

# AFRICA PRETRIAL JUSTICE MONITOR



## Africa Pretrial Justice Monitor

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### Greetings

### Notice Board

**CSVR releases analysis of data on torture in South Africa:** The report analyses available data and concludes that torture and cruel, inhumane and degrading treatment continues to occur in post-apartheid South Africa. The report is available at:

[http://www.csvr.org.za/images/docs/Other/analysis\\_of\\_existing\\_data\\_on\\_torture\\_in\\_south\\_africa.pdf](http://www.csvr.org.za/images/docs/Other/analysis_of_existing_data_on_torture_in_south_africa.pdf)

### Country Reports

#### EGYPT

**More activists falling foul of Egypt's anti 'protest law:** An Egyptian Appeals Court yesterday upheld three 'year prison sentences served on three prominent activists charged with violating a controversial law restricting protests, notes a report on the News24 site. The three, including the founder of the 6 April movement, Ahmed Maher, rose to prominence in the 2011 uprising that toppled veteran strongman Hosni Mubarak. The interim government in place after the army overthrew Islamist president Mohammed Morsi in July, jailed them for violating a law it had passed banning all but police sanctioned protests. Ahmed Maher, Mohamed Adel and Ahmed Douma were charged with organising an unauthorised and violent protest in November, days after the passage of the law. Authorities have organised an extensive crackdown on the opposition, mainly Islamists, that has seen an estimated 15 000 people jailed. Full report, 7 April 2014 on the News24 site : <http://www.news24.com/Africa/News/Egypt>.

**African Commission asked to intervene on death penalties:** The Freedom and Justice Party in Egypt (FJP) and lawyers acting on behalf of the 529 defendants who were sentenced to death in Egypt on 24 March 2014 have applied to the African Commission on Human and Peoples' Rights for the urgent suspension of the death penalties. The application to the African Commission states that the Egyptian military regime has systematically violated the fundamental rights of the 529 defendants to life and to a fair trial under the African Charter (of which Egypt is a signatory). The African Union (AU) has adopted a moratorium on the death penalty, which has been ignored by the military regime. The African Commission and the African Court are being urged to intervene to direct the military regime to stay the death penalties. Reported by Middle East Monitor, 8 April 2014, at <https://www.middleeastmonitor.com/news/africa/10770-fjp-asks-african-commission-to-urgently-intervene-in-death-sentences-of-529-egyptians>.

#### NIGERIA

**Detainees overpower guards, 21 dead:** Reuters reported that detainees suspected of being members of the militant group Boko Haram overpowered their guards at a prison near Nigeria's presidential villa in Abuja, seizing a rifle and triggering a gun battle that killed 21 people. The prisoners struck on Sunday as the guards from Nigeria's State Security Service (SSS) came in to feed them at their headquarters' prison. Reported by News24, 31 March 2014, at <http://www.news24.com/SouthAfrica/News/Prisoners-injured-during-raid-20140331>

**Man awarded N5 million for unlawful detention:** Bonny Okonkwo was abducted by the Special Anti-Robbery Squad, SARS, officers at his residence on July 13, 2013 for a comment he made about billionaire businessman, Emeka Ofor, on an online forum known as ocean-anaedo. After six days in solitary confinement in a Lagos holding cell, he was transferred to Abuja where he was further detained for eleven days. The Judge, Peter Afeen, declared the detention of by the police as illegal and unconstitutional and ordered the police to pay N5 million (US\$ 31 000) to the victim for the unlawful detention. Reported by allAfrica, 8 April 2014, at <http://allafrica.com/stories/201404080479.html>.

**Community service decongests prisons:** AllAfrica reports that the Lagos State Government, through its new justice administration system, has been encouraging the use community service as a punitive measure for minor crime offenders in the state. The State Attorney General, Ade Ipaye, said at the 2014 ministerial briefing to mark the seven years

anniversary of the Governor Babatunde Fashola's administration, that "Following the introduction of new reforms in our criminal justice system, 2,595 offenders were sentenced to various terms of community service across the 12 Magisterial Districts of Lagos State between April 2013 and March 2014". Ipaye noted that the approach of sentencing minor offenders to service community service instead of going to prison helped decongest the prisons which are reportedly over crowded. Reported by allAfrica, 24 April 2014 at <http://allafrica.com/stories/201404240939.html>.

**National Human Rights Commission audits places of detention:** APA reports that Nigeria's National Human Rights Commission is auditing prisons and other detention facilities to determine their conformity with international standards, commencing in Sokoto. The commission's Executive Secretary, Prof. Bem Angwe, said "Our intervention is therefore aimed at ensuring that the detention places are designed and managed in a way that the conditions therein are compatible with set human rights standards." Since 1999 the NHRC has been conducting periodic audits of prisons and other detention facilities across the country and made recommendations for their improvement. Report available at <http://en.starafrika.com/news/nigeria-commission-begins-prison-audits.html>.

## SOUTH AFRICA

**10000 prisoners trained:** SANews reported almost 10 000 inmates were trained as electricians, plumbers and builders in the 2012/13 financial year. Minister Ndebele said that "Research shows that, at least, 95% of those incarcerated will return to society after serving their sentence. Thus, a focus on rehabilitation, and re-orientation, of offenders is critical. DCS is re-moulding the character, and improving the skills, of offenders so that they return to society with enhanced prospects of success." Reported by SANews.gov.za, 31 March 2014, at [http://www.skillsportal.co.za/page/skills-development/1640992-Almost-10-000-inmates-trained-as-artisans#.U700\\_UAY7cU](http://www.skillsportal.co.za/page/skills-development/1640992-Almost-10-000-inmates-trained-as-artisans#.U700_UAY7cU).

**Drug classification amendment:** The recent classification in South Africa of the drug cocktail known as nyaope as an illegal substance has revived debate on whether drug users should receive harsh criminal sentences. Nyaope, also known as wunga, is said to contain a mix of antiretroviral drugs, milk powder, rat poison, bicarbonate of soda and pool cleaner, and is smoked with tobacco or marijuana. An amendment to schedules one and two of the Drugs and Drug Trafficking Act now classifies it as an illegal substance, for which a 15-year sentence is possible for possession. Reported by BDLive, 7 April 2014, at <http://www.bdlive.co.za/national/health/2014/04/07/nyaope-classification-revives-drug-sentencing-debate>.

**Long-term remand detainees no longer on remand:** AllAfrica reports that more than 380 awaiting-trial detainees, who were in custody in correctional centres for more than two years, are no longer in remand detention, the Department of Correctional Services (DSC) said on Thursday. This, the department said, is a result of implementing Section 49G of the Correctional Services Act (Act 111 of 1998), which states that a remand detainee (RD) may not be kept for a period exceeding two years, without the matter being brought to the attention of the court concerned. Section 49G came into effect in July last year. The number of RDs, who have been in detention for more than 24 months, was reduced from approximately 2 200 to 1 816. The report does not indicate whether the remandees were released or convicted. Reported by allAfrica, 10 April 2014, at <http://allafrica.com/stories/201404101341.html>.

**First remand prisoner electronically tagged:** South Africa's first remand detainee to be electronically tagged, Ronnie Fakude, 50 agreed as a condition of bail to participate in a Department of Correctional Services electronic monitoring pilot project which has to date involved only sentenced offenders. On his release from Grootvlei Correctional Centre, an electronic tracking device was attached to his right leg, permitting his movements to be tracked. "My main restriction is that I can't leave the Joburg area," Fakude said. "Otherwise, I can't feel the device. I can even bath with it." Fakude suffers from various illnesses and disabilities and had been in detention awaiting trial for 28 months before being tagged and released. Full report on the IOL website, 29 April 2014 at <http://www.iol.co.za/news/crime-courts/disparities-in-prison-system-are-apparent-1.1681476#.U75aw0AY7cU>.

## ZAMBIA

**Prison Congestion Breeding Ground for Viral Diseases:** The Times of Zambia reported that overcrowding in the country's 89 facilities provides an ideal environment for the spread of airborne diseases such as tuberculosis (TB). The country's inmates, estimated at 17,000, are served by 35 prisons medical personnel in 21 prisons health facilities in the country. Zambia Prisons Service (ZPS) deputy commissioner for Corrections and Parole Lloyd Chilundika said the major contributing factor to the disease burden in prisons is over-crowding. "This is coupled with inadequate logistical support, inadequate health personnel, sexual violence, limited HIV screening, no comprehensive HIV preventive measures as well as insensitive TB diagnosis," he said. "Lack of privacy also contributes to shunning of HIV screening services," he added. Reported by allAfrica, 14 April 2014, at <http://allafrica.com/stories/201404150040.html?wall=1>.

## ZIMBABWE

**Prison officials steal prison funds, prisoners starve:** Thirty officials in the justice ministry have been suspended for allegedly stealing US\$700,000 that was meant for the upkeep of prisoners, State media reports indicate, according to the Sunday Mail. An internal audit uncovered the theft and the rampant abuse of public funds, according to the justice ministry's secretary for legal affairs, Virginia Mabhiza. The amount was an allocation from Treasury to prisons through the justice ministry, and was meant to cover daily expenses such as buying food for inmates. According to the Sunday Mail report, Treasury officials may have exploited known loopholes in the public finance management system to facilitate the scam. Prisons officials would doctor quotations, purchase and receipt invoices for goods and services which, in some cases, had not been supplied. Former deputy justice minister and MDC-T MP for Harare West Jessie Majome told this

station that prisons services officials have looted with impunity for years. "The stealing has been going on for years and this goes to the very heart of the rule of law in this country. The looting, in the very ministry where justice and legal affairs are meant to be fixed, clearly shows that things have indeed fallen apart." Last year at least 100 prisoners died from malnutrition, amid reports that they were surviving on less than a meal a day. Report by SW Radio Africa on allAfrica, at <http://allafrica.com/stories/201404150129.html?viewall=1>.

### 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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