

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

August 2012

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In this Issue:

Notice Board
Country Reports

Notice Board

Workshop on pre-trial detention: On 8-9 August 2012, OSISA, in partnership with the Europe Union Democratic Governance Programme, the Paralegal Advisory Services Institute, the Catholic Commission for Justice and Peace and the Centre for Human Rights and Rehabilitation hosted a workshop on pre-trial detention and adherence to custody time-limits. More information on the event and links to relevant research reports on the issue are available at <http://www.osisa.org/law/malawi/Events/adherence-custody-time-limits-malawi>

CURE International newsletter: CURE International has released its Fall 2012 Newsletter. It contains information on the upcoming CURE International Conference and includes a discussion on the refinement of four “sub-goals” (one of which is the reduction of pre-trial detention) in preparation for the conference. The newsletter is available at <http://www.internationalcure.org/newsletters/INL%20Fall%202012%20p%201-4.pdf>

United Nations Working Group on Arbitrary Detention 64th session: On 27-31 August 2012 the United Nations Working Group on Arbitrary Detention held its 64th session in Geneva. The Working Group held discussions with civil society organisations on issues relating to the deprivation of liberty and reviewed cases from 21 countries, many of which are from the African region. A report on the deliberations will be available in due course at <http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx>

Interagency Panel on Juvenile Justice (IPJJ) newsletter: The IPJJ has released its August 2012 newsletter, which contains a focus discussion on the adoption of the Guidelines on Action for Children in the Justice System in Africa (developed in November 2011) by the African Committee of Experts on the Rights and Welfare of the Child. The guidelines are aimed at supporting African States in protecting children’s rights at all stages of judicial proceedings. The newsletter is available at <http://www.ipjj.org/en/mailling/ipjj-newsletter-nr-53-august-2012/>

Country Reports

CAMEROON

Detainees pay for transport to court: Jade Cameroun reported that detainees at the Fouban Prison are forced to pay their transport costs for the purpose of attending court as there are no official government vehicles available. Those appearing at the local court walk handcuffed and escorted from the prison, in full view of the public. Original report in French. Reported by Anne Matho, 17 August 2012, at <http://www.jadecameroun.com/news.php?detailAct=259>

DEMOCRATIC

REPUBLIC

OF

CONGO

Criminal justice reform: Radio Okapi reported that the European Union (EU) is financing a programme aimed at building new courts as well as contributing to the refurbishment of prisons. The programme is reportedly worth 47 million Euros and will take place over a period of four years. Original report in French. Reported by Radio Okapi, 31 July 2012, at <http://radiookapi.net/actualite/2012/07/31/lunion-europeenne-debloque-47-millions-deuros-pour-la-reforme-de-la-justice-en-rdc/>

EGYPT

Release of detained journalists: Bloomberg reported that on 23 August 2012 President Mohamed Mursi issued a decree barring the detention of journalists awaiting trial. Pursuant to the decree, the prosecution reportedly ordered the release of Islam Afifi, Editor in Chief of the independent newspaper Al-Dostour. Reported by Tarek El-Tablawy and Nadeem Hamid, 24 August 2012, at <http://www.bloomberg.com/news/2012-08-23/egypt-s-mursi-bars-detention-of-journalists-awaiting-trial-1-.html>

GHANA

Lengthy remand detention: Vibe Ghana reported that research conducted by Amnesty International Ghana (AIG) in September 2011 revealed that about 3 000 people in the country had been in remand detention without trial from three to seven years. The report noted that the director of AIG had stated that most of the people on remand were poor and thus unable to afford legal representation. Reported by Vibe Ghana, 7 August 2012, at <http://vibeghana.com/2012/08/07/thousands-in-ghana-are-on-remand-without-trial-amnesty-international/>

LIBERIA

Prison overcrowding: allAfrica.com reported that Monrovia Central Prison is currently accommodating 1015 prisoners despite the fact that it was designed to accommodate only 375. Approximately 90% of the prisoners at the Central Prison are remand detainees. Reported by Winston Parley, 14 August 2012, at <http://allafrica.com/stories/201208140667.html>

LIBYA

Eight prisoners escape: Aljazeera reported that eight prisoners escaped from a prison in Tripoli following a gunfire attack. Those who escaped were reportedly awaiting trial prisoners. Reported by Aljazeera, 2 August 2012, at <http://www.aljazeera.com/news/africa/2012/08/2012811233441945325.html>

Prison conditions criticised: The Guardian reported that there are about 400 asylum seekers being held in a detention centre near the coastal city of Benghazi. The detainees are from Eritrea, Ethiopia and Somalia and were caught whilst trying to flee to Europe. The prisoners reportedly lack essential necessities such as water and food. Reported by John Hooper, 23 August 2012, at <http://www.guardian.co.uk/world/2012/aug/23/asylum-seekers-libya>

NIGERIA

Notable bail ruling: The Times reported that on 2 August 2012, a Nigerian court ruled that "a person could not be held in detention simply because the authorities had problems monitoring movement in and out of the country." The applicant had been detained awaiting trial for 28 months on the grounds that he was a "flight risk." The Court ruled that there was no meaningful reason to continue his detention, least of all the fact that the government was unable to monitor its borders efficiently. Reported by Waylon Johnston, 3 August 2012, at <http://www.timesofmalta.com/articles/view/20120803/local/Bail-conditions-breached-Nigerian-s-human-rights.431292%3E>

SOUTH

AFRICA

Monetary damages awarded to torture victim: IOL reported that the Pretoria High Court awarded R220 000 in damages to a woman who was tortured by police officials. The woman was reportedly tortured in order to extract information from her concerning her husband's death. Reported by Zelda Venter, 8 August 2012, at <http://www.iol.co.za/news/crime-courts/police-penalised-for-torturing-widow-1.1358837#>

Sentencing policy challenged: Business Day reported that the Minister of Correctional Services conveyed to the Portfolio Committee on Correctional Services during one of its briefings that the judiciary needed to "change its perception that incarceration is the best crime deterrent." He reportedly noted that South Africa has the largest prisoner population in Africa, of which 40% are remand detainees. Reported by Business Day, 14 August 2012, at <http://www.bdlive.co.za/opinion/2012/08/14/not-just-judiciary-behind-high-jail-population>

Legislative amendments to regulations on use of force: News24 reported that the National Council of Provinces unanimously approved the Criminal Procedure Amendment Bill [B39-2010] without debate. The Bill purports to align section 49 of the Criminal Procedure Act, which regulates the use of force, including deadly force, with the Constitution. Reported by News24, 16 August 2012, at <http://www.news24.com/SouthAfrica/News/Deadly-force-bill-passed-20120816> See also <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=321636&sn=Detail&pid=71619> which offers an analysis of the Bill.

Illegal immigrants detained: News24 reported that 200 illegal immigrants were arrested and detained on 16 August 2012 in Pretoria. A spokesperson for the Department of Home Affairs reported stated that the "sting operation" was part of ongoing efforts to curb illegal immigration. Reported by News24, 16 August 2012, at <http://www.news24.com/SouthAfrica/News/Pretoria-cracks-down-on-illegal-immigrants-20120816>

Sex workers abused by police: News24 reported that a study released by the Sex Workers' Education and Advocacy Taskforce indicates that more than 70% of sex workers have been abused by the police. The report also notes that "sex workers experience violence during arrest by police officers who routinely beat and sexually assault them." The study was based on interviews with 308 sex workers, mostly in Cape Town. Reported by News24, 22 August 2012, at <http://www.news24.com/SouthAfrica/News/Most-sex-workers-abused-by-police-study-20120822>

Remand detainees held in poor conditions: Business Day reported that Deputy Chief Justice Dikgang Moseneke, who spoke at the Ruth First Memorial lecture at the University of the Witwatersrand, stated that he had witnessed extreme overcrowding in remand facilities. He reportedly noted that three to four people were sharing a bed meant for one and that the average waiting period before trial was two years. Reported by Carolyn Raphaely, 23 August 2012, at <http://www.bdlive.co.za/opinion/2012/08/23/awaiting-trial-prisoners-held-in-grim-conditions>

Torture widespread throughout Africa: Times Live reported that the Chairperson of the African Commission on Human and People's Rights, Dupe Atoki, stated, during a press conference in Johannesburg, that although torture is widespread across Africa, only eight of the 54 countries on the continent have made it a criminal offence. She reportedly also stated that there was a lack of political will in Africa to tackle the problem. Reported by Katherine Child, 24 August 2012, at <http://www.timeslive.co.za/thetimes/2012/08/24/torture-africa-s-dirty-little-secret>

Allegations of torture: City Press reported that 194 cases of assault and attempted murder were opened by detained mine-workers, who were arrested in the aftermath of a violent clash between the police and the striking miners and in which 34 of the miners were shot by the police on 16 August 2012. The report noted that the Independent Police Investigative Directorate had launched an "intensive investigation" into the accusations of torture by the police, which allegedly occurred in five police stations across the North West province. Reported by Charl du Plessis, 26 August 2012, at <http://www.citypress.co.za/SouthAfrica/News/Cops-torture-miners-20120825> Also reported at <http://www.citizen.co.za/citizen/content/en/citizen/localnews?oid=310626&sn=Detail&pid=334&Dockets-on-Marikana-shooting-opened> The following report highlights the fact that the detainees were also refused access to medication <http://www.news24.com/SouthAfrica/News/Miners-locked-up-without-meds-claim-20120827>

TANZANIA

Establishment of legal aid umbrella body: allAfrica.com reported that the government of Tanzania recently launched a "legal aid secretariat". The report describes the secretariat as a "temporary body" that will eventually bring about the formulation of a legal aid policy and law as well as become the regulatory body for paralegals. Reported by Masembe Tambwe, 29 August 2012, at <http://allafrica.com/stories/201208290405.html>

TOGO

Protesters freed: News24 reported that government had released 119 people that were detained during rallies organised by an opposition coalition and which led to clashes between police and demonstrators on 26 August 2012. Reported by News24, 27 August 2012, at <http://www.news24.com/Africa/News/Togo-frees-119-detained-during-protests-20120827>

ZIMBABWE

Allegations of overcrowding refuted: New Zimbabwe reported that the Head of the Prison Services has refuted the claim that the country's prisons are overcrowded, insisting that conditions are improving. The report notes that local human rights groups claim that the country's 55 prisons accommodate approximately 22 500 inmates against an official capacity of 17 000. It is estimated that 30% of the prison population is awaiting trial and many detainees have remained in pre-trial detention for up to ten years. Reported by New Zimbabwe, 10 August 2012, at <http://www.newzimbabwe.com/news-8732-Zimondi> denies prisons overcrowded/[news.aspx](http://www.newzimbabwe.com/news-8732-Zimondi)

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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<http://www.communitylawcentre.org.za/clc-projects/civil-society-prison-reform-initiative/>

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