

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

September 2012

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

Discussion in preparation for General Comment on article 9 of the International Covenant on Civil and Political Rights: On 25 October, the UN Human Rights Committee will hold a general discussion with relevant stakeholders regarding the drafting of a General Comment on article 9 of the ICCPR. Article 9 guarantees the right to liberty and security of the person. More information is available at <http://www2.ohchr.org/english/bodies/hrc/discussion2012.htm>.

Resource pack on alternatives to detention in East Africa: Penal Reform International has published a resource pack examining legislation, policy, research and grassroots experiences on the successes and challenges of community work as an alternative to detention. The study covers Kenya, Uganda and Tanzania. The pack can be found here <http://www.penalreform.org/publications/making-community-service-work-resource-pack-east-africa>.

Amnesty International report alleges torture and illegal detention by the Rwandan military: Amnesty International recently published a report alleging that the Rwandan department of military intelligence had been engaging in illegal detention, enforced disappearances and torture of civilians over the past two years. The report can be found at <http://www.amnesty.org/en/news/rwanda-must-investigate-unlawful-detention-and-torture-military-intelligence-2012-10-05>.

Johannesburg Declaration and Plan of Action on the Prevention and Criminalisation of Torture in Africa: The participants to the commemorative seminar on the 10th anniversary of the adoption of the Robben Island Guidelines, which was held in South Africa at the end of August, adopted a Declaration and Plan of Action. The latter contains specific recommendations for State Parties on effectively preventing and eradicating torture and other ill-treatment on the continent. The document can be found at http://www.apr.ch/en/news_on_prevention/johannesburg-declaration-a-platform-for-torture-prevention-action/

Atlas of Torture team visit to Togo: On 29-30 August 2012 the Atlas of Torture team organized a two-day expert conference in Lomé on the prevention of torture, with the participation of high level representatives from the State, civil society and the international community. The main objective of the conference was to raise awareness of the problem of torture and ill-treatment in Togo and to identify a torture prevention strategy for the future. An assessment report of the conference is available at <http://www.univie.ac.at/bimtor/togo/1339>

Association for the Prevention of Torture (APT statements at the 21st Session of Human Rights Council: The APT submitted statements at the 21st session of the Human Rights (17-23 September 2012) during consideration of the Universal Period Review reports for Algeria, Morocco and Tunisia. APT's statements focused on progress made and steps to be taken with regard to the prevention of torture in each country. The statements are available at http://www.apr.ch/en/news_on_prevention/apr-s-statements-on-country-reports-at-the-human-rights-council/

Country Reports

CAMEROON

Allegations of police torture: Jade Cameroun reported that torture and other ill-treatment by the police in Doula has come to be common practice for the purpose of extracting confessions. The report is based on accounts from both victims

of torture and by police officers (who requested that they remain anonymous). Original report in French. Reported by Christian Locka, Jade Cameroun, 11 September 2012, at <http://www.jadecameroun.com/news.php?detailAct=263>

DEMOCRATIC REPUBLIC OF CONGO

Kasapa Prison accommodating than 1000 remand detainees: Radio Okapi reported that Kasapa Prison in Lubumbashi currently holds more than 1000 awaiting trial prisoners and 200 sentenced prisoners. The Director of Public Prosecutions described the situation as abnormal. Original report in French. Reported by Radio Okapi, 12 September 2012, at <http://radiookapi.net/actualite/2012/09/12/lubumbashi-la-prison-de-kasapa-compte-1000-personnes-en-detention-preventive/>

Court appearances affected due to transport: Radio Okapi reported that due to the breakdown of the only prisoner transport vehicle, awaiting trial prisoners at Makala Prison in Kinshasa have not been able to attend court hearings for the past two months. Lawyers representing the prisoners have been pleading for a quick solution. Prison authorities blame the state for not ensuring access to sufficient appropriate vehicles. Original report in French. Reported by Radio Okapi, 14 September 2012, at <http://radiookapi.net/actualite/2012/09/14/prison-de-makala-des-detenus-privés-de-proces-dune-panne-de-vehicule/>

Released prisoners complain about detention conditions: Radio Okapi reported that two women and 19 men were released conditionally from prison in Beni. During the ceremony marking their release the prisoners denounced the conditions of their detention in front of officials of the penitentiary unit of MONUSCO. They further complained that some prisoners were held much longer than the period of their sentence and that others waited for months before appearing before a court. Original report in French. Reported by Radio Okapi, 15 September 2012, at <http://radiookapi.net/actualite/2012/09/15/beni-liberes-21-prisonniers-de-la-prison-centrale-de-kangwayi-decrient-leur-mauvaises-conditions-de-detention/>

MOROCCO

Calls to end torture: The Chicago Tribune reported that on 21 September 2012 the United Nations Special Rapporteur on torture, Juan Mendez, urged the authorities in Morocco to end the torture of prisoners in its prisons and police detention centres. Reported by Souhail Karam, 22 September 2012, at http://articles.chicagotribune.com/2012-09-22/business/sns-rt-un-moroccotorture-pixl5e8km42p-20120922_1_torture-souhail-karam-rabat

Morocco advised to ratify OPCAT: Gulf News reported that Juan Mendez, the United Nations special rapporteur against torture has called on authorities in Morocco to ratify the Optional Protocol to the Convention against Torture that aims to prevent mistreatment of people in detention by establishing independent oversight of detention facilities by the Sub-Committee on Torture. Reported by Gulf News, 22 September 2012, at <http://gulfnews.com/news/region/morocco/morocco-urged-to-end-police-torture-1.1080050>

MOZAMBIQUE

Deadline to review cases given: allAfrica.com reported that on 21 September 2012 the Attorney-General gave all the prosecutors in Maputo a deadline of 15 days to review in detail all the cases involving the 864 prisoners currently incarcerated in the Maputo Top Security Prison. Of the 864 prisoners, 424 are said to be awaiting trial and in many cases the legal period for preventive detention has reportedly expired. Reported by allAfrica.com, 22 September 2012, at <http://allafrica.com/stories/201209220219.html>

NAMIBIA

Detainees refuse to eat: allAfrica.com reported that a number of remand detainees at the Windhoek police station were refusing to eat the food provided to them, saying that "the food was inedible." The prisoners told journalists that they were not allowed to receive food brought to them by relatives nor were those prescribed special diets for medical reasons permitted to access food from visitors. Reported by allAfrica.com, 19 September 2012, at <http://allafrica.com/stories/201209190812.html>

NIGERIA

Many inmates awaiting trial: Punch reported that 36 000 of the 50 000 inmates in Nigerian prisons are remand detainees. Zakari Ibrahim, the Controller-General of the Nigerian Prisons Service disclosed these figures at a workshop entitled "The Human Rights Integration Project", which was established by the Rehabilitation and Welfare Action for prison officials. Reported by punch, 5 September 2012, at <http://www.punchng.com/news/36000-of-50000-inmates-awaiting-trial-prisons-boss/>

Directors of public prosecutions blamed for high number of remand detainees: The Guardian reported that the

Senate has blamed directors of public prosecution for the increase in the number of prisoners awaiting trial across prisons in Nigeria. The Senate Chairman on Interior appealed to directors of public prosecutions to expedite the delivery of justice by ensuring that the prisoners are promptly brought to court. Reported by Alemma-Ozioruva, 5 September 2012, at http://www.ngrguardiannews.com/index.php?option=com_content&view=article&id=97795:senate-blames-dpps-for-cases-of-awaiting-trial-inmates-&catid=1:national&Itemid=559

Prisoners released: The Tribune reported that the Chief Judge of Lagos State released 233 prisoners during her visit to the Kirikiri Maximum and Medium Prisons on 18 September 2012. Some of those released were awaiting trial and others had reportedly spent up to twelve years in prison. Reported by Yejide Gbenga-Ogundare, 19 September 2012, at <http://tribune.com.ng/index.php/news/47835-lagos-cj-frees-233-prisoners>

Eighty percent of prisoners in Lagos state are awaiting trial: Business Day reported that an investigation into prisons by the News Agency of Nigeria has revealed that 80 percent of prisoners in Lagos state are awaiting trial. The five prisons in Lagos accommodate 5707 prisoners and have exceeded their total capacity by 52 percent. Reported by Business Day, 19 September 2012, at <http://www.businessdayonline.com/NG/index.php/news/latest/44679--80-of-prison-inmates-in-lagos-are-awaiting-trial--investigation->

SOUTH

AFRICA

Allegations of torture: allAfrica.com reported that the Independent Police Investigative Directorate received numerous complaints alleging that the police assaulted and tortured many of the miners detained after having been arrested during a strike at Marikana mine in the Northwest province. Reported by Siphon Hlongwane, 4 September 2012, at <http://allafrica.com/stories/201209040648.html>

Torture Bill criticised: The Cape Argus reported that during the Parliamentary public hearings on the Prevention and Combating of Torture of Persons Bill, civil society organisations voiced concern over the Bill's non-compliance with some of the provisions of the United Nations Convention against Torture. Organisations said, amongst other concerns, that the Bill failed to acknowledge the seriousness of the crime of torture and did not make provision for the deportation and/or extradition of suspects at risk of being tortured. Reported by The Cape Argus, 5 September 2012, at <http://capeargus.newspaperdirect.com/epaper/showarticle.aspx?article=affba97a-665c-4478-9843-211fa7b7a2e6&key=8PNhLEeHVuvfM4410IWVr9A%3d%3d&issue=62562012090500000000001001>

Police officers on trial for assault and murder of suspect: The Citizen reported that two police officers from Reiger Park police station have been charged with and are on trial for the assault, torture and ultimate death of a suspect. Reported by Puleng Mashabane, 5 September 2012, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=314072&sn=Detail&pid=334&Mom-hears-of--%E2%80%98torture-by-police%E2%80%99>

Repatriation facility under investigation: The Sunday Times reported that the South African Human Rights Commission is investigating the facilities at the Lindela Detention Centre outside Johannesburg following complaints from detainees and human rights groups about alleged abuse and rights infringements. Reported by The Sunday Times, 5 September 2012, at <http://times-e-editions.newspaperdirect.com/epaper/viewer.aspx> (subscription required)

Allegations of abuse of asylum seekers: Business Day reported that the Department of Home Affairs continues to unlawfully detain and deport foreign nationals. The report states that foreign nationals have rights in terms of immigration legislation and that human rights groups have criticized the Department for continuing to ignore such provisions. Reported by Business Day, 19 September 2012, at <http://www.businessday.co.za>

Children detained with adults in immigration facilities: Beeld reported that a report released by Lawyers for Human Rights indicated that 84 children were being detained alongside adults in repatriation camps. This practice, the report notes, is unlawful in terms of the Refugees Act of 1990. Reported by Beeld, 19 September 2012, at <http://www.beeld.com/Suid> Afrika/Nuus/Kinders onwettig in kampe gehou 20120919 (Original report in Afrikaans)

Suspects to sue police: Sowetan Live reported that three men who were arrested and detained alongside a man who was allegedly tortured to death during an interrogation intend to sue police for damages. The men were arrested with Lebogang Lodi, who died while in the custody of Chamdor police on the West Rand. A spokesperson for the police reportedly stated that the torture incident had been referred to the Independent Police Investigative Directorate for investigation. Reported by Sowetan Live, 19 September 2012, at <http://www.sowetanlive.co.za/news/2012/09/19/suspects-to-sue-police-after-death-in-custody>

Damages paid out after police assault: The Cape Argus reported that a former security officer from Mpumalanga will be receiving R3.4 million in a damages settlement arising from a legal action he instituted against the Minister of Safety and Security after police assaulted him during an arrest in 2008. Reported by The Cape Argus, 22 September 2012, at <http://capeargus.newspaperdirect.com/epaper/showarticle.aspx?article=9381d427> e4a3 4d14 9bee e9f267d8968f&key=3BocawYzz%2bxUjyXJO0h2AA%3d%3d&issue=69852012092200000000001001

Police ordered to pay compensation: The Citizen reported that the Minister of Police was ordered to pay R100 000 in damages to a diabetic man who lost a toe due to the unhygienic conditions in which he was detained for two days.

Reported by The Citizen, 29 August 2012, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=311565&sn=Detail&pid=334&R100-000-for-toilet-toe-horror>

TOGO

Prison overcrowding and poor conditions of detention: IRIN News reported that Togo's twelve prisons, most of which are dilapidated, are accommodating more than double the amount of prisoners for which they were designed. Overcrowding, as well as poor nutrition and hygiene and a lack of medical care have reportedly led to disease and death. The report states that lengthy court cases, arbitrary arrests and the detention of petty offenders are the cause of prison congestion. Reported by IRIN News, 5 September 2012, at <http://www.irinnews.org/printreport.aspx?reportid=96248>

TUNISIA

Prisoner dies after being tortured: Reuters reported that man died on 10 September 2012 after he was tortured in a police cell. The death is reportedly "the first of its kind to be reported since the overthrow of former President Zine El Abidine Ben Ali." Reported by Reuters, 10 September 2012, at <http://www.reuters.com/article/2012/09/10/us-tunisia-torture-death-idUSBRE8891CD20120910>

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

Fair Use Notice

Africa Pretrial Justice Monitor contains copyrighted material, the use of which has not always been specifically authorised by the copyright owner. The material is being made available for purposes of education and discussion in order to better understand prison and related issues in Africa. We believe this constitutes a "fair use" of any such copyrighted material as provided for in relevant national laws. The material is made accessible without profit for research and educational purposes to subscribers/readers. If you wish to use copyrighted material from this Newsletter for purposes of your own that go beyond "fair use", you must obtain permission from the copyright owner. CSPRI cannot guarantee that the information contained in this newsletter is complete and correct or be liable for any loss incurred as a result of its use. Nor can the CSPRI be held responsible for any subsequent use of the material.



CSPRI welcomes your suggestions or comments for future topics on the email newsletter.

Tel: (27) 021-9592950

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

If this email was forwarded to you and you would like to receive these newsletters in the future, please click [here](#) to subscribe.

[Update my details](#)

[Unsubscribe](#)

