

# AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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## Notice Board

**Article 5 Initiative Final Report launched:** The Article 5 Initiative launched its final report on six African countries. The report contains a user-friendly toolkit to assess domestic implementation of the UNCAT as well as guidance notes, a series of checklists and draft guidelines for proposed legislative reform. The tools can be downloaded at <http://a5i.org/publications/>

**68<sup>th</sup> Session UN Working Group on Arbitrary Detention:** The 68<sup>th</sup> Session of the UN Working Group on Arbitrary Detention was held during November 2013. During the session the Group developed a 'basis for its forthcoming report to the Human Rights Council in September 2014' regarding national, regional and international laws and policy related to the right to liberty and detention. More information is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14030&LangID=E>

**Directory on African Legal Aid Service Providers:** The Pan African Lawyers Union (PALU) is developing a directory of individuals, organizations and law firms willing to offer free legal services to indigent people. More information on this process is available at <http://ilawyerblog.com/short-survey-on-regional-legal-aid-service-providers-in-africa/>

**Detention monitoring for LGBTI detainees:** Penal Reform International has developed a monitoring tool for LGBTI detainees. The tool aims to facilitate the work of oversight and monitoring bodies in preventing torture and ill treatment. More information and a copy of the monitoring guide are available at <http://tortureprevention.penalreform.org/resources/lgbti-persons-deprived-their-liberty-framework-preventive-monitoring>

**Committee visits for 2014 announced:** The UN Subcommittee on Prevention of Torture has announced the countries it will be visiting during 2014, which include Togo and Nigeria. The SPT will conduct a broad range of visits to places of detention, as well as "short missions that will focus on advising the national authorities on how to best to comply with their OPCAT obligations." More information is available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14001&LangID=E>

## Country Reports

### ALGERIA

**Lengthy remand detention:** TSA reported that several high-level managers accused of corruption have been on remand detention for several years. The law prescribes that an accused may ordinarily be detained for a maximum of 24 months. The law is unclear, however, as to whether a person must be released pending an appeal of a detention order when the detention period exceeds 24 months. Original report in French. Reported by Hadjer Guenanfa, 12 November 2013, at <http://tsa-algerie.com/actualite/item/2700-certains-sont-en-prison-depuis-plusieurs-annees-le-drame-des-cadres-en-detention-provisoire>

### EGYPT

**Protesters arrested and sentenced:** The Middle East Monitor reported that 21 women, including seven girls, were sentenced to eleven years and 14 months imprisonment after having been convicted of offences connected to their peaceful pro-Morsi protest. Amnesty International has reportedly called for the "immediate and unconditional" release of the women. Reported by Middle East Monitor, 29 November 2013, at <https://www.middleeastmonitor.com/news/africa/8573-egypt-must-immediately-and-unconditionally-release-women-protesters>

### ETHIOPIA

**Journalist imprisoned:** The Guardian featured an opinion piece by Zakes Mda. The piece described the imprisonment of an 'award winning' journalist who was sentenced to 18 years imprisonment after having been convicted of terrorism. Civil society have condemned the journalists conviction, reportedly claiming that his writings reveal "thoughtful and principled" arguments regarding the failure of the country's rulers to deliver democratic reform. Reported by Zakes Mda, 5 November 2013 at <http://www.theguardian.com/world/2013/nov/05/ethiopia-free-eskinder-nega>

## GHANA

**Poor conditions of detention:** News24 reported that after having visited detention facilities in Ghana, the UN Special Rapporteur on Torture described the conditions there as "cruel, inhuman and degrading." The report states that the Rapporteur elected to visit the country, in part, in the wake of a Human Rights Watch report that was very critical of mental health care in Ghana and its reliance on forced confinement. Reported by News24, 15 November 2013, at <http://www.news24.com/Africa/News/Ghanas-prisons-inhuman-cruel-20131114> Also reported at <http://www.aljazeera.com/news/africa/2013/11/un-official-ghana-jails-cruel-inhuman-2013111564627505652.html>

**Successful access to justice programme:** GhanaWeb reported that the "Justice for all Programme," established by the Judicial Service and Ministry of Justice, had been very successful in reducing the number of remand detainees that had been incarcerated for many years by increasing access to representation and courts to remand detainees. The programme reportedly commenced in 2006 and has, thus far, resulted in the hearings of 1700 cases in prison courts across the country. Reported by GhanaWeb, 16 November 2013, at <http://www.ghanaweb.com/GhanaHomePage/regional/artikel.php?ID=292169>

## NIGERIA

**Overcrowding in remand facilities:** PM News reported that the rising number of remand detainees is becoming a 'major cause of concern' and flooding already overcrowded prisons. The report notes that approximately 36 000 out of 50 000 inmates in the country are awaiting trial, many of which have been waiting for long periods of time without much hope of their charges being brought to trial. Reported by PM News, 20 November 2013, at [http://pmnewsnigeria.com/2013/11/20/decongest-awaiting-trial-detainees/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+PmNewsNigeriaFeed+%28PM+News+Nigeria%29](http://pmnewsnigeria.com/2013/11/20/decongest-awaiting-trial-detainees/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+PmNewsNigeriaFeed+%28PM+News+Nigeria%29)

**Political party members detained:** allAfrica.com reported that police officials in Imo state arrested and detained 182 election observers who were traveling to observe a governorship election in Anambra State. The report notes that it is likely that the observers, who were certified as independent election observers, were arrested on account of their membership of the political party, the All Progressives Congress. Reported by allAfrica.com, 20 November 2013, at <http://allafrica.com/stories/201311210569.html>

## SIERRA LEONE

**Detained journalists granted bail:** allAfrica.com reported two journalists that had been arrested on account of having published an article criticising the President were granted bail after having been detained for 18 days. The report notes that the journalists had been denied bail on several occasions before being released on strict bail conditions. Reported by allAfrica.com, 7 November 2013, at <http://allafrica.com/stories/201311071588.html>

## SOUTH AFRICA

**Court orders state to investigate allegations of torture:** eNCA reported that the Supreme Court of Appeal (SCA) held that South African authorities have a duty to investigate allegations of torture that occurred in Zimbabwe. The SCA therefore upheld the decision of the High Court wherein victims of the alleged torture challenged the National Prosecuting Authority's failure to institute an investigation and prosecution into the allegations. Reported by eNCA, 27 November 2013, at <http://www.enca.com/south-africa/sa-ordered-probe-zimbabwe-torture-claims>

## 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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