

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

July 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.

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### Notice Board

**Alternative state report deals with torture:** Several NGO's in Kenya have submitted an alternative state report regarding the implementation of the International Covenant on Civil and Political Rights to the United Nations Human Rights Committee. The report highlights incidences of torture in Kenya and related human rights violations. More information and a link to the report is available at <http://www.omct.org/monitoring-protection-mechanisms/reports-and-publications/kenya/2012/07/d21869/>

**Prevention and Combating of Torture Bill tabled before South African Parliament:** The Prevention and Combating of Torture of Persons Bill [B21-2012] has been tabled before the National Parliament. Public hearings on the Bill will be held on the 4-5 September 2012. A copy of the Bill is available at <http://www.pmg.org.za/bill/20120608-prevention-and-combating-torture-persons-bill-b21-2012> and written submissions from civil society will be posted at this URL in due course.

**Africa Correctional Services Association (ACSA) Conference:** The second ACSA biennial conferences will be held from the 2 – 5 October 2012 in Kampala, Uganda. The theme of the conference is “Enhancing Community – Response Correctional Service Delivery in Africa” and it is aimed at heads of Correctional Centres, senior correctional officials in Africa and NGO's active in the criminal justice sector. More information is available at <http://www.acsa.co.ug/>

**Tenth anniversary of the Robben Island Guidelines:** A seminar marking the tenth anniversary of the Robben Island Guidelines (RIG) will be held in Johannesburg, South Africa, from 21-23 August 2012. The theme of the seminar will be “Enhancing torture prevention in Africa.” Information on this event will be posted in due course at <http://www.achpr.org/>

### Country Reports

#### CAMEROON

**Police detention in Douala:** Jade Cameroun reported that two members of an opposition party were arrested whilst distributing party flyers. The report noted that the period of their detention exceeded the legal limit before which a suspect must be brought before a court to be charged. Original report in French. Reported by Christian Locka, 8 July 2012, at <http://www.jadecameroun.com/news.php?detailAct=252>

**Prolonged detention without charge:** Jade Cameroun reported that a farmer was detained for more than 30 days in Mfou without charge. Sources reportedly claim that he was arrested upon the request of the Minister of Agriculture with whom he has reportedly been in conflict regarding the sale of land. Original report in French. Reported by Claude Tadjon, 27 July 2012, at <http://www.jadecameroun.com/news.php?detailAct=254>

#### DEMOCRATIC REPUBLIC OF CONGO

**Civil society denounces prolonged police detention:** Radio Okapi reported that members of civil society in Ubundu denounced the arbitrary arrest and prolonged detention of approximately 30 persons in police cells that are reportedly only designed to accommodate

a maximum capacity of six persons. Original report in French. Reported by Radio Okapi, 7 July 2012, at <http://radiookapi.net/actualite/2012/07/07/ubundu-la-societe-civile-denonce-des-detentions-prolongees-dans-le-cachot-du-commissariat/>

**National anti-torture campaign launched:** The United Nations Organization Stabilization Mission in the DRC (MONUSCO) reported on its website that a national campaign for the domestication of the United Nations Convention against Torture and the 2010 Law on the Criminalisation of Torture was officially launched on Friday 13 July 2012. The campaign reportedly aims ensure the effective implementation of the UNCAT and the 2010 law by training “prison officials, military and police officers, members of the judiciary as well as members of civil society organisations” on how best these legal instruments should be interpreted. Reported by MONUSCO, 17 July 2012, at <http://monusco.unmissions.org/Default.aspx?tabid=10662&ctl=Details&mid=14594&ItemID=19261&language=en-US>

## EGYPT

**Pressure to release prisoners:** News24 reported that President Mohammed Morsi is being pressured by human rights activists to release approximately 10 000 prisoners who were tried and convicted during the aftermath of uprising against former President Mubarak by military courts not open to the public. Reported by News24, 4 July 2012, at <http://www.news24.com/Africa/News/Detainee-fate-an-early-test-for-Morsi-20120704>

## LIBYA

**Immigrants detained in desert:** World News Australia reported that thousands of illegal immigrants from sub-Saharan Africa are being detained in the desert in southern Libya. The conditions are reportedly extremely difficult as there is very little food and water and the detainees are forced to sleep out in the open, without tents or shelter. Reported by Luc Mathieu, 4 July 2012, at <http://www.sbs.com.au/news/article/1665662/Thousands-of-immigrants-detained-in-Libyan-desert>

## MOROCCO

**Differential treatment in prison:** Al Bawaba reported that former government officials charged with the laundering of state money are awaiting trial in “luxurious” conditions despite the fact that “ordinary” detainees are subjected to what they describe as “deplorable” prison conditions. A former detainee from the Sala prison in northern Morocco reportedly stated that the prison is divided into two sections: “one for regular detainees and another for public figures.” Reported by Al Bawaba, 17 July 2012, at <http://www.albawaba.com/editorchoice/luxury-morocco-prisons-434215>

## NIGERIA

**Federal Senators focus on prison issues:** The Nigerian Observer reported that various Senators of the Federal Republic have “canvassed” the establishment of six “regional centres” designed to take care of and cater for children born in prisons. Senators have also reportedly urged the Chief Justice to initiate an “awaiting trial detainee release programme” with the aim of reducing the current number of remand detainees by 50 per cent. Reported by Joses Sede, 31 July 2012, at <http://nigerianobservernews.com/06072012/news/Other%20News/othernews15.html>

**Senate endorsement of prison-focused initiatives:** Leadership Nigeria reported that the Federal Senate endorsed a number of initiatives concerning prisons in Nigeria. These included the following: the takeover of the Prison Decongestion Programme of the Federal Government by the Legal Aid Council of Nigeria, an increase in funding for the purpose of repairing decaying prison infrastructure and to “boost the welfare of inmates and prison officers,” as well as bi-annual visits to prisons by Chief Judges in order to exercise the “Prerogative of Mercy.” Reported by Leadership Nigeria, 4 July 2012, at <http://www.leadership.ng/nga/articles/28893/2012/07/04/prison-decongestion-senate-endorses-takeover-legal-aid-council.html>

**Measures to prevent of torture:** Africa Independent Television News reported that the National Human Rights Commission and the Federal Government Committee on torture were collaborating in order find ways to prevent the use of torture during criminal investigations. The Federal Government Committee on torture was reportedly established by the Attorney General and is charged with the specific task of investigating and taking proactive measures to deal with cases of torture in Nigeria. Reported by Africa Independent Television News, 20 July 2012, at <http://aitnews.com.ng/s/2012/07/20/eradicating-torture/>

**Police warned against the use of illegal detention:** Leadership Nigeria reported that the Attorney-General and Commissioner for Justice and the former President of the West Africa Bar Association cautioned the police against the detention of persons without first taking them to the courts to be formally charged, emphasising that the practice was an infringement on fundamental human rights. The remarks were reportedly made at a training programme for lawyers and law enforcement personnel, Reported by Leadership Nigeria, 26 July 2012, at <http://www.leadership.ng/nga/articles/30835/2012/07/26/lagos-falana-warn-police-against-illegal-detention.html>

## SENEGAL

**Alleged acts of torture:** PressAfrik reported that several civil society organisations claim that the police are torturing suspects at an alarming rate during interrogations, sometimes fatally. Two police officers were reportedly recently sentenced for having tortured someone in February 2012. Original report in French. Reported by Mamadou Sakhir Ndiaye, 29 July 2012, at <http://www.pressafrik.com/Senegal-Tortures-dans-les-bureaux-d-enquete-de-la-police-et-de-la-gendarmerie-les-acteurs-se-penchent->

[sur-la-question\\_a86717.html](#)

## SIERRA LEONE

**Education for women on legal rights:** Voice of America reported that an NGO, Advocaid, has created a television programme designed to educate women about their legal rights. It is hoped that this initiative will remedy the plight of women who fall victim to detention on spurious charges and are ill-equipped to represent themselves. Reported by Nina de Vries, 12 July 2012, at <http://www.voanews.com/content/sierra-leone-television-show-offers-legal-advice-for-women/1403619.html>

## SOUTH AFRICA

**Constitutional Court to hear case on contraction of tuberculosis in prison:** Business Day reported that a man who contracted tuberculosis while awaiting trial in Pollsmoor Prison from 1999 to 2004 has approached the Constitutional Court seeking an order overturning a judgment from the Supreme Court of Appeal (SCA). The SCA refused his claim for damages from the state on account of him failing to show that the state's negligence had in fact caused the contraction of tuberculosis. Reported by Business Day, 5 July 2012, at <http://www.businessday.co.za>

**Woman detained in Zambia:** Die Beeld reported that a South African woman, along with another two suspects, was being detained in a Zambian prison whilst awaiting trial on charges of murder. Original report in Afrikaans. Reported by Die Beeld, 11 July 2012, at <http://www.beeld.com/Suid-Afrika/Nuus/Sy-vas-na-hy-sterf-in-Zambie-20120711> Also reported at <http://www.beeld.com/Suid-Afrika/Nuus/Nog-2-vas-na-moord-in-Zambie-20120713>

**Police corruption:** The Post reported that KwaZulu-Natal is the highest ranking province when it comes to police torture and deaths in custody. During June 2012 18 police officials were charged on 71 counts of murder, attempted murder and possession of unlicensed firearms. The head of the Independent Police Investigative Directorate reportedly stated that they were strengthening their resources in the area and it was hoped that this would "yield positive results." Reported by Yogas Nair, 12 July 2012, at <http://www.thepost.co.za/kzn-ranks-highest-for-cop-brutality-1.1340112>

**Police probed:** The Witness reported that the Independent Police Investigative Directorate will be investigating alleged police corruption in Khayelitsha, Cape Town, following complaints that the police accepted bribes from criminals. Reported by The Witness, 17 July 2012, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=294251&sn=Detail&pid=334&IPID-to-probe-Khayelitsha-cops>

**Laboratory commissioned:** The Citizen reported that the Minister of Police commissioned a R600 million forensic laboratory in Cape Town. It is reportedly hoped that the laboratory will assist in speeding up the processing of police case work. Reported by The Citizen, 17 July 2012, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=294395&sn=Detail&pid=334&WCape-lab-a-modern-crime-weapon>

**African countries urged to domesticate United Nations Convention against Torture (UNCAT):** New Vision reported that Uganda and five other countries (South Africa, Kenya, Burundi, Rwanda and Mozambique) are being assisted in their efforts to ratify and domesticate the UNCAT by the "Article 5 Initiative", a consortium of NGO's and universities that are, among other things, developing implementation frameworks for these countries. Reported by New Vision, 18 July 2012, at <http://www.newvision.co.ug/news/633087-convention-on-torture-to-be-enforced.html>

## TUNISIA

**Campaign to end torture:** TunisiaLive reported that human rights organization, Human Rights First, in collaboration with a number of other organisations, launched a "global campaign against the use of torture by security services across the globe" on 4 July 2012. Some of the conference delegates will reportedly be visiting Tunisian government officials, security forces, and training institutes to combat torture inside the Tunisian security apparatus. Reported by TunisiaLive, 5 July 2012, at <http://www.tunisia-live.net/2012/07/05/global-campaign-to-end-torture-kicks-off-in-tunisia/>

## UGANDA

**Additional courts to reduce case backlog:** The Observer reported that Chief Justice Benjamin Odoki announced during a media briefing that the judiciary was planning to set up "special courts" country wide for the purpose of handling less serious criminal matters. This would reportedly reduce the case backlog as well as "boost village, parish and divisional local courts." Reported by Siraje Lubwama, 15 July 2012, at [http://www.observer.ug/index.php?option=com\\_content&view=article&id=19850:judiciary-forms-special-courts-for-fighter-cases&catid=34:news&Itemid=114](http://www.observer.ug/index.php?option=com_content&view=article&id=19850:judiciary-forms-special-courts-for-fighter-cases&catid=34:news&Itemid=114)

## ZIMBABWE

**Police officer sentenced to imprisonment for assault:** The Zimbabwean reported that a police officer has been sentenced to 21 years imprisonment after having been convicted of fatally assaulting a detainee who was in police custody. Reported by Tichaona Sibanda, 7 July 2012, at [http://www.thezimbabwean.co.uk/news/zimbabwe/59300/mutare-rejoices-at-the-jailing.html?utm\\_source=thezim&utm\\_medium=homepage&utm\\_campaign=listarticle&utm\\_content=headinglink](http://www.thezimbabwean.co.uk/news/zimbabwe/59300/mutare-rejoices-at-the-jailing.html?utm_source=thezim&utm_medium=homepage&utm_campaign=listarticle&utm_content=headinglink)

## 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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