

# AFRICA PRETRIAL JUSTICE MONITOR



## Africa Pretrial Justice Monitor

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### Greetings

### Notice Board

**Measuring pre-trial justice in Africa:** CSPRI co-hosted a meeting on the measurement of pre-trial justice in Africa held in Dakar on 10 and 11 June. Read more at <http://ppja.org/regional-information/africa/discussions-on-measuring-criminal-justice-in-africa>.

### Country Reports

#### BOTSWANA

**Botswana government sued for refusing to provide ARVs to foreign prisoners:** High Court judge Justice Bengbame Sechele reserved judgement in a case in which two HIV-infected Zimbabwean prisoners took the government of Botswana to court challenging its policy of refusing anti-retroviral treatment to foreign inmates. The Botswana government provides non-citizen prisoners with treatment for opportunistic infections, such as tuberculosis, but expects them to finance their own HIV treatment. Two Zimbabwean HIV-positive prisoners, Dickson Tapela and Mbuso Piye, who are represented by Botswana Network on Ethics, Law and Aids (Bonela) with the assistance of Southern Africa Litigation Centre (SALC), argue that the government's policy is unlawful and unconstitutional, in that the Botswana policy denies the prisoners "the right to life, freedom from inhuman and degrading treatment, discrimination and inequality". Reported on 20 June 2014 by Bulawayo24, available at <http://bulawayo24.com/index-id-news-sc-africa-byo-49325.html>.

#### EGYPT

**Al-Jazeera journalists convicted and sentenced after flawed trial:** During the trial, prosecutors repeatedly blocked defence lawyers from viewing the entire collection of videos purportedly proving the journalists' guilt. Some were shown in court, but others were viewed in private only by the judge – without the knowledge of lawyers. When lawyers did try to view them later, they claimed they were told by prosecutors to pay 1.2m Egyptian pounds (US\$180 000). Reported on 24 June 2014 at <http://www.theguardian.com/world/2014/jun/24/six-flaws-case-against-three-jailed-al-jazeera-journalists-greste-fahmy-mohamed>.

#### ETHIOPIA

**Bloggers mark 60 days awaiting trial:** Nine independent bloggers and journalists in Ethiopia face their 60th day in June, after being arrested on 25th and 26th April. The writers are charged with "working with foreign organisations claiming to be human rights activists to destabilise the nation" and "receiving funding in order to incite the public to violence via social media". Police have repeatedly been given more time to investigate. If convicted under the 2009 anti-terrorism act, the nine face up to 10 years in prison. The 2009 law has been criticised by domestic and international activists as too broad in its definition of terrorism and often misused to suppress criticism of the government. In 2011, 200 members of opposition parties were arrested using the legislation. Reported on 26 June 2014 by htxt.Africa at <http://www.htxt.co.za/2014/06/24/ethiopian-bloggers-mark-60-days-in-jail-without-trial>.

#### KENYA

**Governor accused of terrorism released on bail:** A Kenyan governor facing charges of terrorism and murder after massacres this month in coastal regions was released on bail on Monday, AFP reports. Governor Issa Timamy of Lamu county was arrested last week in connection with the killings earlier this month in the town of Mpeketoni and nearby villages. High Court Judge Martin Muya ruled there were "no grounds to continue detaining him in custody", and released Timamy on bail of five million Kenyan shillings (US\$ 57 000). Despite an immediate claim of responsibility from Somalia's al-Qaeda-linked al-Shabaab for the Mpeketoni attack, Kenyan President Uhuru Kenyatta has blamed "local political networks" for the attacks, leading to the governor's arrest. Reported on 30 June 2014 at <http://www.iol.co.za/news/africa>

## NIGERIA

**Commission recommends drug decriminalisation:** The [West Africa Commission on Drugs](#), headed by former Nigerian President Olusegun Obasanjo, and supported by the Kofi Annan Foundation, said in a report that the possession of drugs for personal use should be decriminalised. The report says that in countries where court proceedings are slow, people end up spending long periods in pre-trial detention and are sometimes only released after paying a bribe. This, the report says, encourages corruption and does the prisoners more harm than good. Reported by The Guardian (Nigeria) on 12 June 2014 at <http://www.nguardiannews.com/news/world-news/165663-west-africa-should-decriminalise-drugs-obasanjo-commission>.

## SOUTH AFRICA

**Merging of Justice and Correctional Ministries raises oversight concerns:** President Jacob Zuma's rearrangement of Cabinet portfolios has raised concern that parliamentary oversight of the executive may be compromised. By combining the ministries of justice and correctional services, Mr Zuma has put enormous pressure on the parliamentary committee that must interrogate the budgets of these large departments. Reported on 25 June 2014, by Business Day Live, at <http://www.bdlive.co.za/national/politics/2014/06/25/new-portfolios-raise-oversight-concerns>.

## TUNISIA

**Government promises to reduce drug penalties to reduce prison congestion:** A commission is expected to submit to Parliament in the Tunisian summer an amended law that does away with the mandatory sentences of one-to-five years for drug possession. More than half the 25,000 inmates in are in prison on drug offences. According to a 2013 UN report, prisons in Tunisia are overcrowded, with some facilities at 150 percent of capacity. Reported by AP on 26 June 2014 and reproduced at <http://www.iol.co.za/news/africa/prisons-crowded-so-tunisia-revamps-laws-1.1710228#.U8PqNUAY7cU>

## ZAMBIA

**Agriculture programme for prisoners:** The Ministry of Home Affairs says the Prisons Service is working in collaboration with the Ministry of Agriculture and Livestock to develop an agriculture reform programme intended to triple production from the current 1,000 hectares to about 10,000 hectares of maize by 2018. Reported on 26 May 2014 by the Zambia Daily Mail, available at <http://www.daily-mail.co.zm/index.php/local-news/item/3947-k22-million-allocated-for-prisons-agro-programme>.

**Government heeds Human Rights Commission report on torture:** Findings of a report by the Human Rights Commission of Zambia (HRC) that highlight the existence of torture of inmates in the country's prisons have been accepted by government. Reported by Star Africa on 23 May 2014 at <http://en.starafrika.com/news/zambian-govt-to-act-on-prison-torture-minister.html>.

## 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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