

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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World Report 2014: Human Rights Watch has released its 2014 World Report. The Africa chapters contain examinations on a wide range of pretrial justice issues, including the harassment of journalists, arrest and detention of political opponents and the torture and ill treatment of prisoners of war. The report is available at <https://www.hrw.org/world-report/2014>

International CURE Newsletter: CURE International has released in its 'Winter 2013' Newsletters. The Newsletter contains information regarding the '6th International Conference: Human Rights and Prison Reform' to be during March 2014. The programme for the conference includes a discussion on pretrial detention. The newsletter is available at <http://www.internationalcure.org/newsletters/INL%20Winter%202013%20page%201-6.pdf>

Report on detention monitoring in Africa: The Promoting Pretrial Justice in Africa project (PPJA) has released a report entitled 'Survey of Detention Visiting Mechanisms in Africa.' The report contains information on selected oversight institutions in Africa in order to better understand the extent to which conditions of detention are monitored in Africa. The report is available at <http://ppja.org/regional-information/africa/survey-of-detention-visiting-mechanisms-in-africa/view>

Country Reports

EGYPT

Protesters released: allAfrica.com reported that an Egyptian court ordered the release of 84 supporters of ousted President Morsi of the Muslim Brotherhood from remand detention. The protesters are charged with offences linked to a reported 'stand off' between security forces and 'pro democracy' demonstrators. The supports reportedly allege that the charges against them are politically motivated. Reported by allAfrica.com, 3 December 2013, at <http://allafrica.com/stories/201312030590.html>

ETHIOPIA

ICRC expands inspections: allAfrica.com reported that the International Committee for the Red Cross had expanded its scope of visitations to the regional prisons in Oromia, Amhara, Hariri, Tigray and Afar. The reported aim of the prison visits is to improve conditions of detention for the people detained, ensure humane treatment, and put detainees in contact with their families. Reported by allAfrica.com, 12 December 2013, at <http://allafrica.com/stories/201312121247.html>

GHANA

Prison overcrowding: Ghana Web reported that 28 out of the country's 43 prisons are extremely overcrowded, some by as much as 358%, and therefore 'jeopardising the lives of inmates.' The report notes that an important contributing factor to the prison overcrowding is remand detainees, many of whom are victims of serious backlogs in the court system. Reported by Ghana Web, 22 January 2013, at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=298552>

LESOTHO

Alleged abuse of detainees: The SABS reported that the Lesotho Ministry of Home Affairs has begun compiling information about alleged abuses of Basotho detained in South Africa. The report notes that of the 4000 'illegal immigrants' that were deported to Lesotho from South Africa 'recently', many complained of being subjected to torture and abuse in holding cells. Reported by SABC, 29 January 2013, at <http://www.sabc.co.za/news/a/ce66f28042bbd4b4ae5efe56d5ffbd92/Lesotho-probes-alleged-abuse-of-illegal-immigrants-in-SA-20140129>

SOMALIA

Journalists detained: allAfrica.com reported that two independent journalists from the Shabelle Media Network are being detained in Mogadishu having been arrested in November 2013. The report notes that the journalists had not yet been brought before a judge and that a broadcasting ban had been imposed on the network. Reporters Without Borders has reported condemned their detention. Reported by allAfrica.com, 1 December 2013, at http://allafrica.com/stories/201312010354.html?aa_source=mf%20hdlns

SOUTH AFRICA

Court hears damages claim related to rape: The Mercury reported that the Pietermaritzburg High Court heard a damages claim concerning a man who was raped in a police cell six years ago when he was 17 years old. The man was reportedly raped by a cell mate in the Pongola police station where the two of them were being detained. The Minister of Safety and Security has reportedly conceded liability for the harm caused. Reported by the Mercury (subscription needed), 3 December 2013, at <http://themercury.newspaperdirect.com/epaper/showarticle.aspx?article=86c7a339a402fa45beab442af3b99ba57fd2&key=1%2bNTOEcxpoGUIX4spFj0Lg%3d%3d&issue=6403201312030000000001001>

Lengthy remand detention: The Daily Dispatch reported that approximately 1300 prisoners in the Eastern Cape are waiting to be sentenced despite having been in remand detention for three years or more. The report notes that the Eastern Cape is the province where the 'wheel of justice turns the slowest.' Gauteng province, at 464, reportedly has the second highest number of unsentenced prisoners. Reported by the Daily Dispatch (subscription required), 6 December 2013, at <http://dispatch.newspaperdirect.com/epaper/showarticle.aspx?article=cd35abeb-7fd7-4d84-a8db-11a8d18fbd41&key=1dv2kNLZg2mZ2FuQugEWtq%3d%3d&issue=8148201312060000000001001>

Minister of Police vicariously liable for shooting: IOL News reported that the Minister of Police was found to be vicariously liable by the North Gauteng Court for the shooting of an informal trader by two off-duty police officials in 2009. The report notes that the trader, a Rwandan man, was shot by the police officials when an argument broke out regarding payment for the goods the officials had taken from him. The Court reportedly stated that "there was a constitutional duty on the SAPS and its officials to protect the lives and property of inhabitants of the republic." Reported by Zelda Venter, 10 December 2013, at <http://www.iol.co.za/news/crime-courts/hawker-killed-cops-ruled-liable-1.1619786#.UqckdIW2So>

Electronic monitoring: The Herald reported that a remand detainee was set to be the first inmate in Port Elizabeth to be released on condition that he wear an electronic tracking device. The detainee has reportedly been awaiting trial in prison for more than two years and has applied for bail on multiple occasions. Reported by The Herald (subscription needed), 7 January 2014, at <http://herald.newspaperdirect.com/epaper/showarticle.aspx?article=852013ed0675a4f41af81afaf4646af79383c&key=Yvtjyc4asNqxsG%2f0LpSHw%3d%3d&issue=8147201401080000000001001>

Police officers accused of killing suspect: IOL News reported that four police officers accused of beating a suspect to death appeared in the magistrate's court on the 9 January 2013 to apply for bail. The four officers allegedly beat up a suspect accused of driving on the wrong side of the road who then later died whilst in custody. Reported by Lali Van Zuydam, 9 January 2013, at <http://www.iol.co.za/news/crime-courts/cops-in-court-for-allegedly-beating-man-to-death-1.1629937#.UvTgTPbbw3l>

Protesters killed: News24 reported that two people were killed by police officials during a protest march in Mothutlung. The report noted that the Independent Police Investigative Directorate was investigating the reason and purported justification for the killings. Reported by News24, 13 January 2013, at <http://www.news24.com/SouthAfrica/News/lpidaprobingBritsprotestdeaths20140113> also reported at <http://mg.co.za/article/2014-01-13-two-people-killed-in-protest-near-brits>

Police officials shoot protester: SABS reported that a person was shot by police officials in Durban during a protest. The protester was reportedly part of a group that charged police officials and was shot in the chest as a result. The protest was reportedly about a community's eviction from a mining area. Reported by SABC, 23 January 2013, at <http://www.sabc.co.za/news/a/a016fc0042aa91178659fe56d5ffbd92/Man-killed-in-Roodepoort-protests-20142301> also reported at <http://www.citypress.co.za/news/protesters-shooting-deliberate-says-family>

SOUTH SUDAN

Political detainees released: The Global Post reported that the South Sudan government would be releasing a group of eleven politicians who have been detained in connection with their links to a foiled coup plot against the incumbent President. The detainees were reportedly arrested and detained after violent protests occurred on 15 December 2013. Reported by the Global Post, 27 December 2013, at <http://www.globalpost.com/dispatch/news/thomson-reuters/131227/south-sudan-free-most-politicians-detained-over-alleged-coup-us> also reported at <http://www.brecorder.com/world/africa/155527.html>

SUDAN

Detainees embark on hunger strike: +972 reported that approximately 150 asylum seekers detained at the Saharonim prison in Israel have embarked on a hunger strike in protest against the Israel government's refusal to grant them refugee status. The detainees were reportedly compelled to flee from persecution in the Darfur, Nuba and Blue Nile regions. Reported by +972, 9 January 2013, at <http://972mag.com/150-imprisoned-african-asylum-seekers-start-hunger-strike/85300/>

SWAZILAND

Children 'surrendered' to reform school: The Swazi Observer reported that over 100 parents hope to send their 'wayward' children to a 'juvenile school' located at a prison facility. The school reportedly caters for the children of inmates and remand detainees. However, the school has room for children whose parents 'are having difficulty enforcing discipline.' Reported by Baphelele Kunene, 8 January 2014, at <http://www.observer.org.sz/index.php?news=57591>

ZIMBABWE

Judge fails to sentence offender: New Zimbabwe reported that the Constitutional Court directed that High Court Judge Charles Hungwe explain why he has failed to sentence an offender he convicted of murder. Judge Hungwe has reportedly failed to sentence the offender for over a decade and the offender, who was convicted of murder in 2003, has been awaiting trial in prison. Reported by New Zimbabwe, 22 January 2014, at <http://www.newzimbabwe.com/news-14016-ConCourt+gives+Justice+Hungwe+ultimatum/news.aspx>

OTHER

African migrants detained indefinitely: The Jerusalem Post reported that 1900 African migrants were given notice by the Interior Ministry during December 2013 to report to the Holot desert detention centre. The facility is reportedly an 'open' one. Thus, detainees are free to leave, but must be present at the facility for 'head counts' three times per day. They are also not permitted to work. The Centre forms part of Israel's policy to detain illegal immigrants indefinitely. Reported by Ben Hartman, 27 January 2014, at <http://www.jpost.com/National-News/As-deadline-expires-only-21-African-migrants-arrive-at-desert-detention-facility-339410>

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

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