

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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**Torture Website:** Penal Reform International has launched a new website, "Together Against Torture," with the objective of creating a community of people and organisations committed to preventing torture. The website address is <http://tortureprevention.penalreform.org/>

**International Centre for Prison Studies news:** The ICPT has released the 4th Edition of its News Digest. It contains articles on various African countries, including, Algeria, Nigeria and South Africa. It is available at [http://www.prisonstudies.org/images/news\\_events/news\\_digest\\_july-august\\_2011.pdf](http://www.prisonstudies.org/images/news_events/news_digest_july-august_2011.pdf)

**Special Rapporteur on extreme poverty and human rights:** On 4 August 2011 a Report by the Special Rapporteur on extreme poverty and human rights was delivered to the General Assembly. The report speaks of the link between extreme poverty and the excessive and arbitrary use of detention and incarceration that "threatens the liberty and personal security of persons living in poverty." The report is available at <http://www.ohchr.org/Documents/Issues/Poverty/A.66.265.pdf>

**UN Convention Against Torture Committee:** On 18 October 2011, in Geneva, an election for the filling of the five seats of the CAT Committee, which become vacant at the end of 2011, will be held. Information on the nominees and the election process is available on the Association for the Prevention of Torture's Website, at [http://www.ap.torture.ch/index.php?option=com\\_k2&view=item&id=1118%3Acat-election-members&lang=en](http://www.ap.torture.ch/index.php?option=com_k2&view=item&id=1118%3Acat-election-members&lang=en)

## Country Reports

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### DEMOCRATIC REPUBLIC OF CONGO

**Detention of journalist criticised:** allAfrica.com reported that the detention of journalist Dédé Ilunga by the police had been widely condemned by rights groups and civil society. Ilunga, accused of "inciting rebellion" and working for the political opposition, was detained for 17 days in a police cell before being released on 22 September 2011. Reported by [allafrica.com](http://allafrica.com), 24 September 2011, at <http://allafrica.com/stories/201109240111.html>

**Remand detainees denied right to vote:** Jade Cameroun reported that remand detainees are being denied their right to vote. Remand detainees and human rights organisations have reportedly stated that the right to vote should not be denied until suspects have been proven guilty. Prison and judicial authorities maintain that "circumstances" render it impossible for remand detainees to vote. Original report in French. Reported by Guy Modeste Dzudie, 28 September 2011, at <http://www.jadecameroun.com/news.php?detailAct=205>

### EGYPT

**Military trials to come to an end:** IOL reported that plans are underway for Egypt's army to discontinue the trying of civilians in military courts. The report added that the country's "decades-old emergency law would be scrapped as part of wider reforms to appease activists who have tried to build momentum for a mass protest against military trials." Reported by IOL, 6 September 2011, at <http://www.iol.co.za/news/africa/egypt-to-end-military-trials-of-civilians-1.1131719>

**Thousands arrested and detained:** Arabian Business reported that Egypt's new military regime has arrested and detained

approximately 12 000 civilians since 28 January 2011. The number of those arrested and detained is said to be more than the total number detained during former president Hosni Mubarak's entire 30-year rule. Reported by Shane McGinley, 11 September 2011, at <http://www.arabianbusiness.com/12-000-arrested-in-egypt-since-january-human-rights-watch-says-419845.html>

**Authorities urged to release remand detainee:** [almasryalyoum.com](http://almasryalyoum.com) reported that Amnesty International has urged Egypt's military rulers to release detained blogger, Maikel Nabil Sanad, who has reportedly been on a hunger strike for over a month. Reported by Ahmed Zaki Osman, 26 September 2011, at <http://www.almasryalyoum.com/en/node/499732>

## ERITREA

**Calls for the release detainees being held in secret:** Defence Web reported that Amnesty International and the European Parliament had called on the authorities in Eritrea to release eleven former Eritrean officials and a journalist who have been in held incommunicado since a government crack-down in 2001. Reported by Defence Web, 19 September 2011, at [http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=19172:amnesty-calls-for-release-of-eritrea-officials&catid=54:Governance&Itemid=118](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=19172:amnesty-calls-for-release-of-eritrea-officials&catid=54:Governance&Itemid=118)

## KENYA

**New Attorney General to look into the plight of remand prisoners:** The Kenya Broadcasting Corporation reported that the incoming Attorney General, Professor Githu Muigai, has undertaken to reduce the period of time spent by suspects in remand prison. Responding to questions posed to him in parliament, he reportedly stated that it was "regrettable that suspects continue to spend years in remand in disregard of the law." Reported by Nelly Moraa, 6 September 2011, at <http://www.kbc.co.ke/news.asp?nid=72330>

**Widespread police brutality:** On 29 September the Independent Medico-Legal Unit released a press statement in which it notes "with concern" the continued rise of torture and extra judicial killings by members of the police service. The statement describes the "impunity" with which the police perpetrate such acts as a "gross human rights violation" and call for independent investigations into the deaths of certain victims. Reported by the Medico Legal Unit, 29 September 2011, at <http://www.imlu.org/?p=1063>

## LIBYA

**Arbitrary detention of "suspects":** Voice of America reported that human rights groups has called on the Libyan National Transitional Council to stop what it said were "the arbitrary arrests and abuse" of African migrant workers and black Libyans assumed to be mercenaries "solely due to their dark skin colour". Reported by VOA News, 4 September 2011, at <http://blogs.voanews.com/breaking-news/2011/09/04/hrw-to-libya-stop-arbitrary-arrests-of-black-africans/>

**Foreigners allegedly detained and tortured in Libya:** News 24 reported that human rights group, Defence of Foreigners in Libya, has accused Libya's new regime of imprisoning and torturing foreigners who are suspected of backing ousted Libyan leader Muammar Gaddafi. Reported by News24, 14 September 2011, at <http://www.news24.com/Africa/News/Libya-immigrants-imprisoned-tortured-20110914>

## NIGERIA

**Remand detainees face death penalty:** IOL reported that four men accused of organising a suicide bombing at the United Nations headquarters in Nigeria run the risk of being sentenced to death if convicted. Reported by Bashir Adigun, 16 September 2011, at <http://www.iol.co.za/news/africa/nigeria-blast-accused-may-face-death-1.1139362>

## SENEGAL

**Remand detainee exchange:** Africare View reported that Senegal and Mali have agreed to a prisoner exchange involving a total of 169 detainees. Senegal will give up 17 prisoners in exchange for the 152 that it will receive from Mali. Some detainees have reportedly been detained for as long as long as one year without trial. Reported by Tamba Jean-Matthew, 9 September 2011, at <http://www.africareview.com/News/-/979180/1232994/-/h6t82iz/-/>

## SIERRA LEONE

**Paralegals and the criminal justice system:** Sierra Express Media published a story on the impact of paralegals in rural Sierra Leone. The article mentions that paralegals are playing a "key role" in the criminal justice system by helping to relieve the immense pressure on the country's detention facilities. Reported by Sonkita Conteh, 17 September 2011, at <http://www.sierraexpressmedia.com/archives/29621>.

## SOMALIA

**Existence of detention base denied:** The BBC reported that Somalia had dismissed reports that the US runs an underground detention centre in which the CIA allegedly interrogates terror suspects. Reported by the BBC, 9 September 2011, at <http://www.bbc.co.uk/news/world-africa-14850581>

## SOUTH AFRICA

**Case backlog in courts:** Times Live reported that the Department of Justice and Constitutional Development, in a recent statement, has said that it was responding to the problem of case backlog in the courts as best it could. The report stated that one million cases per year went through the courts and that there is a backlog of 38014 cases. Reported by Prega Govender, 18 September, 2011, at <http://www.timeslive.co.za/local/2011/09/18/we-re-doing-our-best-to-cut-the-backlog>

**“Bail should be affordable”:** Times Live reported that the Portfolio Committee on Correctional Services had tabled a report on remand detention in which it calls for the law to be changed in order for it to be compulsory for magistrates to consider the affordability of the bail amounts they set. Reported by Anna Majavu, 22 September 2011, at <http://www.timeslive.co.za/politics/2011/09/22/bail-should-be-affordable-says-correctional-services-committee>

## SOUTH SUDAN

**Police Officers Suspended:** The UN News Centre reported that it had welcomed the action taken against police officers who were responsible for an assault against a UN member of staff. Benedict Sannoh, head of the UN peacekeeping mission in South Sudan, was reportedly severely beaten by police officers in a hotel in Juba on 20 August 2011. Reported by UN News Centre, 20 September 2011, at [http://www.un.org/apps/news/story.asp?NewsID=39628&Cr=south sudan&Cr1](http://www.un.org/apps/news/story.asp?NewsID=39628&Cr=south%20sudan&Cr1)

## SUDAN

**Refugees detained without trial:** Radio Dabanga reported that two refugees from camps in North Darfur have been detained for more than two years without trial. They were reportedly arrested for having spoken publicly about human rights violations committed against refugees. Reported by El Fahser, 22 September 2011, at <http://www.radiodabanga.org/node/18903>.

## TOGO

**Allegations of torture:** News24 reported that several suspects in Togo have told a court that they were tortured by the country's state security agency whilst in detention on charges in connection with a 2009 coup attempt. Reported by News24, 8 September 2011, at <http://www.news24.com/Africa/News/Togo-coup-suspects-claim-torture-20110907>

## UGANDA

**Luzira remand detainees complain of overcrowding:** The Uganda Pulse reported that detainees have complained about overcrowding and the poor health conditions at Luzira prison. The prison's cells are reportedly accommodating four times that for which they were designed. Reported by Uganda Pulse, 5 September 2011, at <http://www.ugpulse.com/uganda-news/people/luzira-inmates-complain-over-overcrowding/21462.aspx>

**Land bought for purpose of building new prison:** The New Vision reported that the Government had secured 300 acres of land on which they intend to set up a multi-functional prison for suspects accused of terrorism, drug trafficking and cyber-crimes. Reported by Petride Mudoola, 21 September 2011, at <http://www.newvision.co.ug/D/8/13/765727>

## ZIMBABWE

**No food for suspects:** The Herald reported that police stations around the country are, due to insufficient funding, failing to provide food to detained suspects. The report quotes Police Deputy Chief Spokesmen, Oliver Mandipaka, as saying that suspects are forced to rely on relatives and friends to bring them food. Reported by Daniel Nemukuyu, 8 September 2011, at [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=20707:no-food-for-suspects-say-police&catid=37:top-stories&Itemid=130](http://www.herald.co.zw/index.php?option=com_content&view=article&id=20707:no-food-for-suspects-say-police&catid=37:top-stories&Itemid=130)

**Activists tortured:** The New Zimbabwe reported that ten MDC youths allege that they were tortured while in police detention. The activists were facing charges of throwing party leaflets into the grounds of the Bulawayo State House. Reported by Lindie Whiz, 20 September 2011, at [http://www.newzimbabwe.com/news-6099-MDC\\_10\\_tortured\\_at\\_State\\_House/news.aspx](http://www.newzimbabwe.com/news-6099-MDC_10_tortured_at_State_House/news.aspx)

**Advocacy group files court application:** The Zimbabwean reported that human rights group, Women of Zimbabwe Arise, have filed a court application in which they petition the court to order authorities to improve the conditions for prisoners at Harare Central Police Station remand cells. Reported by Zimbabwean, 25 September 2011, at [http://www.thezimbabwean.co.uk/human-rights/53123/woza-seeks-closure-of-police.html?utm\\_source=thezim&utm\\_medium=homepage&utm\\_campaign=listarticle&utm\\_content=headinglink](http://www.thezimbabwean.co.uk/human-rights/53123/woza-seeks-closure-of-police.html?utm_source=thezim&utm_medium=homepage&utm_campaign=listarticle&utm_content=headinglink)

## 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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