

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

March 2013

The Africa Pretrial Justice Monitor is published by the Civil Society Prison Reform Initiative, Community Law Centre, University of the Western Cape, with the support of the Open Society Foundations Rights Initiative Global Criminal Justice Fund.

## In this Issue:

Notice Board  
Country Reports

### Notice Board

**Report of the Special Rapporteur on Torture:** The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Mendez, compiled a report for the 22nd session of the Human Rights Council which focuses on forms of abuse in health care settings. The report illustrates how abusive practices in such settings may amount to forms of torture or inhuman treatment and identifies policies that promote such practices and existing protection gaps. The report is available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53\\_English.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf)

**Experts meeting on pre-trial detention guidelines:** There will be an experts meeting during the 53rd Ordinary Session of the African Commission on 12 April 2013 in Banjul, The Gambia. The meeting will focus on the draft Guidelines for Pre-Trial Detention intended for possible adoption by the African Commission on Human and Peoples' Rights. More information on the meeting and a copy of the draft guidelines are available at <http://www.achpr.org/news/2013/03/d78/>

**Women in detention:** Penal Reform International and the Association for the Prevention of Torture have published a guide entitled "Women in detention: a guide to gender-sensitive monitoring." The guide is intended to assist monitoring and oversight bodies dealing with places of detention to assess whether gender-specific needs are met in places where women are detained. A copy of the guide is available at <http://tortureprevention.penalreform.org/resources/women-detention-guide-gender-sensitive-monitoring>

**Joint statement on torture in South Africa:** The United Nations Special Rapporteur on Torture and the Chairperson of the Committee for the Prevention of Torture in Africa issued a joint statement in response to the widely publicized case of Mido Macia, a taxi driver who died as a result of injuries sustained after having been dragged behind a police vehicle. The statement commends the promptness of the South African government in initiating proceedings against the alleged perpetrators and urges the government to expedite the enactment into law of the Prevention of Torture of Persons Act and to ratify the Optional Protocol to the Convention against Torture. The statement is available at <http://www.achpr.org/press/2013/03/d146/>

**Compliance study in Sierra Leone:** DIGNITY – the Danish Institute against Torture and Prison Watch Sierra Leone have released a study entitled "Children and juveniles in detention - Study on compliance with international standards in Sierra Leone." The report contains descriptions of the state of compliance in respect of the various pre-trial process and concludes with recommendations intended to assist the government. The report is available at [http://www.dignityinstitute.org/media/1583460/internationalpubseries\\_no4.pdf](http://www.dignityinstitute.org/media/1583460/internationalpubseries_no4.pdf)

### Country Reports

#### MALI

**Torture allegations:** Human Rights Watch authored and posted an article arguing that the government of Mali should investigate allegations that Malian soldiers tortured seven suspected supporters of Islamist armed groups in Léré, near Timbuktu. The seven men all reportedly show visible signs of torture and allege that they were beaten and kicked, burned,

injected with a caustic substance, and threatened with death while in army custody. Reported by Human Rights Watch, 26 March 2013, at <https://www.hrw.org/news/2013/03/26/mali-soldiers-torture-detainees-lere>

## NIGERIA

**Prisoners escape during prison raid:** IOL News reported that armed men claiming to be members of the radical Islamic group Boko Haram attacked a prison and released 120 prisoners. The raid occurred one week after the group released a video in which they stated that they would not free a kidnapped French family unless Nigeria released all Boko Haram members from prison. Reported by IOL News, 24 March 2013, at <http://www.iol.co.za/news/africa/gunmen-free-inmates-from-prison-1.1490890#.UV2t4RIMY3k>

## SOUTH

## AFRICA

**IPID describes statistics:** IOL reported that according to the Independent Police Investigative Directorate (IPID) 932 cases of deaths that occurred as a result of police action were reported during the 2011/2012 financial year and 217 of those came from Gauteng alone. The report also noted that only one out of 217 cases of deaths that allegedly occurred at the hands of the police in Gauteng resulted in a criminal conviction. Reported by Brendan Roane, 2 March 2013, at <http://www.iol.co.za/news/crime-courts/just-1-cop-killing-case-ends-in-conviction-1.1479556#.UU2Q9xIk7Mt>

**Judicial inquiry into police brutality urged:** The Citizen reported that opposition parties have demanded a commission of inquiry into police brutality following the brutal killing of taxi driver, Modi Macia. Macia died from injuries sustained after having being dragged by a police vehicle. The report notes that opposition members lamented the fact that police are rarely suspended following such incidents, but are left on duty, "fully armed." Reported by The Mercury, 3 March 2013, <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=398985&sn=Detail&pid=40&Investigate-taxi-driver-s-death---DA>

**Police sued for assault:** The Citizen reported that a young man is suing the Minister of Police for damages sustained as a result of alleged police brutality. The claimant alleges that he was arrested without a warrant in April 2010, sworn at and insulted and was hit so hard that his eardrum burst. He also claims that he was beaten during the interrogation and forced to admit guilt on various allegations. Reported by Ilse de Lange, 5 March 2013, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=399617&sn=Detail&pid=334&%E2%80%98Victim%E2%80%99-sues-police-minister>

**Torture of San elder by security guard:** allAfrica.com reported that an a Khomani San elder was tortured after he was accused of stealing a packet of chips at a local supermarket in Uppington. The man was reportedly strung up in the backroom of the store by a security guard and punched and kicked. Indigenous Peoples rights activists have reportedly condemned the incident and are outraged that such brutality occurs in today's "modern democracy." Reported by Linda Daniels, 8 March 2013, at <http://allafrica.com/stories/201303081220.html?viewall=1>

**Allegations of serious crimes against police officials:** The Sunday Times reported that the Independent Police Investigative Directorate revealed that there are more the 500 criminal cases against police officials which include charges of murder, attempted murder, serious assault and rape. The report also noted that more than 10 000 people have died in police custody or through the actions of police officers in the past 15 years. Reported by The Sunday Times, 11 March 2013, at <http://times-e-editions.newspaperdirect.com/epaper/showarticle.aspx?article=510ad8f2-b927-4ca4-a10b-4bffe14fd4c&key=axX12c5RnVNoXJ%2fzaW1zSQ%3d%3d&issue=1107201303100000000001001> (Subscription needed).

**Arresting petty criminals unhelpful in fight against crime:** IOL reported that despite the fact that the South African Police Service achieved "their highest tally ever" in respect of number of arrests during the 2011/2012 financial year, criminologists do not believe that these arrests contributes meaningfully to the fight against crime. More than half of the arrests made during that period were reportedly for non-priority crimes, which include loitering, urinating in public and drinking in public. The report notes that criminologists believe that arresting petty criminals is unlikely to bring down the crime rate, but rather fuel it and damage the reputation of the police. Reported by Shaun Smillie, 11 March 2013, at <http://www.iol.co.za/news/crime-courts/many-arrests-do-not-necessarily-bring-down-crime-1.1484266#.UU7ABBlk7Mt>

**Police to pay damages for police brutality:** The Citizen reported that the Minister of Police has admitted that the ministry had been found liable for damages in respect of an incident involving police brutality. The victim was reportedly kicked, punched and slapped and thrown into the back of a police van in 2008 and was reportedly in hospital for ten days thereafter. Reported by The Citizen, 23 March 2013, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=408380&sn=Detail&pid=40&Police--Minister-to-pay-damages>

**Death in police custody:** The Sunday Tribune reported that the family of a 43 year old man who was found dead in his police cell remain uncertain as to how he died. The man was arrested for housebreaking but unable to post bail and was thus transported to Westville Prison. Five days later he was found dead in his cell. Reported by The Sunday Tribune, 31 March 2013 at <http://sundaytribune.newspaperdirect.com/epaper/showarticle.aspx?article=599a5a01> 5176 43a8 bc34 5b92c8d5154e&key=9FWnkuov75QQID6K0mzRoQ%3d%3d&issue=7053201303310000000001001 (subscription

needed).

## UGANDA

**Ugandans detained in Zimbabwean prisons:** allAfrica.com reported that many Ugandans are being detained in Zimbabwean prisons in dire conditions. They are reportedly arrested on their way to South Africa for failing to provide the correct travel documents and are forced to remain in prison beyond the expiry of their respective sentences as there is no Ugandan embassy in Zimbabwe to deal with their deportation back to Uganda. Reported by Sadab Kittata, 22 March 2013, at <http://allafrica.com/stories/201303220294.html>

**Calls for release of detained Ugandans:** New Zimbabwe reported that human rights activists have appealed to the International Human Rights Commission to "intervene and compel the Zimbabwe and South African governments to release and deport Ugandans held in prisons in the two countries. The report quotes the Director of Uganda's Human Rights Defenders as saying that "many Ugandans are being held in prisons without going to trial in the two countries." Reported by New Zimbabwe, 23 March 2013, at <http://www.newzimbabwe.com/news-10685-Group+wants+Ugandan+prisoners+released/news.aspx>

## ZIMBABWE

**Human rights lawyer denied bail:** BBC News reported that a court refused bail to "prominent human rights lawyer Beatrice Mtetwa" on the grounds that she is a flight risk. Mtetwa was arrested on 17 March 2013, after the referendum on a new constitution that "strengthens civil liberties," when she intervened in a police raid on the offices of the MDC in Harare. She has been charged with obstructing justice. Reported by BBC News, 20 March 2013, at <http://www.bbc.co.uk/news/world-africa-21864596> This story is also discussed in a blogpost, available at <http://www.osisa.org/law/blog/why-beatrice-still-behind-bars>

**Mtewwa granted bail:** Aljazeera reported that a High Court has ordered the release of the prominent human rights lawyer, Beatrice Mtetwa, on 25 March 2012, thereby overturning the lower court that had refused bail. Mtetwa had been arrested when she had criticized police officers conducting a search at the home of one of Prime Minister Tsvangirai's affiliates a week earlier. Reported by Aljazeera, 25 March 2013, at <http://www.aljazeera.com/news/africa/2013/03/201332584521697498.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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