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PRISON CONDITIONS

Judgment highlights effects of prison overcrowding: allAfrica.com reported that on 11 December 2012 the Constitutional Court handed down judgment in the matter of Dudley Lee v Minister of Correctional Services and Others, upholding an appeal against a decision of the Supreme Court of Appeal, finding that the applicant was indeed entitled to monetary damages from the Department of Correctional Services for its negligent failure to adequately guard against the contraction of tuberculosis in Pollsmoor Prison. The Minister of Correctional Services reportedly stated that the judgment highlights the fact that overcrowding was not only a priority for the department "but for other related sectors in government". Reported by allAfrica.com, 11 December 2012, at <http://allafrica.com/stories/201212120109.html>

Shortage of medical staff: IOL reported that the provincial Department of Correctional Services has only 165 professional nurses to provide medical care to the province's 25 341 inmates. This means that there is only one nurse for every 153 prisoners. The report notes that Pollsmoor Prison has more than 6700 inmates and only 37 nurses. Reported by Fatima Schroeder, 16 December 2012 at <http://www.iol.co.za/news/south-africa/jail-crisis-one-nurse-for-every-153-prisoners-1.1441881#.U00sS7Z8PrA>

Inmates protest at Free State prison: News24 reported that a "riot broke out" on 7 January 2013 when inmates at the Groenpunt prison set fire to their cells and other areas of the prison. Approximately 50 inmates sustained minor injuries in a stampede that occurred when "police entered the facility" in an attempt to overcome the "227 inmates that had barricaded their unit to prevent officials from entering." The inmates were reportedly protesting against the quality of the food, the conduct of certain officials and poor conditions of detention. Reported by News24, 8 January 2013, at <http://www.news24.com/SouthAfrica/News/Stampede-as-cops-enter-Free-State-prison-20130108>
Additional reports of these events are available at <http://www.news24.com/SouthAfrica/News/Prison-riot-Inmates-still-torching-cells-20130107>, <http://www.news24.com/SouthAfrica/News/Prison-riot-Inmates-still-torching-cells-20130107>, <http://www.news24.com/SouthAfrica/News/Inmates-set-fire-to-Free-State-prison-20130107> and <http://news.iafrica.com/sa/835338.html>

Minister responds to prison riots: News24 reported that the Minister of Correctional Services, in response to the prison riots at Groenpunt prison, stated that "[such] riots instigated by inmates in prisons [would] not be tolerated." He stated further, that "whilst the Department of Correctional Services [was] fully committed to the humane treatment of every detainee, [rioting] would be dealt with firmly." Reported by News24, 8 January 2013, at <http://www.news24.com/SouthAfrica/News/Prison-riots-wont-be-tolerated-minister-20130108>

Poor conditions of detention for child prisoners: IOL reported that the Department of Correctional Services has acknowledged that the conditions in which children are accommodated remain poor despite a

significant drop in the number of children in prison. The Department was reportedly responding to a report by the Civil Society Prison Reform Initiative which indicates a number of serious legislative violations in respect of the running of child prisons. Reported by Michael Mpofu, 12 January 2013, at <http://www.iol.co.za/news/crime-courts/conditions-of-child-inmates-still-poor-1.1450511#.UPeqWtmDzcs>

Prisoners killed in gang fights: News24 reported that two awaiting trial detainees were killed as a result of gang fights at St Albans Prison on 18 January 2013. The Regional Commissioner for the Eastern Cape reportedly stated that 65 other prisoners had been injured during the fights, 17 of which needed to be hospitalized. Reported by News24, 18 January 2013, at <http://www.news24.com/SouthAfrica/News/Two-prisoners-killed-in-gang-fights-20130118> also reported at <http://www.news24.com/SouthAfrica/News/Calm-returns-to-PEs-St-Albans-Prison-20130119>

Inmate assaulted by prison official: News24 reported that a prisoner whom journalists witnessed being assaulted by prison officials during the Groenpunt prison riot died as a result of the injuries he sustained. Prison officials reportedly stated that the prisoner "succumbed to injuries resulting from the 'necessary force' they applied" after he attempted to kill one of the prison officials. Reported by News24, 18 January 2013, at <http://www.news24.com/SouthAfrica/News/Groenpunt-inmate-assaulted-by-warders-dies-20130118> A story on the death of another prisoner as a result of the Groenpunt riot is reported at <http://www.iol.co.za/news/crime-courts/another-groenpunt-inmate-dies-1.1456180#.UP6RROh8PrB>

Prison gang fights: IOL News reported that five offenders at Pollsmoor Prison were admitted to hospital on 25 January 2013 after a fight ensued between two gang factions. It was reportedly the second gang fight that had occurred during the same week, five having been injured two days previously. Reported by IOL News, 25 January 2012, at <http://www.iol.co.za/news/crime-courts/10-injured-in-pollsmoor-gang-fight-1.1458762#.UQjb8tmDzct>

Department of Correctional Services considering blocking cellphone signals: Die Burger reported that the Department of Correctional Services (DCS) was considering equipping prisons with technology that would block cell phone signals. The report noted that this announcement came in the wake of several cell phones, knives, SIM cards and illegal devices having been found in the possession of prisoners at various prisons throughout the country. (original report in Afrikaans) Reported by Die Burger, 26 January 2013, at <http://www.dieburger.com/Suid> Afrika/Nuus/Selfoonseine dalk in tronke geblokkeer 20130126

Opposition party calls for probe into prison violence: IOL News reported that the Democratic Alliance has called for "independent investigations" into the recent spate of prison violence. The DA's statement stated that "such violence is usually a symptom of systemic failures - the absence of good management, the absence of intelligence about what is going on, persistent overcrowding and the dominance of prison gangs." Accordingly, an investigation was needed, not only by the Department of Correctional Services, but by an individual institution that could provide a report to Parliament. Reported by IOL News, 28 January 2013, at <http://www.iol.co.za/news/crime-courts/da-wants-prison-violence-probe-1.1459949#.UQjiXNmDzct>

ESCAPES

Detainees escape from police cells: News24 reported that five detainees escaped from police holding cells in Polokwane on 9 January 2013. It was not clear how the detainees, who are facing charges of armed robbery and rape, had escaped. Reported by News24, 9 January 2013, at <http://www.news24.com/SouthAfrica/News/5-detainees-on-the-run-in-Limpopo-20130109>

UNSENTENCED PRISONERS

Prison overcrowding: News24 reported that the political party, Congress of the People, claimed that overcrowding and staff shortages "played a role in the deaths of three awaiting trial prisoners" in the Groenpunt Prison riot on 7 January 2013. The government reportedly stated, in response, that overcrowding in prisons is a "key priority" for the Department of Correctional Services. Reported by News24, 20 January 2013, at <http://www.news24.com/SouthAfrica/News/Govt-addressing-overcrowding-in-prisons-20130120> also reported at <http://mg.co.za/article/2013-01-20-prisons-minister-takes-flak-for-overcrowding>

Death of foreign suspect in police custody: The Cape Argus reported that the Nigerian Consul-General in Cape Town has heavily criticized the police over the death of a Nigerian in custody. The report quotes

the Consul-General as saying that "this is not the first time Nigerians have been assaulted by members of the SA police" Jason Osuafor, former President of the Nigerian Union in the Western Cape, reportedly added that four Nigerians had died in police custody in the past two years. ReportEd by The Cape Argus, 24 January 2013, at <http://capeargus.newspaperdirect.com/epaper/showarticle.aspx?article=2dd90c39-7166-4e04-b735-7939024b2dad&key=cor1do%2bROR91LAdWFqQMIA%3d%3d&issue=6256201301230000000001001> (subscription needed)

SOUTH AFRICANS IMPRISONED ABROAD

Released prisoners stranded abroad: The Post reported that hundreds of South Africans released from foreign prisons after the completion of their sentences are unable to afford flights back to South Africa. Those that are able to return home are reportedly given donations from friends and family in order to do so. There are currently 969 South Africans serving prison sentences abroad. A government spokesperson reportedly stated that the government would not pay for released prisoners' return flights home, as this would be "unsustainable." Reported by Noelene Barbeau, 19 December 2012, at <http://www.thepost.co.za/released-prisoners-stranded-overseas-1.1442989#.UO6Q17Z8PrA>

OTHER AFRICAN COUNTRIES

BOTSWANA

HIV positive prisoners denied treatment: allAfrica.com reported that a class action on behalf of a group of HIV positive Zimbabwean prisoners will be filed in the Gaborone High Court in due course requesting an order compelling the state to provide anti-retroviral treatment to the foreign prisoners. The Zimbabwean prisoners have gone without essential HIV treatment "for years" because imprisoned foreigners are reportedly not allowed access to such treatment. Reported by Tendai Marima, 11 January 2013, at <http://allafrica.com/stories/201301120067.html>

CAMEROON

Court upholds sentence of imprisonment for homosexuality: A Yaounde Appeal Court upheld a three-year sentence of imprisonment following the conviction of a Cameroonian student of homosexuality. This case is reportedly one among several similar high profile cases in the country, where convictions of homosexuality can result in sentences of up to five years in prison. Reported by AFP, 17 December 2012, at <http://za.news.yahoo.com/cameroon-court-upholds-prison-sentence-homosexuality-211508248.html>

CONGO

Prison overcrowding: IRIN reported that the Director General of the Prison Service, in response to the recent publication of a report by the Congolese Observatory of Human (OCDH) Rights, has acknowledged that there is serious overcrowding in prisons and "does not think that imminent improvements are possible." The OCDH reportedly described the "widespread lack of adequate healthcare, sanitation and decent food." Reported by IRIN, 17 January 2013, at <http://www.irinnews.org/Report/97274/Congo-prisons-chief-admits-shortcomings-in-wake-of-damning-report>

DEMOCRATIC

REPUBLIC

OF

CONGO

Mass prison escape: IOL News reported that approximately 300 out of about 350 prisoners escaped from a prison in the North Kivu province on 13 January 2013. The mass escape reportedly occurred when "a local tribal Mai Mai militia force" clashed with prison officials at the prison and disarmed those that resisted the attack. Reported by IOL, 15 January 2013, at <http://www.iol.co.za/news/africa/inmates-break-out-of-drc-jail-1.1452266#.UPe7DtmDzcs>

GAMBIA

Government against moratorium on death penalty: allAfrica.com reported that President Jammeh, in response to a 17 point set of demands by the European Union, stated that Gambia would not be "blackmailed" into accepting such demands. Among the demands by the European Union are the upholding of moratorium on the death penalty with immediate effect and the provision of information regarding the recent executions, including location of burial to the families. These statements were reportedly made

during a cabinet meeting in early January 2013. Reported by Lamin Darboe, 9 January 2013, at <http://allafrica.com/stories/201301090901.html>

KENYA

President pardons prisoners to ease overcrowding: Business Daily reported that on 21 December 2012 President Kibaki pardoned 6700 prisoners. The mass pardon was reportedly executed in order to ease prison congestion. Among those released were first-time offenders serving nine months or less and minor offenders serving sentences of six months or less. Reported by Galgallo Fayo, 21 December 2012, at <http://www.businessdailyafrica.com/Kibaki-pardons-6700-inmates-in-move-to-ease-congestion/-/539546/1649268/-/c4l795z/-/index.html>

Prisoners to vote: Capital FM News reported that as a result of a recent court action, prisoners who were registered as voters before they were imprisoned will be able to participate in the 4 March 2013 elections. The High Court reportedly directed the Independent Electoral Boundaries and Commission (IEBC) to put in place mechanisms to enable registered voters in remand detention and sentenced facilities to vote. It declined, however, to direct the IEBC to re-open registration to non-registered voters in prison. Reported by Capital FM News, 21 January 2013, at <http://www.capitalfm.co.ke/news/2013/01/inmates-already-listed-as-voters-will-cast-ballots/>

LIBERIA

Commencement of probation programme: allAfrica.com reported that Liberia has officially commenced its probation programme. The programme will reportedly assist "prisoners wanting rehabilitation through community services after they have served one third of their sentences." Reported by Throble Suah, 16 January 2013, at <http://allafrica.com/stories/201301160393.html>

MALAWI

Moratorium on ban on same-sex relationships: The Osun Defender reported that two men, recently pardoned after having been sentenced to 14 years imprisonment for homosexuality, gave their first interview since having been granted asylum in South Africa. The men were granted a presidential pardon in response to "global pressure" and "international outrage." The report noted that since President Banda came into office a moratorium on the ban on same-sex relationships has been established. Reported by The Osun Defender, 9 January 2013, at <http://www.osundefender.org/?p=80148>

MOROCCO

King pardons 413 prisoners: allAfrica.com reported that HM King Mohammed VI pardoned 413 prisoners in commemoration of the Independence Day, celebrated on 11 January 2013. Most prisoners had their respective sentences reduced as a result of the pardon and a few had their life sentences commuted to finite prison terms. Reported by allAfrica.com, 10 January 2013, at <http://allafrica.com/stories/201301110419.html>

NIGERIA

Government considers public private partnerships: allAfrica.com reported that the Ministry of Interior had proposed that the government enter into public private partnerships (PPPs) for the purpose of running the country's prisons in a manner that will reduce prison congestion. Prison officials have reportedly stated, however, that prison overcrowding is a result of a "malfunctioning judicial system" and it is thus this issue that should be examined and not the possibility of PPPs. Reported by Abdullah Badsha Mukhtar, 31 December 2012, at <http://allafrica.com/stories/201212311079.html>

RWANDA

Construction of new prison: The New Times reported that negotiations to start the construction of a model prison in Kigali, have been finalized. This new prison will reportedly have the capacity to accommodate between 7 500 and 10 000 inmates. The Prisons Commissioner has reportedly stated that all efforts have been made to ensure that the new facility is in accordance with international standards. Reported by Grace Mugoya, 27 January 2013, at <http://allafrica.com/stories/201301280119.html>

SIERRA

LEONE

Poor conditions at Pademba Prison: Awoko reported that the Registrar of the High Court of Sierra Leone has described Pademba Road Prison as "unfit" to accommodate the inmates. The report noted that most of the facilities at the prison have deteriorated beyond use and the fact that the prison is severely overcrowded exacerbates the problem. Reported by Awoko, 17 January 2013, at <http://awoko.org/2013/01/16/pademba-road-prison-unfit/>

TANZANIA

Prisoners benefit from presidential pardon: allAfrica.com reported that on 9 December 2012 President Kikwete pardoned 3814 prisoners in commemoration of the 51st anniversary of the independence of the Tanzania Mainland. Those released included prisoners serving terms of imprisonment not exceeding five years, prisoners who are over the age of 70 and prisoners who are seriously ill. Reported by allAfrica.com, 10 December 2012, at <http://allafrica.com/stories/201212100031.html>

Increase in remand detention numbers causing overcrowding: The Citizen reported that the number of prisoners exceed the country's prison capacity by 23 per cent. The Parliamentary Committee for Defense reportedly stated that "poor case flow management and lack of communication between prison staff, police and investigators" were some of the major causes of congestion in prisons. Reported by Bernard Lugongo, 21 January 2013, at <http://thecitizen.co.tz/news/-/28301-number-of-prisoners-remandees-exceeds-prison-capacity-by-23pc>

UGANDA

Prison farming a success: New Vision reported on the success that prison farming initiatives have achieved. Uganda's prisons, which collectively owns 21 farms, are among the largest producers of maize in the country. In addition, the farming initiatives reportedly "impart modern farming skills to prisoners" thereby aiding in their rehabilitation. Reported by Petride Mudoola, 17 January 2013, at <http://www.newvision.co.ug/news/638972-prisoners-turned-farmers-thanks-to-prison-s-rehabilitation-policy.html>

ZAMBIA

Death row prisoners petition court: allAfrica.com reported that more than 50 death row prisoners petitioned the Lusaka High Court, requesting that it order their direct and unconditional release from prison. The prisoners reportedly argue that their continued imprisonment, some for as long as 20 years, without leave to appeal their respective convictions, amounts to torture. Reported by Delphine Zulu, 30 January 2013, at <http://allafrica.com/stories/201301300736.html>

ZIMBABWE

Poor conditions of detention in prisons: The Mail and Guardian reported that some of Zimbabwe's prisons are "unable to feed inmates or cater for their basic hygienic needs." The prison authorities are reportedly facing enormous funding challenges as they did not have a direct budgetary allocation from the country's fiscus. As a result, the families of prisoners must supply them with basic necessities such as food and soap. Reported by Nkululeko Sibanda, 25 January 2013, at <http://mg.co.za/article/2013-01-25-zim-prisoners-have-no-food-or-soap>

OTHER

Prison conditions in Africa: Libre Afrique reported on the devastating prison conditions in most of the continent, reporting that prison overcrowding, inhumane living conditions, prison violence, corruption and racketeering make life in prison a "double sentence". Several possible solutions lie in reducing the length of pre-trial detention, reinforcing the efficiency and independence of the judiciary, building new prisons and ordering non-custodial sentences. Original report in French. Report by Sali Bouba Oumarou, 7 January 2013, at http://www.librefrique.org/Oumarou_prisons_Afrique_070112
