

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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## Notice Board

**53<sup>rd</sup> Ordinary Session of African Commission:** The African Commission held its 53<sup>rd</sup> Ordinary Session in the Gambia from 9 – 23 April 2013. The Committee for the Prevention of Torture and the Special Rapporteur on Prisons and Conditions of Detention in Africa both delivered, respectively, activity and progress reports. The reports are available at <http://www.achpr.org/news/2013/04/d82/>

**Guidelines on accessing legal aid:** The final version of the General Assembly's resolution on the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems was issued on 28 March 2013. The document is available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/67/187](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/187)

**Torture prevention project:** The Association for the Prevention of Torture and the Network of African National Human Rights Institutions launched a three-year project to strengthen the role of African NHRIs in the prevention of torture. The first meeting took place in Johannesburg on 23-24 April 2013 and brought together representatives of national human rights institutions from more than 30 countries. More information on the project is available at [http://www.apt.ch/en/news\\_on\\_prevention/focus-on-torture-prevention-for-african-national-human-rights-institutions/#.UYeFUtmDzcs](http://www.apt.ch/en/news_on_prevention/focus-on-torture-prevention-for-african-national-human-rights-institutions/#.UYeFUtmDzcs)

**Alternative torture report:** Penal Reform International and the Foundation for Human Rights have drafted an alternative report on the implementation of the United Nations Convention against Torture on the occasion of the examination of Kenya's second report under the Convention, which is to be reviewed in May 2013. More information and a copy of the report are available at <http://www.penalreform.org/news/alternative-report-un-committee-against-torture-its-examination-kenya>

## Country Reports

### CENTRAL AFRICAN REPUBLIC

**Secret prison accessed:** Al Jazeera obtained footage of Bossembele prison, reportedly one of "Africa's most secretive prisons," where ousted President Bozize allegedly had his political opponents detained and tortured. Video footage shows the remains of the prison and describes the conditions in which detainees were kept. Reported by Al Jazeera, 11 April 2013, at <http://www.aljazeera.com/video/africa/2013/04/201341151513523414.html>

### EGYPT

**Report reveals abuses:** The Guardian reported that an investigation commissioned by President Morsi into military and police malpractice since 2011 has revealed that doctors, soldiers and medics assaulted hospitalised protesters and that doctors were ordered to operate on protestors without anaesthetic. The report also notes that the military are alleged to have been involved in torture, killings and forced disappearances during the 2011 uprising. Reported by The Guardian, 15 April 2013, at <http://www.guardian.co.uk/world/2013/apr/11/egypt> doctors operate protesters anaesthetic

### ETHIOPIA

**Detained journalist transferred:** New Business Ethiopia reported that the Committee to Protect Journalists (CJP) has protested against the transfer of the editor of an independent newspaper, Woubshet Taye, to a remote prison several hours away from his family's home. A spokesperson for the CJP stated that "moving detainees to prisons far from their families is a tactic long used by governments that wish to not only further penalize the individuals but to punish their loved

ones as well." Taye has been imprisoned since June 2011 on charges of terrorism. Reported by allAfrica.com 22 April 2013, at <http://allafrica.com/stories/201304230349.html>

## LIBERIA

**Justice system functioning poorly:** allAfrica.com reported that despite purported reforms to the Liberian justice system and the assistance of the United Nations, the country's justice system 'continues to take a downward trend.' At the start of a three-day National Criminal Justice Conference in Monrovia, Acting Chief Justice Korkpor reportedly noted that the number of pre-trial detainees continues to remain high despite the introduction of a number programmes aimed at promoting more efficient criminal processes. Reported by allAfrica.com, 1 April 2013, at <http://allafrica.com/stories/201304010948.html>

## LIBYA

**Inmates escape from prison:** Zee News reported that approximately 150 illegal immigrants escaped from a Libyan prison in Gharyan city on 24 April 2013. The detainees reportedly exploited poor weather conditions and attacked prison officials, leaving three officials wounded. The report notes that the prison officials simply "do not have sufficient security equipment." Reported by Zee News, 25 April 2013, at [http://zeenews.india.com/news/world/libya-jailbreak-150-african-immigrants-flee-prison\\_844743.html](http://zeenews.india.com/news/world/libya-jailbreak-150-african-immigrants-flee-prison_844743.html)

## MALI

**Detainees tortured:** Human Rights Watch has reported that Malian soldiers are guilty of having tortured a number of suspected supporters of Islamist armed groups near Timbuktu between 15 February 2013 and March 4 2013, two of which subsequently died. The report notes that the victims of the soldiers' brutality showed signs of having been beaten, kicked, burned and injected with a caustic substance. Human Rights Watch has called on the government to investigate the allegations against the Malian soldiers as a matter of urgency. Reported by Human Rights Watch, 11 April 2012, at <http://www.hrw.org/news/2013/04/11/mali-two-torture-victims-die-detention> also reported at <http://www.bbc.co.uk/news/world-africa-22107625> and <http://www.irinnews.org/Report/97845/Torture-beatings-and-death-for-detained-Malians>

## NIGERIA

**Widespread abuse of right to liberty:** allAfrica.com reported that according to a United States country human rights report, Nigerian prisons currently hold an estimated 6000 children and minors. Many of these children were reportedly born inside prison but are compelled to remain in prison despite their being a government order directing their release. The report also notes that police generally operated with impunity and that authorities did not investigate the majority of cases of police abuse or hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. Reported by Ini Ekott, 22 April 2013, at <http://allafrica.com/stories/201304220368.html>

## SOUTH AFRICA

**Police failing to capture data on child offenders:** allAfrica.com reported that the Democratic Alliance released a press statement in which it states that in response to a parliamentary question the Minister of Police revealed that the SAPS does not have a system in place to capture data on the number of children detained in police custody. The statement emphasises that the failure to record such data amounts to a violation of the provisions of the Child Justice Act 75 of 2008. Reported by allAfrica.com, 17 April 2013, at <http://allafrica.com/stories/201304171263.html>.

**Brutal police attack filmed:** News24 reported that security footage of an off-duty police officer assaulting an unarmed woman at a petrol station emerged on 12 April 2013. The footage shows two uniformed officers attempting, unsuccessfully, to restrain the off-duty officer and ultimately leave the scene without making an arrest. The Independent Police Investigative Directorate is reportedly investigating the incident. Reported by News24, 15 April 2013, at <http://www.news24.com/SouthAfrica/News/Footage> shows off duty cop beating woman 20130412

**Minister of Police sued for damages relating to torture:** The Cape Times reported that four former remand detainees, released on bail during March 2013, are suing the Minister of Police for damages sustained as a result of being tortured by the Bloemfontein Organised Crime Unit. The alleged torture reportedly took place after the men's arrest in May 2010. Reported by The Cape Times, 15 April 2013, at <http://capetimes.newspaperdirect.com/epaper/showarticle.aspx?article=9c00da707ba44a51aa6951f6c1a649e6&key=3miGRFWzrcAP3y39B62yJw%3d%3d&issue=6402201304150000000001001> (subscription needed). Also reported at <http://www.guardian.co.uk/law/2013/apr/14/south-africa-police-accused-torture-suspects>

**Court building remains unused:** The Sunday Tribune reported that the "state of the art" Ntuzuma Magistrates' Court in KwaZulu-Natal, which cost approximately R500 million to build, has been standing empty for the last two years despite it having been completed and intended to have fast tracked the backlog of cases at a nearby court. The Department of Justice and Constitutional Development stated in response that "minor works" needed to be completed before the court could become operational. Reported by The Sunday Tribune, 22 April 2013, at

## SUDAN

**Political prisoners released:** allAfrica.com reported on a statement issued by Human Rights Watch (HRW), wherein it states that Sudan has released civilian political prisoners following president Omar al-Bashir's recent pledge to "free all political detainees." The Human Rights Watch report stated, however, that at least 100 political prisoners remain detained and HRW have therefore called on the Sudanese government to free all political prisoners and allow independent monitors into the places of detention. Reported by allAfrica.com, 22 April 2013, at <http://allafrica.com/stories/201304230349.html>

## UGANDA

**Torture high on list of complaints:** New Vision reported that torture and detention beyond a 48 hour period constituted 35.5 per cent and 27.6 per cent respectively of all complaints received by the Human Rights Commission received during the 2012 financial year and documented in the HRC's 15<sup>th</sup> Annual Report. The Chairperson of the Human Rights Commission stated in Parliament that the government should ensure that victims of human rights violations are promptly compensated and that the Uganda Police force should invest in training to equip them with modern investigative methods. Reported by John Odyek, 4 April 2013, at <http://www.newvision.co.ug/news/641339-torture-tops-list-of-violated-rights.html> Another article on the HRC's Annual Report describes the rapid increase in the prison population. The report is available at <http://allafrica.com/stories/201304091342.html>

**Mobile courts introduced:** The United Nations Refugee Agency reported on its recent launching of a pilot mobile court scheme with the aim of improving access to justice for refugees who have been victims of crime at the Nakivale settlement. It is hoped that the project will serve 68 000 refugees by providing them with quicker access to justice and legal assistance. Reported by The United Nations Refugee Agency, 16 April 2013, <http://www.unhcr.org/516d29359.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](http://www.soros.org/initiatives/justice/focus/criminal_justice/projects/globalcampaign)

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