attend to bail hearings only twice a week. Reported by News Day, 24 October 2011, at <http://www.newsday.co.zw/article/2011-10-24-no-joy-for-chitungwiza-remand-prisoners>

### 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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