



# 30 Days Dae Izinsuku

Project of the  
Community Law Centre

CSPRI "30 Days/Dae/Izinsuku" September 2009

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September 2009

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## GOVERNANCE AND CORRUPTION

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**DCS Commissioner still suspended:** According to a report by Rapport, the National Commissioner of Correctional Service has been on suspension for 62 days. The suspension of Commissioner Xolisa Sibeko followed after Rapport revealed in July 2009 that she and Gauteng Regional Commissioner, Thozama Mqobi-Balfour, were renting luxury houses on the Woodhill golf estate while their official residences were standing empty. *Original report in Afrikaans.* Reported by Llewellyn Prince, 12 September 2009, Rapport at

[http://www.rapport.co.za/Content/SuidAfrika/Nuus/2315/8a90dc36e444476897acfc54ae194acf/12-09-2009-06-55/DKD-baas\\_hoor\\_later\\_oor\\_lot](http://www.rapport.co.za/Content/SuidAfrika/Nuus/2315/8a90dc36e444476897acfc54ae194acf/12-09-2009-06-55/DKD-baas_hoor_later_oor_lot)

**Tenders for four new prisons suspended:** The Chief Deputy Commissioner for Corrections, Mr. Teboho Motseki, informed Parliament's Portfolio Committee on Correctional Services that the tender process for the construction and operation of four new public private partnership (PPP) prisons has been suspended by the Minister of Correctional Services, Ms Nosiviwe Mapisa-Nqakula. "Tenders were submitted in May 2009 and these companies reportedly stand to lose significant amounts of money (between R10 million and R36 million) spent on the preparation of the tenders." The Department of Correctional Services has remained silent on the issue and National Treasury is said to be waiting for a response from Department on the issue. It is alleged that "the Minister wants to review the philosophy underpinning PPP prisons as there is concern about sub-contracting a core competency of the Department, namely the secure custody of prisoners." *Original report in Afrikaans.* Reported by Antoinette Slabbert, Sake24, 15 September 2009,

[http://www.sake24.com/articles/default/display\\_article.aspx?Channel=News\\_Algemene-](http://www.sake24.com/articles/default/display_article.aspx?Channel=News_Algemene-)

[Sakenuus&ArticleId=6-1607\\_2553115&IsColumnistStory=False](#)

**Special Investigating Unit (SIU) hands over report to Minister:** According to a Mail & Guardian report, the SIU has completed its investigation of alleged fraud at the Department of Correctional Services relating to tenders awarded in excess of R1-billion. Spokesperson for the Minister of Correctional Services, Sonwabo Mbananga, said "[the Minister] is currently considering the contents of the report as well as its recommendations in so far as such recommended actions are within the power of the Department of Correctional Services and the Ministry." The content of the findings have not yet been made public. Reported by Adriaan Basson, 17 September 2009, Mail & Guardian at <http://www.mg.co.za/article/2009-09-17-minister-mulls-tenderfraud-report>

**SIU unveils prison fraud:** Evidence of corruption and rigging of prisons' tenders worth close to R2 billion, has been uncovered by the Special Investigations Unit (SIU). According to IOL report, bidders are alleged to have drafted their own tender specifications. The evidence found reveals that, "The bidders which won the multibillion-rand contracts - which include providing prison kitchen and security services - had drafted their own tender specifications," IOL reported. The SIU is expected to brief Members of Parliament that it had found evidence of collusion between Correctional Service Department officials and suppliers. Reported by Carien du Plessis, 29 September 2009, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=3102&art\\_id=vn20090929040923229C384348](http://www.iol.co.za/index.php?set_id=1&click_id=3102&art_id=vn20090929040923229C384348)

**Suspended Correctional Services Commissioner to face disciplinary hearing:** Suspended Correctional Services Commissioner, Xoliswa Sibeko, will face a disciplinary hearing, the Sunday Times reported. This was confirmed by Correctional Services ministerial spokesperson, Sonwabo Mbananga, but refused to state the charges. According to a Sunday Times report, the Department of Public Service and Administration, will preside over the hearing. It is reported that Sibeko was suspended alongside chief financial officer Nandi Mareka for renting accommodation which cost the government R35 000 a month. However, Mareka has been cleared. Reported by Mpumelelo Nkhabela, 19 September 2009, Sunday Times at <http://www.timeslive.co.za/sundaytimes/article121966.ece>

**Commissioner ordered to vacate house:** Suspended National Commissioner of Correctional Services, Xoliswa Sibeko, and Gauteng Regional Commissioner, Thozama Mqobi-Balfour, have been "ordered out of their plush rented homes, with taxpayers billed R65 000 in monthly lease payments." Sibeko is facing disciplinary action for renting the property. It is reported that "No action was taken against Mqobi-Balfour, who married former correctional services minister Ngconde Balfour last December." Sibeko and Mqobi-Balfour rented the expensive houses on a golf estate despite both being allocated official residences. Reported by Carien Du Plessis, IOL, 29 September 2009, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=vn20090929114310225C350329](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20090929114310225C350329)

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## PAROLE AND SENTENCING

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**Nine lifers released on parole:** The Department of Correctional Services is reported to have released on parole nine prisoners serving life sentences, News24 reported. According to the report the Correctional Services Minister Nosiviwe Mapisa-Nqakula took the decision after considering the recommendations of the National Council on Correctional Services (NCSS) about the placement of 18 lifers who had served at least 20 years in prison. News24 reported that Almond Nofomela, whose death sentence was commuted to life imprisonment after he exposed apartheid-era hit squads, is named as one of those to be released. Sapa, 9 September 2009, News24 at [http://www.news24.com/Content/SouthAfrica/News/1059/4a18c0ce4f0a4f34a6f1978f84aebf07/09-09-2009-10-43/9\\_lifers\\_granted\\_parole](http://www.news24.com/Content/SouthAfrica/News/1059/4a18c0ce4f0a4f34a6f1978f84aebf07/09-09-2009-10-43/9_lifers_granted_parole)

**Youth sentenced to 20 years for murder:** Johannesburg High Court judge Phillip Hattingh sentenced the 18-year old Morne Harmse to 20 years imprisonment for the murder of 16-year old Jacques Pretorius and attacking three other victims, IOL reported. According to a report from The Times, Judge Hattingh said that Harmse will receive psychiatric help and will be imprisoned at Leeukop Prison, north of Johannesburg. Harmse received two five-year prison terms for the attacks on the school groundsmen, Joseph Kodiseng and Simon Manamela. Reported by Karyn Maughn and Kanina Foss, 10 September 2009, IOL at

[http://www.iol.co.za/index.phpset\\_id=1&click\\_id=15&art\\_id=iol1252573748922H652](http://www.iol.co.za/index.phpset_id=1&click_id=15&art_id=iol1252573748922H652) See also report by Sally Evans, The Times, 10 September 2009 <http://www.timeslive.co.za/news/article75708.ece>

**Nofemela released on parole:** After examining the recommendations from the National Council on Correctional Service, the Correctional Services Minister, Nosiviwe Mapisa Nqakula, is reported to have approved the recommendation for the release of Almond Nofemela. His release came after serving 22 years for the murder of farmer Johannes Lourens, IOL reported. Spokesperson for the National Council on Correctional Services, Sonwabo Mbananga, said "The earlier than expected release of Nofemela from custody is as a result of a request by him to be afforded space and privacy on his release away from the glare of the public." SAPA, 11 September 2009, IOL at

[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=nw20090911145046108C788001](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20090911145046108C788001)

**Medical parole needs review:** The Correctional Services Minister, Nosiviwe Mapisa-Nqakula, has revealed that about 65 percent of people previously released on medical parole are still alive, IOL reported. The minister is reported to have made the statement during a meeting in Boksburg, marking the first five-year review of the parole boards. According to IOL, the legislation governing parole, refer only to "terminally ill" prisoners and was silent on people with severe or debilitating illnesses. "I think that it will be totally incorrect for us to say the system is perfect... this is a new system that is being tested" said Mapisa-Nquakula. Sapa, 17 September 2009, IOL at

[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=nw20090917223027883C432465](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20090917223027883C432465)

**Prisoners on medical parole can be called back:** IOL reported that in response to the statement by the Minister of Correctional Services that it was difficult to return prisoners released on medical parole to prison, Lukas Muntingh of the Civil Society Prison Reform Initiative said "The parole conditions could stipulate that the person is under house arrest, and could only go to the hospital, the clinic or church, for example, and if those conditions are not adhered to, the parole can be revoked." He added that "If they commit another crime, they can be brought back to prison for that crime, as well as for breaking their parole." The National Council for Correctional Services, under the chairmanship of Judge Siraj Desai, was reportedly reviewing the regulations to include prisoners who were not necessarily terminally ill. Reported by Carien Du Plessis, 18 September 2009, IOL at

[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=vn20090918122459649C892369](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20090918122459649C892369)

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## OVERCROWDING

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**Overcrowded prisons:** Correctional services officials have reported major overcrowding at prisons across South Africa in a briefing to Parliament, News24 reported. The Gauteng regional commissioner, Tozama Mqobi-Balfour, told Parliament's Portfolio Committee on Correctional Services that the province had accommodation for 25 347 prisoners, but currently held 44 392 prisoners, making it 175% full. This situation is not different in the Eastern Cape where it is reported that the province currently house 20 028 prisoners but with capacity for only 12 974, Nontsikelelo Jolingana, the regional commissioner of the Eastern Cape said. Western Cape regional commissioner, James Smallberger, also told the committee that the province's prisons were 148.8% full, with 28 368 prisoners. SAPA, 2 September 2009, News24 at

[http://www.news24.com/Content/SouthAfrica/News/1059/cdbe1fd936ec4620a3cd83f14e450b5b/02-09-2009-06-11/Gauteng\\_prisons\\_175\\_full](http://www.news24.com/Content/SouthAfrica/News/1059/cdbe1fd936ec4620a3cd83f14e450b5b/02-09-2009-06-11/Gauteng_prisons_175_full)

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## SAFE CUSTODY

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**Prison officers suspended after death of prisoner:** According to a report from The Herald, 34 warders at George Correctional Centre are facing disciplinary charges after the death of a prisoner in January 2009. The suspensions were part of the disciplinary process after prisoner Charles Thomson was "allegedly assaulted and killed" in January. Correctional Services regional communications co-ordinator, Ofentse Morwane, was, however, not willing to discuss the specifics of the disciplinary hearing as he did "not want to pre-empt the outcome". He did confirm that Ndileka Booi, who is the Correctional Services Southern Cape Area Commissioner, has been suspended. Head of Correctional Centre, Jan Tieties, was also on suspension "as a precautionary measure." Thompson was allegedly assaulted in his prison cell after a riot broke out in the prison. Reported by Janine Oelofse, 10 September 2009, The Herald at <http://www.epherald.co.za/article.aspx?id=466822>

**Prisoner threatened by officials:** King Winner Maluleka, a prisoner appearing as a state witness for two 2004 murders at C-Max prison, told the court that he is being victimised in prison. Maluleka has requested to meet the Minister of Correctional Services, IOL reported. It is reported that Maluleka blew the whistle on the activities of prisoners during an escape in which two prison officials died, including the head of C-Max prison. Maluleka claimed officials and prisoners had made his life hell since he had come forward with the information. Reported by Zelda Venter, 10 September 2009, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=vn20090910040158279C773784](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20090910040158279C773784)

**30 Female prisoners suffer injury in bus accident:** It was reported that more than 30 female prisoners and a number of Correctional Services officials suffered injuries following an accident on the M3 at Balgowan near Pietermaritzburg. Police Superintendent, Vincent Mdunge of KwaZulu-Natal said "The prisoners were all women, [who] were travelling between Pietermaritzburg and Durban. All [the prisoners and the staff] were rushed to hospital." It is believed that the bus carrying the correctional staff and prisoners was coming from Newcastle and was headed to Durban, IOL reported. Sapa, 18 September 2009, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=nw20090918100313277C582691](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20090918100313277C582691)

**Treatment of child prisoners raises concern:** The Inspecting Judge for Correctional Services, Judge Deon van Zyl, said that the treatment of children in prison is cause for concern. According to a report in The Herald, Van Zyl is quoted as saying that "It is good to see what is happening to children, but we still find children sitting at (correctional) centres for a year, their cases on hold." He was speaking during a visit to the Grootvlei Correctional Centre, outside Bloemfontein, as part of the Department's Corrections Week. The Deputy Correctional Services Minister, Hlengiwe Mkhize, called the Department's attention to protect the rights of children, adding that "One of the fundamental changes at correctional centres we need to look at and monitor is this issue of [children's] rights." Van Zyl also revealed that a person from the Judicial Inspectorate will be appointed to deal with children's cases. Sapa, 28 September 2009, The Herald at <http://www.theherald.co.za/article.aspx?id=476899>

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## ESCAPES

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**Prisoners escape from court:** Nine prisoners escaped from the Alexandra Magistrate's Court after overpowering a guard, IOL reported. The escapees included members of the notorious Razor Gang. It is alleged that amongst those believed to have escaped is the Razor Gang leader, Raymond Zulu. 'Prosecutors at the court say they fear for their safety after years of pleading for security to be beefed up.' Reported by Alex Eliseev, 11 September 2009, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=nw20090911124602392C745219](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20090911124602392C745219)

**Police constable imprisoned for assisting prisoner's escape:** A police constable, Peter Dean, has been found guilty of assisting a prisoner to escape whilst he was appearing in court. It is reported that Sikhumbuzo Mzozwana is reported to have walked out of the courtroom during lunch time in full view of people standing outside on 21 January 2003. Investigations revealed that "after the prisoner was reported missing and people who had been in the passages of the courthouse, later positively identified Dean as having helped Mzozwana abscond." From the testimony of six witnesses, the court held that Dean was guilty of the offence and punishable under Section 115 (b) of Act 111 of the Criminal Procedure Act of 1998. He was sentenced to five years direct imprisonment. Reported by Jade Witten, 15 September 2009, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=iol1253019849564P210](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=iol1253019849564P210)

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**Charity organisation fundraising for African Prisons:** A London-based charity organisation, the African Prison Project, is reported to be organising a fundraising African Nations Charity Cup in October 2009. The aim of the fundraising project is to improve the welfare, health and education of prisoners across Africa. The fundraising project is the initiative of the African Prison Project charity group and will be held this October at Camberley Arena. Adam Smith, the Fundraising and Communications Officer at African Prisons Project, is reported saying that "[They] are looking forward to a fun day out to celebrate the football season whilst raising money for essential refurbishment and educational projects across prisons in Africa." 21 September 2009, The Guardian at [http://www.suttonguardian.co.uk/sport/4639775.African\\_Nations\\_Cup\\_\\_\\_\\_in\\_Camberley/](http://www.suttonguardian.co.uk/sport/4639775.African_Nations_Cup____in_Camberley/)

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## OTHER AFRICAN COUNTRIES

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### Angola

**Government improves prison conditions:** The Angolan Home Minister, Roberto Leal Ramos Monteiro "Ngongo", expressed his government's will to improve the condition of prisoners in that country, Angolapress reported. Speaking during the inauguration of the Moxico prison in eastern Moxico province, the minister said "as part of the Public Investment Programme, the Government will stick to its policy of re-socialisation and re-education of prisoners." He added that "I assure you that the Government's main concern, when a person is deprived of freedom, is not to leave him idle, he has to participate in the productive process and be given a profession". 9 September 2009, ANGOP at [http://www.portalangop.co.ao/motix/en\\_us/noticias/politica/2009/8/37/Government-ready-improve-](http://www.portalangop.co.ao/motix/en_us/noticias/politica/2009/8/37/Government-ready-improve-)

[prisons-conditions-Home-minister,ec0c6c01-ccf2-4db3-9a67-88badae44746.html](http://prisons-conditions-Home-minister,ec0c6c01-ccf2-4db3-9a67-88badae44746.html)

## Ghana

**Prisoners detained on expired warrants:** The Attorney-General and Minister of Justice, Ms Betty Mould Iddrisu, said that nearly a thousand people are wrongfully imprisoned as their warrants had expired. The Minister lamented the increasing number of awaiting trial prisoners when she said, "There must be some [one] thousand people in prison at the moment whose arrest warrants have expired but they are still in [prison]. Under the Criminal Justice System, there is no basis under the law for them to be where they are." According to the Pundit report, Ms Iddrisu was repulsed at the situation in the Nsawam Medium Security Prison which reportedly has exceeded its capacity. Nsawam prison, built in 1960, has a capacity of 717, but was holding 2950 prisoners. Posted by Lord Aikin Adusei, 2 September 2009, Ghana Pundit at

<http://ghanapundit.blogspot.com/2009/09/betty-nearly-thousand-wrongfully.html>

**Presidential pardon release 1,021 prisoners:** According to a Myjoyonline report, 'One thousand and twenty-one prisoners are to be released from the country's prisons following a pardon granted to them by President John Evans Atta Mills on the occasion of the centenary birthday of Osagyefo Dr Kwame Nkrumah. According to the report: "Those who have regained their freedom are 953 first offenders who have served at least half of their sentences, 54 seriously ill prisoners recommended by the Regional Medical Board, nine prisoners aged 70 and above also recommended by the Regional Medical Board, and five nursing mothers who have shown remorse. Six other prisoners, who were on death row and had served 10 years and above, have had their sentences commuted to life imprisonment." 24 September 2009, Myjoyonline at

<http://news.myjoyonline.com/news/200909/35586.asp>

## The Gambia

**Presidential pardon for imprisoned journalists:** Six Gambian journalists, sentenced to two years imprisonment after publishing comments critical of the president, have been released after presidential pardons, News24 reported. Gambian Press Union Vice President, Sarata Jabbi-Dibba, said by telephone that she had been released from the Mile 2 prison. Her five male colleagues imprisoned at the Mile Jeshwang prison outside Banjul is reported to have been released as well. According to News24, the prisoners chanted statements such as "The truth will always prevail". It is reported that they had been convicted of sedition and defamation for comments critical of President Yahya Jammeh. The president is reported to have said that "Any journalist who thinks that he or she can write whatever he or she wants and go free, is making a big mistake." He added that "If anybody is caught, he will be severely dealt with." AFP, 4 September 2009, News24 at

[http://www.news24.com/Content/Africa/News/965/450908cf70064ee39eaef76401ed5e70/04-09-2009-09-55/Jammeh\\_pardons\\_journalnos](http://www.news24.com/Content/Africa/News/965/450908cf70064ee39eaef76401ed5e70/04-09-2009-09-55/Jammeh_pardons_journalnos)

## Rwanda

**Former Speaker of Parliament sentenced in absentia:** According to a report from allAfrica.com "The former Speaker of Parliament, Alfred Mukezamfura, has been sentenced to life imprisonment with special provisions, for his role in the 1994 Genocide against the Tutsi." According to the report, Mukezamfura was convicted in absentia for 'inciting Hutus to kill Tutsis through several articles published in Imvaho newspaper, a Kinyarwanda state-run weekly, in the run-up to the 1994 Genocide'. It is reported that former Biryogo sector leader, Amri Karekezi and Valerie Bemeriki who worked for the infamous Radio Television Libre de Mille Collines (RTLM), who are both serving life sentences for their involvement in the genocide gave evidence in the trial. Karekezi is reported to have said that "He [Mukezamfura] frequently attended the meetings not as a journalist but as a participant who was active." According to allAfrica.com this is the third time that Mukezamfura is tried in absentia. Reportedly 'Mukezamfura left the country for Belgium last March where he has since sought asylum. Reported by Edwin Musoni, 4 September 2009,

allAfrica.com at <http://allafrica.com/stories/200909040006.html>

**Rwanda imprisons Congolese Member of Parliament:** According to DigitalCongo.net a Congolese member of parliament is reportedly imprisoned in Rwanda. Mr. Dunia Baharanyi Baldwin, a parliamentarian elected in Masisi in the Northern Kivu Province, is also a member of the parliamentary group MLD, known by its French acronym (Mouvement de Libération du Congo). The MP, who is currently held at a prison in Kigali for breach of trust, is reported to have failed to repay a loan said to amount to several million US dollars received from the Bank of Commerce, Development and Investment (BCDI) in Rwanda. *Original reported in French.* 11 September 2009, DigitalCongo.net at <http://www.digitalcongo.net/article/60960>

## DRC

**Bemba remains in custody:** Jean-Pierre Bemba will remain in custody ahead of his trial, the Appeals Chamber of the International Criminal Court (ICC) has decided. After the ICC initially decided that Bemba can be released until his trial commences, prosecutor Luis Moreno-Ocampo appealed the decision of the ICC, stressing that, "Mr. Bemba is a flight risk and may harm witnesses involved." Jean-Pierre Bemba Gombo, the former Congolese Vice-President who is accused of having committed war crimes and crimes against humanity - including rape, murder and pillaging - in neighbouring Central African Republic (CAR) in 2002 and 2003, was granted temporary release last month, albeit under conditions. The Appeals Chamber upheld the appeal by the prosecution and Bemba will remain in prison until his trial process is completed. 3 September 2009, allAfrica.com at <http://allafrica.com/stories/200909030733.html>

**Norwegians will not be executed:** The government of the Democratic Republic of Congo has given assurances that two Norwegians sentenced to death for murder and espionage would not be executed, Norway's Foreign Minister Jonal Gahr Stoere said. Sapa-AFP, 9 September 2009, [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=136&art\\_id=nw20090909132343222C934779](http://www.iol.co.za/index.php?set_id=1&click_id=136&art_id=nw20090909132343222C934779)

## Niger

**Ill journalist transferred to remote prison:** According to a report on the Afrik.com site, The Committee for the Protection of the Journalists (CPJ) is reported to be extremely concerned about the state of health of the journalist Abdoulaye Tiémogo. Tiémogo, who is reported to have malaria, was transferred to a remote prison despite his poor state of health. It is reported that he was hospitalised four days after being imprisoned for three months. The choice of this remote prison, rather than another place of more convenience and closer, isolates Tiémogo and endangers him in case of relapse, said Abdourahamane Ousmane, president of the Network of Journalists for Human Rights (RJDH). *Original report in French.* 4 September 2009, Afrik.com at <http://www.afrik.com/article17473.html>

## Tunisia

**Tunisian-born French national imprisoned:** According to a report from Le Reveil Tunisien, the New Anti-Capitalist Party is demanding the release of psychiatrist, Ahmed Eleuch. He is reported to have returned to Tunisia, his country of birth, on 30 July 2009, was immediately imprisoned after his arrival at the airport. He was taken to a nearby Mornaguia prison. Le Reveil Tunisien reported that he had been convicted twice in absentia since 1990 for prohibited political activities. Ahmed Eleuch, a French national, was sentenced to four years imprisonment in August 2009 and has appealed the first sentence and is awaiting trial while appealing his second conviction. *Original report in French.* Reported by Reveil Tunisien, 7 September 2009, at <http://www.reveiltunisien.org/spip.php?article3071>

## Zimbabwe:

**Presidential pardon frees 1500 prisoners:** According to a report by Zim Net Radio, 1500 prisoners at the Chikurubi Maximum Security Prison on the outskirts of Harare were freed following presidential

pardons. It is reported that the Chikurubi prison is beset by inhumane conditions of detention as prisoners sleep on the bare floors of their cells. It is also reported that prisoners suffering from terminal conditions and illnesses are mixed with healthy prisoners. HIV and Aids are reportedly common amongst the prisoners. "Many of the infected prisoners were unable to control their bodily functions. They described scenes of prison floors and blankets being contaminated with body fluids; pus, phlegm, blood, urine, and faeces." The situation has been condemned by human rights groups, who said that this was in contravention of Article 24 of the International Bill of Human Rights, which obliges the state to provide a safe environment. Reported by King Shango, 8 September 2009, Zim Net Radio at <http://www.zimnetradio.com/news/zimnet271247.html>

## Kenya

**American man imprisoned for statutory rape in Kenya:** A magistrate in Kenya has imprisoned an American man convicted of statutory rape. According to IOL, Principal Magistrate Teresia Ngugi said Jon Cardon Wagner paid two women \$500 to bring a 13-year-old and two 14-year-old teenagers to his house. He was convicted and sentenced to 15-years imprisonment. According to Ngugi his alibi was weak as it relied on the word of his friends. According to the report, Wagner's lawyer, Mohammed Nyaoga, claims his client is the victim of an extortion racket and he will appeal. SAPA-APF, 11 September 2009, at <http://www.easimail.co.za/Home/link.asp?id=14467&hash=1e9a94>

## Zambia

**Juveniles facing bailable offences still in prison:** According to a report by allAfrica.com "Kamfinsa State Prison officer-in-charge, Patrick Nawa, has expressed concern over the detention of juveniles facing various bailable offences." It is reported that the Chingola prison had 16 juveniles facing bailable offences but they remained in custody. According to allAfrica.com, Justice Makungu is alleged to have acknowledged the fact that there are a substantial number of juveniles, especially at Chingola prison, who were facing various charges regarding offences for which bail may be granted but nonetheless remained in prison. 8 September 2009, allAfrica.com at <http://allafrica.com/stories/200909080445.html>

**Poor services impact negatively on morale of officers:** According to a report from the Zambian Watchdog, the Home Affairs Minister, Lameck Mangani, has said the government is aware of the many challenges the prison service is facing and is doing everything possible to address them. According to the report, Mangani described some of the problems besetting Zambian prisons such as the erratic supply of water and electricity, and inadequate housing for officials which impact negatively on their morale. He said "government was aware that the prison officers were putting in their best to ensure that the service performed well". He further said "government had decided that the allowances for paying for electricity and water would be lumped together with the officers' salaries starting from January, 2010." He added that "We want to commend you for the various initiatives that you have undertaken as a service." He strongly criticized tribalism and discrimination amongst prison officials. 27 September 2009, Zambia Watchdog at <http://www.zambianwatchdog.com/?p=2300>

**Agreement to transfer prisoners:** The governments of Zambia and Malawi are reported to have signed a Memorandum of Understanding for the transfer of prisoners. "Commissioner of Prisons, Gibbie Nawa, says the Zambia Prisons Service is looking forward to working together with the Malawi's Prisons Service." He made the statement during the official signing of the Memorandum of Understanding and the agreement on the transfer of convicted persons between Zambia and Malawi in Kabwe. Mr. Nawa pledged to conduct joint comprehensive research programmes on the systems which are an essential vehicle for change and excellence." 28 September 2009, Lusaka Times at <http://www.lusakatimes.com/?p=18317>

## Libya

**Nigerians in Libyan prisons placed on death row:** It is reported that more than a dozen Nigerian

citizens are held "on death row and in prisons across Libya under very harsh and dehumanising conditions." The Socio-Economic Rights and Accountability Project (SERAP) is reported to have urged the Acting Chairperson of the African Commission on Human and Peoples' Rights, Commissioner Bahame Nyanduga, to restrain Libya from executing Nigerians on death row in that country.' It is alleged that many of the prisoners have been imprisoned for years without trial and are now on death row. A prisoner reportedly told SERAP that "I have spent 7 years in the prison and is now on death row without knowing my offence." Reported by Innocent Anaba, 12 September 2009, Vanguard at <http://www.vanguardngr.com/2009/09/12/nigerians-on-death-row-serap-asks-au-to-stop-libya/comment-page-1/>

## Swaziland

**Swaziland releases opposition leader from prison:** The leader of the People's United Democratic Movement (PUDEMO), Mario Masuku, has been released from prison. It is reported that Masuku was arrested on 15 November 2008 on terrorism and sedition charges and imprisoned in a maximum security prison. Masuku's party was banned together with other opposition parties in September 2008 after an allegation by the state that he was involved in a bombing that took place ahead of parliamentary polls. According to the IOL report, Masuku spent 10 months in prison before his release. His defence counsel applied for an acquittal after evidence presented by the state had been "totally irrelevant and not useful". SAPA-AFP, 22 September 2009, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=68&art\\_id=nw20090922060137793C378490](http://www.iol.co.za/index.php?set_id=1&click_id=68&art_id=nw20090922060137793C378490)

## Nigeria

**Bank executives denied bail:** The Federal High Court sitting in Lagos deferred ruling on the bail application of the detained bank executives sacked by the Central Bank of Nigeria (CBN) on 14 August, 2009. The Federal High Court ordered that the bank executives should be detained at the Ikoyi Prisons. All of them will remain in custody until 14 and 15 September, when ruling on their bail applications would be delivered. The Economic and Financial Crimes Commission, EFCC, filed charges against 16 bank chiefs for incurring N2.1 trillion in bad loans for five ailing banks. Reported by Henry Ojelu, 4 September 2009, PM News at <http://thepmnews.com/2009/09/04/bank-chiefs-sent-back-to-jail>

**Slow intervention by Foreign Affairs about Nigerians on death row in Libya:** The House of Representatives Committee on Diaspora has warned that it would hold the Minister of Foreign Affairs, Ojo Maduekwe, and the Nigerian ambassador to Libya responsible if any Nigerian [prisoner] is killed in that country. Abike Dabiri-Erewa, who is currently the chairperson of the Committee, gave the warning while lamenting the lack of urgency by the Minister of Foreign Affairs and the Nigerian Ambassador to Libya. Abike Debiri-Erewa said, "We in the House of Representatives are saying there will be no excuse whatsoever if one Nigerian is allowed to die in Libya under these controversial conditions. We will hold the minister and the ambassador responsible," she said. Reported by Festus Owete, 7 September 2009, NEXT at [http://234next.com/csp/cms/sites/Next/News/National/5456099-147/Libya:\\_Reps\\_warn\\_Maduekwe.csp](http://234next.com/csp/cms/sites/Next/News/National/5456099-147/Libya:_Reps_warn_Maduekwe.csp)

**Criminal justice system blamed for slow prison reform process:** According to a report by the Centre for Social and Legal Studies (CSLS) in Abuja, two thirds of prisoners in Nigerian prisons are detained without trial. While another report from the Justice Sector Reform and Human Rights in Nigeria, reveal that in the Kuje prison in Abuja, 85% of the 622 prisoners have not been tried, thus corroborating the report by Amnesty International in 2008 which stated that 65 percent of prisoners in Nigeria have not been tried. According to an IRIN report, prison escapes are common in Nigeria. In June 2009, 150 prisoners escaped from Enugu State prison in Southern Nigeria. The Justice Minister, Michael Aondoakaa, was reported saying that "the problem lies in the structure of the criminal justice system, whereby the federal government owns and operates prisons but state courts sentence prisoners." CSLS has called for government to pass urgent criminal justice reform legislation to address the problems. 18 September 2009, IRIN at

<http://www.irinnews.org/Report.aspx?ReportId=86218>

## Malawi

**The inhumane conditions of Malawi prisons after the end of dictatorship:** An opinion piece in AfricaNews stated that "In a civilized world prisons are not supposed to be prisoners' killing fields through torture, congestion, denial of adequate nutritious foods and quality medical treatment. Instead, they are places for prisoners' retribution, incapacitation, deterrence, and rehabilitation." Depriving prisoners of their freedom is a way of making them pay a debt to society for their crimes. The change in the political structure in Malawi, from a one party to a multiparty system, seems not to have reached the department of prison services. A senior officer at Maula Prison disclosed that prisoners eat too little or go to sleep on empty stomachs as prisoners now get far less food than under Banda's dictatorship. Prisoners are reported to survive by chewing sugar cane because of lack of the necessary food supplies. Reported by Frazer Potani, 7 September 2009, AfricaNews at

[http://www.africanews.com/site/When\\_starvation\\_is\\_part\\_of\\_prison\\_punishment/list\\_messages/26783](http://www.africanews.com/site/When_starvation_is_part_of_prison_punishment/list_messages/26783)

**79-year old man is sentenced to 8-years imprisonment for witchcraft:** While the law commission of Malawi is currently reviewing its 1911 laws on witchcraft, a 79-year old man is reported to have been imprisoned for 8 years with hard labour for attempting to initiate four children into witchcraft, "including one who died from his injuries. Medson Machilika pleaded guilty to forcing a boy and three girls aged between five and 12 years to a graveyard for 'witchcraft training', which involved playing soccer at the graveyard" a prosecutor said. The old man from the northern district of Mzimba is reported to have been in prison since 2007 awaiting trial. The harsh sentence according to the magistrate is "to deter would be offenders committing similar offences." SAPA, 18 September 2009, News24 at

[http://www.news24.com/Content/Africa/News/965/a7b2a947bd73400e8703af5675d49a5e/18-09-2009-08-00/Jailed\\_for\\_forcing\\_witchcraft](http://www.news24.com/Content/Africa/News/965/a7b2a947bd73400e8703af5675d49a5e/18-09-2009-08-00/Jailed_for_forcing_witchcraft)

## Tanzania

**Albino Society calls for death sentence for albino killers:** The Tanzania Albino Society (TAS) has called for the men convicted of killing an albino boy to be hanged publicly as a warning to others, the BBC reported. According to the report, a Tanzanian court has sentenced the murderers to death while TAS chairman Ernest Kimaya urged the president to endorse the sentence. It is reported that more than 53 albino people have been murdered in Tanzania. There are more than 100 people on death row in Tanzania, but there have been no executions for the past 15 years. 24 September 2009, BBC at

<http://news.bbc.co.uk/2/hi/africa/8273139.stm>

## Mozambique

**Prisoners grow their own food:** The government of Mozambique is reported to have engaged in a prison farm project to enable prisoners to grow their own food. According to a BBC report, the prison farm is located 80km from the capital, Maputo. "At present, the southern African country's prison population is more than 15,000 and most are being kept in overcrowded cells with little or no sanitation. So it is no surprise that a chance to work in the open air is welcomed" the BBC reported. Some prisoners are reported to be very happy about the project. One such prisoner is Sergio Matsinhe, who is serving a three-year sentence for theft: "The more we produce, the better we'll be able to vary and improve our diet. At the moment it consists mainly of beans, rice or stiff porridge." It is reported that the prison farm produces crops such as potatoes, pumpkins, lettuce and other vegetables. Reported by Jose Tembe, 22 September 2009, BBC at <http://news.bbc.co.uk/2/hi/africa/8261733.stm>

## Egypt

**Two US couples imprisoned for illegal adoption:** Two US couples have been imprisoned for illegally adopting children in Egypt. They were sentenced to two years imprisonment, the BBC reported. "Iris

Botros and her husband Louis Andros had been offered orphaned twins by a Coptic Christian church in Cairo." According to a BBC report, "the second couple, Suzan Hagouf and her husband Medhat Metyas, were also sentenced along with several officials from the orphanage." The couple had donated \$4,500 to the orphanage. When they tried to obtain passports for the babies, whom they renamed, Victoria and Alexander, embassy officials became suspicious. According to Egyptian law, adoption of children must be by an Egyptian and the names of the children must not be changed. The couples violated the laws of adoption based on Islamic law. Reported by Christian Fraser, 17 September 2009, BBC at [http://news.bbc.co.uk/2/hi/middle\\_east/8261444.stm](http://news.bbc.co.uk/2/hi/middle_east/8261444.stm)

## Uganda

**Financing rehabilitation of prison:** According to a report by New Vision the British government, through its Foreign and Commonwealth Office, has donated US \$400,000, (about sh800m) to rehabilitate Luzira Prison. The aid package is aimed at rehabilitating "the administrative block at the women's section, the women's clinic, water and sanitation systems and several accommodation blocks." "The Prisons chief, Dr Johnson Byabashaija and British High Commissioner Martin Shearman?unveiled a plaque commemorating the assistance from the UK government to the Uganda Prisons service." Reported by Raymond Baguma, 4 September 2009, The New Vision at <http://www.newvision.co.ug/D/8/13/693494>

**17 juveniles on death row:** According to a report by allAfrica.com "Luzira Prison is stuck with 17 juveniles sentenced to death but cannot be hanged because they committed the offences when they were below 18 years." Juveniles below the age of 18 years cannot be executed under Ugandan law. However, the fate of the juveniles is with the Minister of Justice whose decision is awaited. Some of the juveniles are reported to have spent 12 years prison. "Frank Baine Mayanja, the Prisons spokesperson, said the institution has no power to decide the juveniles' fate. Some have grown into adults. We are still stranded with them because we must follow orders." Reported by Josephine Maseruka, 15 September 2009, allAfrica.com at <http://allafrica.com/stories/200909160941.html>

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