

# AFRICA PRETRIAL JUSTICE MONITOR



## Africa Pretrial Justice Monitor

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### Greetings

### Notice Board

**Soft law on pre-trial justice seminar in Lusophone Africa:** CSPRI in partnership with the Mozambican Institute of Legal Aid (Instituto Patrocinio Assistencia Juridica, IPAJ) held a workshop on 21 and 22 May 2014 to promote two international soft law instruments on access to justice and pre-trial detention in Africa. Read more at <http://ppja.org/regional-information/africa/workshop-promoting-soft-law-on-pre-trial-justice-in-lusophone-africa-held-in-maputo>.

### Country Reports

#### EGYPT

**Egyptian system needs reform, say AU and UN experts:** A group of African and United Nations human rights experts today called on Egyptian authorities to bring the country's legal system into compliance with international and regional standards. This was in response to two sets of mass death sentences handed down. On 28 April 2014, a group of 683 individuals were sentenced to death in Egypt on charges related to the events in Al-Minya in August 2013. The verdicts were pronounced after a first round of mass death penalties imposed on 529 individuals on 24 March 2014. As in the earlier case, the new death sentences were pronounced, reportedly under similar charges, at proceedings that seriously violated international standards of fair trial and 'the most serious crimes' provisions. Among them, reports indicate lack of clarity on the precise charges against each individual, conduct of the trials in the absence of the defendants and their lawyers, and mass sentencing. The nine UN experts, together with the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa, said "the imposition of these mass death sentences in both March and April for crimes that may not be punishable by death and after a grossly unfair trial is a staggering violation of international human rights law by Egypt." Reported on 15 May 2014 at <http://www.un.org/apps/news/story.asp?NewsID=47804#.U8O6f0AY7cU>.

#### ETHIOPIA

**Journalists denied bail:** An Ethiopian First Instance Court declined to release on bail three journalists arraigned for alleged involvement in inciting the public against the government through social media. The three Ethiopian journalists and members of the Zone9 bloggers had appeared before an Arada Court in Addis Ababa on April 29, after they were arrested by the police for alleged collaboration with foreign organisations to destabilise the government. Police prosecutors who brought journalists to court on May 7 following the expiration of the remand period said investigations had not been concluded and asked the court to reject the bail application. The Presiding officer conceded to the prosecution's demand, denying the journalists bail and adjourning the case to May 17. Reported by Star Africa, 7 May 2014 at <http://en.starafrika.com/news/3-ethiopian-journalists-remain-detained-as-court-refuses-bail.html>.

#### MALI

**Attempt to eradicate scabies in Mali prisons:** Over 2,600 detainees have been treated for scabies in an eradication campaign run by the Malian prison authorities, with the support of the ICRC, in the prisons of Sikasso, Kati and Bamako. Reported on the ICRC website, 5 May 2014, at <http://www.icrc.org/eng/resources/documents/update/2014/05-05-mali-prison-health-scabies.htm>.

#### SIERRA LEONE

**Sierra Leone to abolish death penalty, reform criminal procedure:** Attorney General and Minister of Justice, Hon. Franklyn Bai Kargbo, on May 2nd 2014, told the United Nations Committee against Torture that Sierra Leone will shortly abolish the death penalty. Mr. Kargbo said that his office had received firm instructions from President Ernest Bai Koroma on the issue. A new criminal procedure bill is currently being drafted, and the 1991 Constitution is being reviewed.

Reported by Sierra Express Media on 5 May 2014, at <http://www.sierraexpressmedia.com/archives/67110#sthash.9clBiUXQ.dpuf> and on 1 June 2014, at <http://www.sierraexpressmedia.com/archives/67861>.

## **SOUTH AFRICA**

**Audio-visual remand system "a success":** According to Manelisi Wolela, spokesperson for the Department of Correctional Services (DCS), live video links between correctional facilities and courts have reduced expenditure and detainee escape risk. The system establishes a video link between the prison in which an accused person is being held and the court in which the remand process is being heard, with the detainee and magistrate able to see and hear each other. The system caters mainly for cases in which court appearances are brief and when matters would be postponed. The matter proceeds as it would in an actual court room. The project was piloted in 2005 at Durban and Pinetown Magistrate's Courts, which are linked to the Durban Westville Medium A Correctional Facility. After launching officially in 2011, AVR has so far connected 25 courts to associated prisons across six provinces. Reported by IT Web on 19 May 2014 at [http://www.itweb.co.za/index.php?option=com\\_content&view=article&id=134571:av-system-keeps-inmates-behind-bars](http://www.itweb.co.za/index.php?option=com_content&view=article&id=134571:av-system-keeps-inmates-behind-bars).

## **SUDAN**

**Death sentence for apostasy:** A pregnant woman was sentenced to death for apostasy for leaving Islam and becoming a Christian, and sentenced to 100 lashes for marrying a non-Muslim, which constitutes adultery under Sudanese law, by a Khartoum court. Meriam Yehya Ibrahim, 27, is eight months pregnant and has been held since February in Omdurman Federal Women's Prison, north of Khartoum, with her 18-month-old son Martin. Prior to her court appearance she was told that she had three days to recant her faith or face death. In court she refused to recant, saying she had always been a Christian. It was reported that three witnesses from western Sudan had travelled to the hearing to testify that Ibrahim had always been a Christian, but were prevented from giving evidence. The death sentence will not be enacted for two years after she has given birth, but that the punishment of 100 lashes may be carried out as soon as her baby is born. Sudan has been governed by Islamic law since 1983. Reported on 15 May 2014 at <http://www.independent.co.uk/news/world/africa/global-outcry-as-sudanese-woman-sentenced-to-death-for-renouncing-islam-9380447.html>.

## **SWAZILAND**

**Detained activists released on bail:** AFP reported that the Swaziland High Court freed on bail seven opposition activists arrested last month at the trial of journalists charged with publishing articles critical of King Mswati III. Two officials of the banned People's United Democratic Movement (Pudemo) were detained after clashing with police outside the court on 23 April. The officials of the party were charged with unlawfully soliciting support for a "terrorist" group and by chanting slogans, and five others were arrested for wearing t-shirts and berets of the party, which has been banned. The group was released on 15 000 emalangeni (\$1 424) bail each. The activists had been protesting at the trial of columnist Thulani Maseko and Bheki Makhubu, editor of The Nation magazine, who are charged with contempt of court over articles critical of apparent government and court abuses. The journalists remain in custody. See report of 6 May 2014 reproduced at <http://www.news24.com/Africa/News/Swaziland-frees-detained-opposition-activists-20140505>.

## **TANZANIA**

**Members of Parliament call Minister to account over prison conditions:** The MPs, debating the 2014/2015 budget, said prisoners still face years of confinement in cramped and dirty quarters and get insufficient food rations. They said prison conditions reflected government neglect and abuse of the rights of imprisoned members of the society. Minister for Home Affairs Mathias Chikawe said the ministry was working to reduce overcrowding and improve failing infrastructure. Reported on 18 May 2014 by IPP Media. Reported at <http://www.ippmedia.com/frontend/index.php?l=67965>.

## **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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<http://www.communitylawcentre.org.za/clc-projects/civil-society-prison-reform-initiative/>

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