

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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Greetings Jean Redpath

Notice Board

Report on Children in South African prisons: The Civil Society Prison Reform Initiative has released a report titled: "Children in Prison in South Africa." The report is a situational analysis of children in prison, categorized according to UNICEF indicators. It contains information on children who are awaiting trial in prison. The report can be downloaded at <http://www.cspri.org.za/publications/research-reports/report-on-children-in-prison-in-south-africa/view>

Universal Periodic Review recommendations: The UPR reports and recommendations in relation to the states reviewed in the 13th Session are available. Morocco, Tunisia and South Africa were all reviewed during this session, and the recommendations made to these countries touched on pretrial-related concerns, such as torture, use of force and the ratification and domestication of OPCAT. The reports are available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MeetingsHighlightsSession13.aspx>

Committee against Torture discussion: On 24 May 2012 the Committee against Torture considered pending individual complaints. There are reportedly 100 cases of individual communications still pending, three of which come from Burundi, Algeria and Morocco. The full discussion document is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12188&LangID=E>

OPCAT Global Forum Report: The Association for the Prevention of Torture has published a report on its OPCAT Global Forum, held in November 2011. There is a chapter in the report on the status of OPCAT in the African region. It is available at http://www.apt.ch/index.php?option=com_k2&view=item&id=1228:opcat-forum-report&lang=en

Amnesty International Report on Nigeria: Amnesty International has published its 2012 Annual Report on Nigeria. The report covers a range of pretrial issues, including torture, extra-judicial killings and access to justice. It is available at <http://www.amnesty.org/en/region/nigeria/report-2012>

Amnesty International Annual Report: Amnesty International has released its 2012 "State of the World's Human Rights" Report. The Report makes mention of a number of specific African countries as well as the Africa region in relation to pre-trial detention, use of force, arbitrary arrest and torture. It is available at http://files.amnesty.org/air12/air_2012_full_en.pdf

Amnesty International Report on South Africa: Amnesty International has published its 2012 Annual Report on South Africa. The report covers a range of pretrial issues: use of force, torture and deaths in custody. It is available at <http://www.amnesty.org/en/region/south-africa/report-2012>

Report on freedom of expression in Sudan: The African Centre for Justice and Peace Studies has published a report on Sudan and freedom of expression entitled, "Sudan Steps Backward: National Security Intensifies Violations of Freedom of Expression in 2011." The document includes accounts of arbitrary arrests and the detention of journalists in Sudan. The report is available at <http://www.acjps.org/Publications.html>

Concern over Somali legal system: The United Nations Independent Expert on the situation of human rights in Somalia delivered an official statement based on his country visit to that country during April 2012. He expressed concern over the prevalence of torture, arbitrary arrest and detention, as well as access to justice. The full statement is available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12103&LangID=E%3E>

Country Reports

ANGOLA

Allegations of mistreatment of prisoners: allAfrica.com reported that Human Rights Watch issued a report in which it alleges that Angolan “security forces” frequently arbitrarily arrest Congolese migrants, and are guilty of sexually abusing and beating them. Reported by allAfrica.com, 22 May 2012, at <http://allafrica.com/stories/201205220185.html>

IVORY COAST

Police officers found guilty of assault: Abidjan News reported that the military tribunal of Abidjan sentenced six police officers to three months imprisonment and a fine each, for having assaulted Laurent Pokou, a famous Ivorian soccer player, in 2008. Original report in French. Report by Abidjan News, 25 May 2012, at <http://news.abidjan.net/h/434154.html>.

LIBERIA

Justice system in disarray: The Liberian Observer reported that the latest Amnesty International report on Liberia indicated that approximately 80 per cent of prisoners were awaiting trial as a result of inadequate police investigations, a shortage of public defenders, poor case management, corruption, and a judiciary that lacked the capacity to hear cases in a timely manner. Reported by The Liberian Observer, 24 May 2012, at <http://www.liberianobserver.com/index.php/news/item/1411-amnesty-condemns-justice-system-prison-conditions>

MALAWI

Deaths in custody: The Daily Times reported that 13 people died while in police custody during 2011 in instances that reportedly were not a result of natural causes. Reported by The Daily Times, 29 May 2012, at <http://www.bnltimes.com/index.php/daily-times/headlines/national/6670-13-died-in-police-custody>

MOROCCO

Alleged terrorists in pre-trial detention: Afriqinfos reported that the Investigating Judge charged with managing cases of alleged terrorism at Salé ordered the custody of 20 alleged members of the “Mujahedeen of Morocco”. They are accused of having prepared to commit terrorist acts in Morocco. Original report in French. Report by Xinhua, 17 May 2012, at <http://www.afriqinfos.com/articles/2012/5/17/maroc-vingt-membres-mouvement-moudjahidines-maroc-detention-preventive-sale-202650.asp>.

RWANDA

Journalist detained: Reporters without Borders condemned the detention of a journalist in connection with an apparent “slip of the tongue” whilst speaking on the radio. He reportedly referred to “survivors,” as opposed to “victims” of genocide, considered by the authorities as amounting to the promotion of genocide ideology. Original report in French. Report by Reporters without Borders, 11 May 2012, at <http://fr.rsf.org/rwanda-un-journaliste-en-detention-11-05-2012,42609.html>.

SIERRA LEONE

“Progressive” legislation passed: Sierra Express Media reported that Parliament had passed legislation that will reportedly reinforce the “rule of law in a society still scarred by the brutal civil war.” In addition to providing for the “legal architecture” for Sierra Leone’s first nationwide legal aid system, the law also reportedly “enshrines the role of paralegals—rather than only fully qualified lawyers—as a basic element of the system.” Reported by Sonkita Conteh, 11 May 2012, at <http://www.sierraexpressmedia.com/archives/40529>

SOUTH AFRICA

More prisons to be built: 7th Space reported that the Minister of Correctional Services had announced that six new correctional centres would be built during 2012 and that a further 12 are “in the pipeline.” The construction of new prisons is reportedly “part of efforts to reduce overcrowding in remand detention facilities.” Reported by 7thspace.com, 16 May 2012 at http://7thspace.com/headlines/412629/south_africa_six_new_correctional_centres_to_be_built_12_more_planned.html

Man compensated for wrongful detention: The Mercury reported that Simon Makoetlane, a pastor in the Zion Christian Church, was awarded R70 000 by the court as compensation for having been wrongfully arrested for drunken driving and held in a police cell for five hours. Reported by The Mercury, 11 May 2012, at <http://themercury.newspaperdirect.com/epaper/showarticle.aspx?article=514c2890-b676-4fe9-9633-ebdb7cc59e5f&key=8YOHK2KDtJ6L%2f7I7K4mBKg%3d%3d&issue=6403201205110000000001001>

Lack of competence harming justice system: The Beeld reported that former Judge Kees van Dijkhorst stated that that neither the criminal justice system nor the civil justice system are properly functional. The former judge reportedly added

that 'the root of the problem is a lack of competence, zeal and sometimes integrity' among some in the legal profession. Reported by Philip de Bruin, 13 May 2012, at <http://www.beeld.com/Suid-Afrika/Nuus/Regstelsel-is-impotent-20120513>

Wrongful detention: IOL reported that a Congolese national is suing the Minister of Police, claiming R2.4 million in damages for having been detained in a Johannesburg prison awaiting trial for one year on charges of rape, a crime that he did not commit. Reported by Zelda Venter, 17 May 2012, at <http://www.iol.co.za/news/crime-courts/drc-citizen-sues-minister-for-r2-4m-1.1298911>

SUDAN

Prisoners released: IOL reported that the government of Sudan released four foreigners who were detained during April 2012 near the border of South Sudan shortly after clashes between the two countries. Reported by IOL, 20 May 2012, at <http://www.iol.co.za/news/africa/sudan-releases-four-detained-foreigners-1.1300274>

UGANDA

Concern over "Torture Bill": New Vision reported that senior police officials are concerned that the new "Anti-Torture Bill" that is currently awaiting Presidential assent will "complicate the work of the force." Such concerns were reportedly voiced during a three-day dialogue between police officers and the Uganda Human Rights Commission. Reported by Pascal Kwesiga 15 May 2012, at <http://www.newvision.co.ug/news/631041-top-police-chiefs-worried-about-anti-torture-bill.html>

ZAMBIA

Poor prison conditions: News 24 reported that the Vice President visited Mukobeko maximum security prison and described the conditions there as "wretched," with extremely overcrowded cells and poor sanitation facilities. The report notes that the country's "slow justice system" is one of the primary causes of prison overcrowding. Reported by New 24, 21 May 2012, at <http://www.news24.com/Africa/News/Zambias-Scott-shocked-by-state-of-prison-20120521>

Limited access to justice: The Post Online reported that High Court Judge Roydah Kamoza stated that in a speech that "access to justice in Zambia should not be the preserve of the few rich people." She noted that it is the poor that suffer the effects of a badly managed criminal justice system. She stated too, that the "the ratio of remand prisoners to convicts was also increasing" and that the "capacity of the prisons was overstretched." Reported by Misheck Wangwe, 25 May 2012, at http://www.postzambia.com/post-read_article.php?articleId=27431

ZIMBABWE

Torture claims refuted: New Zimbabwe reported that United Nations Commissioner for Human Rights, Navi Pillay, during a visit to Zimbabwe, called on the government to take steps to prevent a repeat of 2008 political violence in elections that will be held in 2013. The report noted that the Minister of Justice responded to Pillay by stating that any reports of torture and rights abuses were "lies". Reported by New Zimbabwe, 22 May 2012, at <http://www.newzimbabwe.com/news-8045-UN-chief-presses-PM-on-violence/news.aspx>

Conditions of detention criticized: IOL reported that a journalist from New Zealand, who was detained in Zimbabwe in connection with "illegal reporting" described his 25 day detention period in the Beitbridge and Harare Prisons as being "hell." He, and other prisoners, were reportedly repeatedly interrogated and assaulted by police officers. Reported by IOL, 14 May 2012, at <http://www.iol.co.za/news/africa/nz-journalist-tells-of-hell-in-zim-jail-1.1296054>

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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