

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor, May 2011

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Amnesty International 2011 Report: Amnesty International has released its 2011 Annual Report: The State of the World's Human Rights. The report is critical of a number of countries in Africa in relation to the overcrowding of remand centres, the widespread use of torture, police brutality and poor conditions of detention. The report is available at <http://allafrica.com/download/resource/main/main/idatcs/00020904:62e42cc96e37b20d6d3f6750caf4e3dc.pdf> See also <http://www.jadecameroun.com/news.php?detailAct=180> in respect of Cameroon, <http://allafrica.com/stories/201105130551.html> in relation to Swaziland and <http://www.zambianwatchdog.com/?p=13542> in respect of Zambia.

U.N. Rapporteur comments on torture: The UN Special Rapporteur on Torture, Juan Mendez issued a statement on 12 May 2011 following his first official visit to Tunisia. The statement urges the Tunisian government to investigate allegations of torture taking place during and after the revolution, including the detention of about 66 people, a third of whom are minors, who were denied access to lawyers and their families. The official report is available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11011&LangID=E%3E>

International CURE Newsletter: International CURE has released its latest newsletter which contains various articles and excerpts relevant to pre-trial detention. The newsletter is available at <http://www.internationalcure.org/newsletters/INL%20Summer%2011%20p%201-8.pdf>

Commonwealth Human Rights Initiative Statement: The CHRI has issued a statement on recent protests in Uganda, Swaziland and Mozambique, condemning, in particular, police brutality that has come to light. The statement is available at <http://chriafrika.blogspot.com/2011/05/chri-statement.html>

Country Reports

Country Reports

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BURUNDI

UN expert welcomes positive rights developments: UN News reported that the Independent Expert of the Human Rights Council on Burundi, Fatsah Ouguergouz, welcomed what he said were several positive rights developments, but expressed concern regarding the continuing problems of extra-judicial killings and prison conditions. He also reportedly raised the problem of prolonged preventive detention for many inmates. Reported by UN News, 23 May 2011, at <http://www.un.org/apps/news/story.asp?NewsID=38478&Cr=&Cr1>

CAMEROON

Remand numbers contributing factor to overcrowding: Jade Cameroun reported that Cameroonian prisons are "crumbling" beneath the number of detainees. More than 23 000 detainees are held in prisons that

have a cumulative maximum capacity for 15 000 inmates. 60% of these inmates are remand detainees. The Ministry of Justice, supported by the European Union, has set up a programme for the improvement of prison conditions which has pointed out numerous problems including corruption, dilapidated prison infrastructure, lack of capacity to ensure safety, malnutrition, and lack of professionalism and resources. Original report in French. Reported by Etienne Tassé, Jade Cameroun, 10 May 2011, <http://www.jadecameroun.com/news.php?detailAct=173>

GHANA

63 remand detainees released: The Ghana Broadcasting Corporation reported that 63 remand detainees at the Nsawam Medium Security Prison whose cases had not been heard since they had been imprisoned had been granted unconditional release under the 'Justice For All' Programme. The report also said that 32 other detainees whose warrants had expired had also been granted bail because their dockets could not be found. Reported by gbcghana.com, 9 May 2011, at <http://gbcghana.com/index.php?id=1.358607.1.379479>

GUINEA

Human Rights Watch recommends human rights agenda: Human Rights Watch reported on the release of the 68-page report "We Have Lived in Darkness: A Human Rights Agenda for Guinea's New Government." The report identifies the main factors that have contributed to years of impunity and recommends steps Guinea should take to promote good governance and to end the history of abuse. Recommendations include ending excessive and prolonged pre-trial detention, implementing the UN Convention against Torture, and improving prison conditions. Reported by Human Rights Watch, 24 May 2011, at <http://www.hrw.org/en/news/2011/05/24/guinea-nation-crossroads>

LIBYA

Journalist recounts detention in Libyan prison: PBS reported an interview with James Foley, a journalist captured in Brega and imprisoned for six weeks. Foley describes the treatment of prisoners incarcerated for supporting the revolution in Libya. He alluded to the torture of remand detainees and the mistreatment of prisoners of war. Reported by PBS, 25 May 2011, at http://www.pbs.org/newshour/bb/world/jan-june11/libya_05-25.html

MAURITANIA

Damning report for Mauritania: AllAfrica.com released an excerpt from the 2011 Amnesty International Report critical of the prison system in Mauritania. The excerpt noted that torture and ill-treatment were still widespread and prison conditions remained harsh. Also highlighted was the fact that dozens of people were arbitrarily arrested and detained for days or weeks without trial. People suspected of belonging to armed groups were also allegedly detained without trial for long periods. Reported by Amnesty International, 12 May 2011, at <http://allafrica.com/stories/201105130676.html>

MOROCCO

Guards taken hostage in Morocco prison: Reuters reported that five prison guards were taken hostage at an unnamed prison on 16 May 2011 during a situation of "unrest" headed by Islamist prisoners reportedly aggrieved by certain practices and conditions, namely, torture, unfair trials and arbitrary detention. The report added that prison officials used tear gas and truncheons to contain the situation. There has been an increase in prison protests in North Africa following the Moroccan revolution. Reported by Souhail Karam, 17 May 2011, at http://af.reuters.com/article/egyptNews/idAFLDE74G0Z020110517?feedType=RSS&feedName=egyptNews&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+reuters%2FAfricaEgyptNews+%28News+%2FAfrica+%2F+Egypt+News%29

NIGERIA

Over 1000 in remand detention over election offences: AFP reported that more than 1 000 people had been arrested and detained in connection with elections offences, bringing the total number of prison inmates in Nigeria to 50 000, 33 900 of which are in remand detention. The report also said that in the past local and international rights bodies had criticised Nigeria's slow pace in dispensing justice and decongesting the country's prisons. Reported by AFP, 5 April 2011, at <http://www.google.com/hostednews/afp/article/ALeqM5hXmS8GEvGTbphfG5JakP-G2SB0Gg?docId=CNG.8b034c6e03fc6e9cc72836ea63a2b581.561>

RWANDA

Detainees "coerced" into making false accusations: Associated Press reported that conditions in Rwandan prisons are "deplorable" to the extent that prisoners, including those in remand detention, attempt to secure their own freedom by incriminating others alleged to have taken part in the 1994 genocide. Reported by Roxana Hegeman, 13 May 2011, at http://www.google.com/hostednews/canadianpress/article/ALeqM5hEYu8HdQ6aUMRAbV2VZdKrF_PmMQ?docId=6878263

SIERRA LEONE

Organisation gives legal aid to female remand detainees: The CS Monitor reported on the work of AdvocAid, a non-profit group based in Freetown providing free legal aid to female detainees in Sierra Leone's prisons. The report said Mahtani, a lawyer trained in Britain, founded AdvocAid in 2006 to assist women who faced imprisonment connected to poverty, illiteracy, or other misfortunes. The organisation has been providing legal representation to 400 female remand detainees since 2009. Reported by Paige McClanahan, 9 May 2011, at <http://www.csmonitor.com/World/Making-a-difference/2011/0509/Sabrina-Mahtani-provides-legal-aid-to-female-prisoners-in-Sierra-Leone>

Progressive Legal Aid Scheme underway: The Awareness Times reported that Sierra Leone is "poised to have the most progressive Legal Aid Scheme" after the Legal Aid Bill is enacted into law by the Sierra Leone Parliament. The Bill reportedly provides for aid services by lawyers and takes into account the needs of rural people by incorporating the services of paralegals and non-governmental organizations as well as traditional dispute resolution mechanisms in order to make legal aid accessible, affordable, sustainable and credible for the poor and marginalized people of Sierra Leone. Reported by the Awareness Times, 31 May 2011, at http://news.sl/drwebsite/publish/article_200517944.shtml

SOMALIA

United Kingdom to fund pirate prisons: AllAfrica.com reported that the UK has agreed to fund a programme in support of counter-piracy efforts in the Gulf of Aden and Indian Ocean. Some of the funds are to be used to increase prison capacity in the region. The report added that there are currently 800 Somali pirates serving sentences or in remand custody. Reported by allafrica.com, 1 May 2011, at <http://allafrica.com/stories/201105100562.html>

SOUTH AFRICA

Current bail laws criticized: News 24 reported that Police Minister, Nathi Mthethwa, is "looking at changing legislation to halt the repeated granting of bail to serial offenders." The Justice Ministry is reportedly also concerned about the number of offenders being granted bail. Reported by New 24, 10 May 2011, at <http://www.news24.com/SouthAfrica/Politics/Bail-legislation-ripe-for-change-Mthethwa-20110510>

Paedophile released on bail: The Citizen reported that a man convicted of the rape of a minor was released on R20 000 bail pending the outcome of his appeal against a five-year sentence. The report added that Ian Appleton would be "restricted to only go to a doctor and church" and that his movements would be monitored strictly by the Department of Correctional Services. Reported by the Citizen, 17 May 2011, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=195271&sn=Detail&pid=334&WCape-p>

SWAZILAND

Swaziland pro-democracy activists denied bail: AFP reported that two activists arrested in pro-democracy protests last month on charges of illegal possession of explosives were denied bail. The two, Maxwell Dlamini and Musa Ngubeni, were arrested on 13 April 2011 during a "clampdown" on protests against the reign of King Mswati III. Reported by AFP, 6 May 2011, at <http://www.google.com/hostednews/afp/article/ALeqM5hL2Lq5Lw38d6i5SI9CQ1fFftahvw?docId=CNG.d52d510170bd9583e846ebb448b9e5c7.631>

UGANDA

Torture widely used in Uganda: The Monitor reported that a report prepared by the African Centre for Treatment and Rehabilitation of Torture Victims entitled, "The Nature of Torture in Uganda" alluded to beatings as a form of widespread torture in Uganda. Other forms of torture reported include corporal punishment, stripping, pouring water into cells and placing prisoners on penal diet. Reported by Ephraim Kasozi, 27 May

2011, at <http://www.monitor.co.ug/News/National/-/688334/1170078/-/c0yevpz/-/>

Bail laws to be amended: AllAfrica.com reported that President Yoweri Museveni intends to introduce a constitutional amendment that will amend bail laws so as to deny rioters, rapists and economic saboteurs court bail. The President is quoted saying that the amendment is intended to deal with criminal impunity. Reported by allafrica.com, 23 May 2011, at <http://allafrica.com/stories/201105230052.html>

ZIMBABWE

Court allows Mangoma to travel for state business meetings: News Day reported that a Court had ordered the relaxation of the bail conditions for Energy and Power Development Minister Elton Mangoma to enable him to travel outside the country on state business. The Minister is accused of abusing his authority by abusing tender procedures in the procurement of fuel. Reported by Feluna Nleya, 1 May 2011, at <http://www.newsday.co.zw/article/2011-05-01-court-allows-mangoma-to-travel-for-gpa-meetings>

Prison head accused of stealing remand detainees' food supplies: The Zim Eye reported that donor fed inmates of Harare Remand prison faced food shortages as a result of much of it having been sold on the black market by the prison's officer in charge. Reported by zimeye.com, 5 May 2011, at <http://www.zimeye.org/?p=29631>

Paul Siwela denied bail: SW Radio reported that a judge had ordered Mthwakazi Liberation Front (MLF) leader Paul Siwela, to present an affidavit stating that he promises not to commit treason offences if released on bail. The accused and two others are accused of instigating a separatist movement in south Zimbabwe. Reported by Irene Madongo, 10 May 2011, at <http://www.swradioafrica.com/news100511/paulsiwela100511.htm>

Police detain 21 protesters: The Zimbabwean reported that police detained protesters for three hours and later released them without charge. The protesters were reportedly demanding an end to impunity, selective application of the law and the arbitrary arrest of activists. Reported by the Zimbabwean, 12 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=39528:police-detains-21-peaceful-protesters&catid=31:weekday-top-stories&Itemid=30

Three students complain of mistreatment: The Zimbabwean reported that three students from Masvingo were detained for watching an allegedly "subversive two hour long video clip depicting President Mugabe being shot at by the military in a war-like simulation." The report said that if convicted the students would either be fined, imprisoned or suffer both fine and imprisonment. The students' lawyer said that the students had complained of not being informed of their charge at the time of arrest and were assaulted during their two-day detention period in police custody. Reported by the Zimbabwean, 12 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=38725:three-students-appear-in-court-for-watching-war-video-clip&catid=52&Itemid=32

Prison service denies accusations of ill-treatment of remand detainees: AllAfrica.com reported that the Zimbabwe Prison Service denied that prisoners were ill-treated at Chikurubi Maximum Prison. The statement follows a visit by the court which hoped to "acquaint itself with the conditions in which treason suspect Albert Mugove Matapo and his alleged accomplice" are being detained. The report said that the detainees had applied to the court for a ruling that their rights were being violated as the conditions of their cells were unsuitable for human beings. Reported by allafrica.com, 17 May 2011, at <http://allafrica.com/stories/201105170068.html>

Concern for detained Somali refugees: The Zimbabwean reported that more than one hundred Somali refugees and others from the Horn of Africa were languishing at Beitbridge prison. The report said that the refugees, denied entry into South Africa, were arrested by Zimbabwe's anti-crime squad and border guards while trying to cross into South Africa using illegal routes. Reported by Zimbabwean, 18 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=39670:concern-grows-for-detained-somali-refugees-in-beitbridge&catid=31:weekday-top-stories&Itemid=30

CNN crew detained in Harare: The Zimbabwean reported that CNN journalist Robyn Curnow and her cameraperson Shevan Rayson were briefly detained in Harare on 18 May 2011 after police stopped them from filming in the Zimbabwean capital. The report added that the CNN crew had all the relevant accreditation documents issued by the Zimbabwe Media Commission. 19 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=39726:cnn-crew-detained-in-harare&catid=31:weekday-top-stories&Itemid=30

35 MDC supporters arrested in Harare: The Zimbabwean reported that 35 MDC supporters were arrested in

Harare at a funeral of an MDC activist. The report said that those arrested were detained at Harare Central Police Station and charged with assault and theft. The report further alluded to the arrest by the police of another MDC politician on "trumped up charges of public violence". Reported by the Zimbabwean, 20 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=39811:35-mdc-supporters-arrested-in-warren-park&catid=69:sunday-top-stories&Itemid=30

Massive hunt for army deserters: The Zimbabwean reported that military police are involved in a massive track down operation targeting hundreds of men and women who deserted the Zimbabwe National Army at the height of political and economical turmoil a decade ago. The report added that those already captured had been subjected to severe interrogation and torture, which in some cases led to deaths. Reported by the Zimbabwean, 19 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=39728:massive-manhunt-for-army-deserters&catid=31:weekday-top-stories&Itemid=30

High Court orders the release of soldiers: The Zimbabwean reported that the High Court had ordered the release of seven army officers who were arrested four years ago on allegations of planning to oust the ZANU PF party from power. The report alleged that the army officers, who face charges of 'intention to remove Robert Mugabe from office by unconstitutional means, and conspiracy to commit treason', pleaded not guilty when they first appeared in court but had been remanded in custody since 2007. Reported by the Zimbabwean, 26 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=39929:high-court-orders-release-of-2007-coup-plotters-against-&catid=31:weekday-top-stories&Itemid=30

Police wantonly arrest MDC members: The Zimbabwean reported that police arrested "scores of MDC-T supporters" on allegations that they were implicated in the death of a police officer. The report raised the possibility that those picked up would be subjected to torture, deprivation of food and access to medical care. Reported by the Zimbabwean, 30 May 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=40024:police-wantonly-arrest-mdc-members-in-glen-view&catid=31:weekday-top-stories&Itemid=30

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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