

AFRICA PRETRIAL JUSTICE MONITOR



APJM

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In this Issue:

Notice Board

Country Reports

Notice Board

Notice Board

[Top of Page](#)

Report on pre-trial detention and torture: The Open Society Justice Initiative has released a report entitled: "Pre-trial Detention and Torture: Why Pre-trial Detainees Face the Greatest Risk." The Report uses a number of African countries as examples and case studies. The report can be downloaded at http://www.soros.org/initiatives/justice/articles_publications/publications/pretrial-detention-and-torture-20110624/pretrial-detention-and-torture-06222011.pdf

Reports on pre-trial detention: Two reports on pre-trial detention have been released: "Pre-trial detention in Malawi: Understanding case-flow management and conditions of incarceration" and "Pre-trial detention in Zambia: Understanding case-flow management and conditions of incarceration." The reports are available on the OSISA website: <http://www.osisa.org/publication>

Association for the Prevention of Torture Global Forum: The APT will be hosting a Global Forum in Geneva on 10-11 November 2011 entitled "Upholding Dignity - Preventing Torture, From Pledges to Action." The forum will address progress and challenges regarding the prevention of torture. More information is available at http://www.apr.ch/index.php?option=com_k2&view=item&id=1084%3Athe-optional-protocol-to-the-un-convention-against-torture-celebrating-5-years-of-a-world-wide-movement-to-prevent-torture&lang=en and the APT Database on the Optional Protocol to the UN Convention against Torture is available at www.apr.ch/opcat.

Campaign for a Convention on the Rights of the Child complaints mechanism: The Child Rights Information Network has released a notice containing information on a campaign being led by a group of agencies advocating for the establishment of a communications / complaints mechanism to the CRC. The purpose of the complaints mechanism would be to ensure the availability of legal remedies for children at the international level. More information is available at http://www.crin.org/law/crc_complaints/

Training Programme on Human Rights Mechanisms in Africa: The African Centre for Democracy and Human Rights Studies and the Office of the High Commissioner for Human Rights will be hosting a training programme entitled "Human Rights Mechanisms for Civil Society Actors in Africa" on 17 - 21 October 2011. The main objective of the programme is to build the capacity of African NGO's in their work towards human rights promotion and protection in the region. More information is available at <http://www.crin.org/resources/infoDetail.asp?ID=25581&flag=event>

Amnesty International report on The Gambia: Amnesty International has released a report entitled: "Climate of Fear Continues, Enforced Disappearances, Killings and Torture in Gambia." The report is available for download at http://www.univie.ac.at/bimtor/dateien/gambia_ai_2011_climate_of_fear_continues.pdf

Country Reports

ANGOLA

Calls for the release of detained activist: Amnesty International has called for authorities in the Democratic Republic of Congo to release Agostinho Chicaia, an environmentalist and former president of the banned Angolan human rights organization Mpalabanda. Chicaia was arrested in Kinshasa on 20 June 2011 in connection with the attack on the Togolese football team in 2010. Reported by All Africa.com 6 July 2011, at <http://allafrica.com/stories/201107061589.html>

BURUNDI

Release of detained lawyers urged: Amnesty International reported that it has called on authorities in Burundi to release two lawyers who are being detained in prison in connection with having communicated with French journalists about a case of alleged rape. The report quotes Erwin van der Borgh, Amnesty International's Director of the Africa Programme as having said that "arresting these lawyers violates the right to freedom of expression." Reported by Amnesty International, 28 July 2011, at <http://www.amnesty.org/en/news-and-updates/burundi-urged-release-prominent-lawyers-jailed-spurious-charges-2011-07-28>

CAMEROON

No food provided for remand detainees: Jade Cameroun reported that remand detainees in Douala are not given food by the prison authorities and are reliant on visitors for the provision of food. The prison budget reportedly does not make provision for the provision of food to remand detainees even though Art 122(4) of the Criminal Procedure Code stipulates that this is the state's responsibility. Original report in French. Reported by Anne Matho, Jade Cameroun, 20 July 2011, at <http://www.jadecameroun.com/news.php?detailAct=195>

COTE D'IVOIRE

International Committee of Red Cross visits remand detainees: Afropages reported that during a four-day visit in July, the ICRC visited several persons detained or under house arrest after the post-electoral unrest in Côte d'Ivoire. Those visited include former President Laurent Gbagbo and his wife. The ICRC did not comment on the conditions of detention, but insisted that it proceeded under its usual operational framework, which involved confidential interviews with individuals. Reported by Afropages, 22 July 2011, at <http://www.afropages.fr/20110722612212/>

EGYPT

Detainees abused in prison: Bikyamasr reported that detainees had been beaten and denied medical aid during searches carried out by prison officials on 24 July 2011. The report also called for an end to the military-driven justice system, adding that those detained during the revolution should be released. Reported by Joseph Mayton, 27 July 2011, at <http://bikyamasr.com/wordpress/?p=37645>

GAMBIA

Torture widespread in Gambia: Voice of America reported that torture in prisons and disappearances of political activists has become an aspect of daily political life in Gambia. The report quotes Amnesty International Deputy Africa Director, Tawanda Hondora, saying that the government uses detention and torture to "ruthlessly quash all forms of dissent." Reported by Voice of America News, 21 July 2011, at <http://www.voanews.com/english/news/africa/Amnesty-Torture-Widespread-in-Gambia-After-17-Years->

[of-Jammeh-125989488.html](#)

MALAWI

Protesters arrested and detained: The Guardian reported that 200 detainees were awaiting trial throughout Malawi following protests over the worsening socio-economic situation. Reported by The Guardian, 22 July 2011, at <http://www.guardian.co.uk/world/2011/jul/22/malawi-burials-leader-vows-halt-riots>

NIGERIA

Overcrowding in Owerri prisons: Vanguard Nigeria reported that overcrowding had reached unprecedented levels in federal prisons in Nigeria. Prisons reportedly built to accommodate 500 prisoners are housing 1 500 prisoners, 70% of whom are remand detainees. Reported by Chidi Nkwopara, 15 July 2011, at <http://www.vanguardngr.com/2011/07/shocking-ales-from-owerri-prisons/>

Challenges in the prison and criminal justice system: [234next.com](#) reported that the Attorney-General of the Nigeria Federation and Minister of Justice, Mohammed Bello Adoke, blamed lawyers for the congestion in prisons, as "some of them collect part-payments to represent these inmates only to abandon the cases." The Attorney-General is also quoted as saying that other challenges in the prison system include "chronic delays in the trial of cases, lack of effective coordination across the criminal justice system?absence of clear and consistent guidelines for prosecutors, growing numbers of remand detainees and limited alternatives to custodial sentences." Reported by Gowon Emakpe, 19 July 2011, at <http://234next.com/csp/cms/sites/Next/News/5733791-147/story.csp>

SOUTH AFRICA

Police officer tortured: The Beeld reported that a policeman had used his phone to capture images of the room in which his colleagues had allegedly detained and tortured him. The law enforcement officer is reportedly suing his colleagues for assault with the intent to cause grievous bodily harm. Reported by Beeld, 26 July 2011, at <http://www.beeld.com/Suid> Afrika/Nuus/xoxo met n pen op die tafel 20110726

Government urged to expedite Combating of Torture Bill: News24 reported that in response to allegations of torture at Pretoria Central Prison, the South African Human Rights Commission had urged the Department of Justice and Constitutional Development to expedite the Combating of Torture Bill in order to comply with its international obligations under the Convention against Torture. Reported by News24.com, 20 July 2011, at <http://www.news24.com/SouthAfrica/News/Govt-urged-to-fast-track-torture-bill-20110720>

Saturday courts given thumbs up: Times Live reported that Legal Aid South Africa had commended authorities for establishing Saturday courts in the North West province in an effort to combat lengthy delays in trials. Reported by Times Live, 28 July 2011, at <http://www.timeslive.co.za/local/2011/07/28/saturday-courts-please-legal-aid-sa>

Court orders release of suspects: The Citizen reported that three men arrested in connection with a spate of housebreakings and robberies in Johannesburg were released because police had failed to bring the three to court within 48 hours. The court reiterated that 48 hours is the maximum period suspects can be held in detention before they appear in court. Reported by the Citizen, 4 July 2011, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=207246&sn=Detail&pid=334&Court-orders-Rolax-gang-accused-freed>

Boeremag remand detainees to remain in chains: News24 reported that police had advised that the detainees accused in the Boeremag treason trial should remain in chains because they are planning

another escape. The remand detainees, who are confined to their cells 22 hours a day, had applied to the court to have their leg irons removed. The Boeremag accused are said to have used a spray composed of pepper, ammonia and thinners in their previous attempt to escape from prison. Reported by News24, 14 July 2011, at <http://www.news24.com/SouthAfrica/News/Police-Boeremag-plotting-jail-break-20110714>

School children arrested: IOL reported that early-morning drug raids on four schools across Tshwane led to the arrest of 18 pupils and the detention of six minors after they were found with high levels of single and combination drugs in their systems. The report quotes Tshwane City Council spokesman, Console Tleane, saying that some of those arrested will be referred to social welfare for rehabilitation. Reported by Ntando Makhubuol, 21 July 2011, at <http://www.iol.co.za/news/south-africa/gauteng/schools-drug-raids-lead-to-18-arrests-1.1104472>

Delays in trials criticized: The Beeld reported that the Centre for Child Law was appalled by delays in the trial of a man, Francois Steynberg, who tried to kill a girl by cutting her throat. The trial has reportedly been delayed over a period of three years, leading to calls for the magistrate handling the case to observe his obligation under the constitution to intervene in this case and "see to it that it is dealt with swiftly". Reported by Beeld, 25 July 2011, at <http://www.beeld.com/Suid-Afrika/Nuus/Kind-se-keel-met-sker-gesny-Saak-sloer-3-j-20110722> (subscription needed)

Thousands of remand detainees moved: The New Age reported that the Department of Correctional Services had moved thousands of awaiting trial detainees into their own facilities, separating them from convicted prisoners, as part of a plan to reduce overcrowding in prisons across the country. The changes were said to be in line with the requirements of the Correctional Matters Amendment Act. Reported by Siyabonga Mkhwanazi, 15 July 2011, at <http://www.thenewage.co.za/23135-1007-53-Thousands-of-awaiting-trial-prisoners-moved-to-own-zone>

Electronic tagging to alleviate overcrowding: Die Volksblad reported that the Department of Correctional Services plans to pilot test electronic tagging for the purposes of monitoring parolees and suspects released on bail. Reported by Jana van der Merwe, Die Volksblad, 17 July 2011, Original in Afrikaans. <http://www.volksblad.com/Suid-Afrika/Nuus/Enkelbande-dalk-plan-teen-oorvol-tronke-20110717>

Mentally ill remand detainees could be evaluated in prisons: The Star reported that a consulting psychiatrist had said that it would be possible for the preliminary evaluations of prisoners suspected to be mentally ill to be carried out inside prisons and thereafter a decision made as to whether they can apply for bail. The arrangement could go a long way in reducing prison the population. Reported by the Star, 26 July 2011, at http://thestar.newspaperdirect.com/epaper/showarticle.aspx?article=fc6b8f06_2c10_4d7d_ad62_86320f45614b&key=E6qksIPDBX%2fN%2fufwpK5n2A%3d%3d&issue=6988201107230000000001001 (subscription needed)

SOMALIA

Allegations of illegal prisons in Somalia: The Atlanta Post reported that Nation magazine author Jeremy Scahill had unearthed what many believe is a secret prison for terrorists in Somalia run by the CIA. Scahill reportedly describes this prison as a "Guantanamo Bay-style facility" that "operates without the attendant political backlash". Reported by Alexis Garrett Stodghill, 18 July 2011, at <http://atlantapost.com/2011/07/18/cia-accused-of-running-secret-terrorist-prison-in-somalia/>

UGANDA

Calls made for journalist to be brought to court: Human Rights Watch has called for the immediate release or charging of Augustine Okello, a journalist from Lira-based Radio Rhino, who was abducted on July 12 2011. Human Rights Watch expressed concern that security forces detaining Okello continue to "deny him his rights." Reported by Human Rights Watch, 21 July 2011, at

<http://www.hrw.org/en/news/2011/07/23/uganda-charge-or-release-detained-journalist>

President criticised over bail proposal: The Monitor reported that President Museveni's intention to hold a referendum on his proposal to scrap the constitutional right to bail for specific offences has drawn criticism from human rights activists. According to the proposal, those accused of dissent, protest, riots, treason, rape, murder, defilement or economic sabotage would be held in custody for six months before a bail application would be considered. Reported by John Njoroge, 14 July 2011, at <http://www.monitor.co.ug/News/National/-/688334/1200930/-/bl79qtz/-/>

ZIMBABWE

Remand detainees' application refused: The Herald reported that a regional magistrate has thrown out an application for referral to the Supreme Court by treason suspects Albert Matapo and Lucky Mhungu. The detainees had argued that their rights were violated as they were ill-treated by prison officials and their cells were not suitable for human habitation. Reported by The Herald, 4 July 2011, at http://www.herald.co.zw/index.php?option=com_content&view=article&id=14379:matapos-application-thrown-out&catid=46:crime-a-courts&Itemid=138

Remand detainees denied medical treatment: SW Radio Africa reported that a group of 24 MDC activists facing charges in connection with the killing of a police officer have alleged that police officials have denied them access to medical treatment. The detainees also reportedly told the court that they were assaulted by the police during interrogation. Reported by Tererai Karimakwenda, 15 July 2011, at <http://www.swradioafrica.com/news150711/glenview150711.htm>

Minister calls for closure of condemned cells: The Zimbabwean reported that the Minister of State has called for the closure of condemned police cells. In his submission to the Mayor of Harare, the Minister states that the cells are not in a state fit for accommodating people. In the past the Chief Justice has described the cells as "degrading, inhumane and unfit for holding criminal suspects." Reported by the Zimbabwean, 28 July 2011, at <http://www.thezimbabwemail.com/zimbabwe/8636-minister-calls-for-closure-of-condemned-prison.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

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