

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

October 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.

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### Notice Board

**Human Rights Watch Report on Angola:** Human Rights Watch has released a report entitled “Take that filth away: police abuses against street vendors in Angola.” The report documents the many incidents of seizure, extortion and assault of street traders by plain-clothed police officials in Luanda. The report is available at <http://www.hrw.org/node/119219>.

**Human Rights Watch Report on Ethiopia:** Human Rights Watch has released a report entitled “They want a confession: torture and ill-treatment in Ethiopia’s Maekelawi Police Station.’ The report documents human rights abuses against political detainees, including torture and ill-treatment, at the primary detention centre in Addis Ababa. The report is available at <http://www.hrw.org/news/2013/10/18/ethiopia-political-detainees-tortured>.

**Resolution on torture:** The Human Rights Council held its 24<sup>th</sup> session during September 2013. In its “resolution on human rights in the administration of justice, including juvenile justice” it calls on states to “address and prevent detention conditions that amount to torture or other forms of ill-treatment.” The text of the resolution is available at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G13/172/77/PDF/G1317277.pdf?OpenElement>.

**Conference on prison overcrowding:** Penal Reform International will be hosting a conference entitled “Alternatives to Imprisonment” in Dar es Salaam, Tanzania from the 6 – 8 November 2013. The conference aims to generate discussion and ideas around combating severe prison overcrowding in East Africa. More information is available at <http://www.penalreform.org/news/pri-to-co-host-east-africa-conference-on/>.

### Country Reports

#### BURUNDI

**Ratification of OPCAT:** FIACAT, along with ACAT-Burundi, posted a note on its website congratulating the government for having ratified the Option Protocol to the United Nations Convention against Torture on the 18 October 2013. The post indicates that the government should aim to establish a National Preventive Mechanism within one year. Report by FIACAT, 20 October 2013, at <http://www.fiacat.org/communiqu-burundi-une-avancee-significative-en-faveur-de-la-prevention-de-la-torture> Original report in French.

#### DEMOCRATIC REPUBLIC OF CONGO

**Study on prison overcrowding:** The Kongo Times reported on a study by MONUSCO that indicates that, on average, the DRC has more prison beds (36 217) than detainees (23 070). However, the report notes that some prisons are too dilapidated to be operational and that others have been built in areas where they are not needed. In Kinshasa, the average rate of capacity is 290 per cent – a figure which represents extreme overcrowding. Reported by Kongo Times, 30 October 2013, at <http://afrique.kongotimes.info/rdc/justice/6818-rdc-prisons-surpeuplees-moins-detenus-identifies-pour-places-dans.html> Original report in French.

#### EGYPT

**Amendments to maximum detention legislation:** World Bulletin reported that Egypt's interim President Adly Mansour issued amending legislation repealing provisions relating to the maximum period of pre-trial detention. The amending legislation reportedly removes the custody time limit for all detainees charged with crimes that attract the death penalty and sentences of life imprisonment. Reported by World Bulletin, 1 October 2013, at <http://www.worldbulletin.net/?aType=haber&ArticleID=119008>.

#### GABON

**Strike at Libreville prison:** BBC Afrique reported that detainees went on strike at the Libreville central prison in an effort to draw attention to the severe overcrowding at the facility, which is accommodating detainees at a rate of approximately 400 per cent. The report also notes that some of the pretrial detainees have been incarcerated pending trial for up to 14 years. Report by BBC Afrique, 10 October 2013, at [http://www.bbc.co.uk/afrique/region/2013/10/131010\\_gabon\\_jail.shtml](http://www.bbc.co.uk/afrique/region/2013/10/131010_gabon_jail.shtml)  
Original report in French.

## KENYA

**Assessment of torture prevention recommendations:** The World Organisation against Torture published a story on its website about a mission it has commenced in Kenya wherein it will be assessing the implementation of the country's torture prevention legislation and policies. The mission was arranged after recommendations from the UN Committee against Torture were made regarding what steps the government needed to take to further combat torture. Reported by the World Organisation against Torture, 1 October 2013, at <http://www.omct.org/monitoring-protection-mechanisms/statements/kenya/2013/10/d22395/>.

## LIBYA

**Report documents torture:** Al Jazeera reported that a recently-released United Nations report documents widespread torture and brutality in Libyan prisons being run by "various militias." The report notes that approximately 8 000 detainees are being held without trial on suspicion of having fought for Gaddafi. Many more detainees are reported "out of sight" and being held "in primitive conditions." The UN report notes that 27 detainees have been tortured to death in militia-run prisons, 11 of which occurred during 2013. Reported by Al Jazeera, 1 October 2013, at <http://www.aljazeera.com/news/africa/2013/10/un-finds-widespread-torture-libya-jails-2013101222039997454.html>.

**Migrants poorly treated:** The Saudi Gazette reported that in the two years following the overthrow of Gaddafi, Libya has become a "prime springboard for tens of thousands of migrants, mainly from Africa." Those that make it to the mainland are frequently detained in prisons run by the militias. The report states that militias detain migrants in abandoned buildings, "abusing them and holding them hostage until they receive money from the migrants' families." Reported by the Saudi Gazette, 20 October 2013, at <http://www.saudigazette.com.sa/index.cfm?contentid=20131020184050&method=home.regcon>.

## NIGERIA

**Thousands die in detention:** The Guardian reported that an Amnesty International report has stated that almost 1000 people, mostly suspected Islamist militants, died in Nigerian detention centres during the first half of 2013. Some of the detainees were reportedly suspected to have been summarily executed but many died as a result of the harsh and overcrowded conditions of the detention centres. Amnesty International has reportedly called on Nigerian authorities to take "urgent action" to combat the high numbers of deaths. Reported by The Guardian, 15 October 2013, at <http://www.theguardian.com/world/2013/oct/15/died-nigerian-jails-amnesty-islamist-militants-boko-haram>.

## SENEGAL

**Computerisation of judicial system:** Agence de Presse Senegalaise reported that computer software was successfully installed in a number of criminal and civil courts. This will reportedly improve access to justice, ensure effective and accurate recording of cases and trials as well as reduce the duration of pre-trial detention. Reported by Agence de Presse Senegalaise, 9 October 2013, at [http://www.aps.sn/articles.php?id\\_article=119702](http://www.aps.sn/articles.php?id_article=119702).

## SOUTH AFRICA

**High incidences of torture:** The Herald reported on the findings contained in the 2012/2013 Independent Police Investigative Directorate Annual Report. It notes that 708 complaints of torture and assault against the police were made in the Eastern Cape alone, the province which now has the "fastest growing number of cases", with a 102 per cent increase compared to the previous financial year. Reported by Gareth Wilson, 2 October 2013, at <http://www.peherald.com/news/article/19624>.

**Police official sentenced for killing:** The Daily Dispatch reported that a police official convicted of killing a refugee was sentenced to a wholly suspended sentence of seven years. The official reportedly shot and killed an asylum seeker who tried to escape when police detained him on suspicion of theft and drug possession. The deceased was reportedly afraid that this expired refugee status would cause him to be deported. Reported by the Daily Dispatch, 31 October 2013, at <http://dispatch.newspaperdirect.com/epaper/showarticle.aspx?article=3591c733-5a7a-4005-a2d3-5042e6b36a2b&key=Bm%2bhHmeash24PVEU23oIFw%3d%3d&issue=8148201311010000000001001> (subscription needed)

## SUDAN

**Government urged to release detainees:** UN News reported that one of its special experts has called on the

government to either charge or release the large number of detainees that were arrested during mass protests in mid-September 2013. The report notes that at least 800 political activists are being detained incommunicado, with no access to lawyers or their families. Reported by UN News, 3 October 2013, at [http://www.un.org/apps/news/story.asp?NewsID=46182#.Um9yc1ONK\\_1](http://www.un.org/apps/news/story.asp?NewsID=46182#.Um9yc1ONK_1).

## TUNISIA

**Legislation to prevent torture:** Human Rights Watch published a story on their website regarding the adoption of a new piece of legislation that establishes the National Authority for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This new legislative body, which will consist of 16 experts, will have the authority to visit any site where people are deprived of their liberty for the purpose of documenting torture and ill-treatment. Reported by Human Rights Watch, 14 October 2013, at <http://www.hrw.org/news/2013/10/14/tunisia-landmark-opportunity-combat-torture>.

## ZIMBABWE

**Illegal renditions:** The Zimbabwe Mail reported that evidence has come to light implicating a senior South African police official in the illegal rendition of Zimbabwean nationals in South Africa back to Zimbabwe where they were tortured and killed. The report noted that the evidence would be presented to President Zuma which could ultimately result in the issuing of an arrest warrant for the police official implicated. Reported by Mzilikazi wa Afrika and Stephan Hofstatter, 15 October 2013, at <http://www.thezimbabwemail.com/zimbabwe/18613-south-africa-send-zimbabwean-refugees-for-torture.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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