

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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Statement submitted to the 52nd session of the African Commission: The African Policing Civilian Oversight Forum, building on past communication with the Special Rapporteur and recommendations from past side events, issued a statement calling on the Commission to commence the process of developing guidelines on the use and conditions of police custody and pretrial detention Africa. More information and a copy of the statement are available at <http://ppja.org/regional-information/africa/statement-submitted-to-the-52nd-session-of-the-african-commission/view>

Twenty-second General Report of the Committee for the Prevention of Torture: The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has released its 22nd general report, covering the period 1 August 2011 – 31 July 2012. A copy of the report is available at <http://www.cpt.coe.int/en/annual/rep-22.pdf>

Provisional statement of Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT): The SPT has issued its provisional statement on the role of judicial review and due process in the prevention of torture in prisons, which was adopted at its sixteenth session, 20 to 24 February 2012. The statement is available at www2.ohchr.org/english/bodies/cat/opcat/docs/CAT-OP-2_en.doc

Newsletter on police and human rights in Africa: The African Commission on Human and Peoples' Rights, in partnership with the Danish Institute for Human Rights and the African Policing Civilian Oversight Forum, launched the first edition of the Police and Human Rights in Africa Newsletter. The Newsletter is intended to keep the public abreast of the ACHPR and civil society organisations' work in this area and to promote a culture of human rights observance within the continent's police forces. The newsletter is available at <http://www.achpr.org/news/2012/10/d62/>

Country Reports

CAMEROON

Majority of prisoners awaiting trial: Africa Review reported that 14 265 out of the 23 000 inmates in the country are awaiting trial detainees. Cameroon's seventy-two prisons reportedly have a capacity of 15 250 prisoners. Reported by Africa Review, 15 October 2012, at http://www.africareview.com/News/Majority_Cameroon_prisoners_still_awaiting_trial/-/979180/1533876/-/125ix68z/-/index.html

Prison visit project presents findings: Jade Cameroun reported on some preliminary outcomes from the project 'Dignity and Detention' by Avocats sans Frontières and the Bar of Cameroon. Visits were reportedly made to a number of prisons with the aim of establishing findings on the treatment of detainees and conditions of detention. Problems identified included overcrowding, corruption, high numbers of awaiting trial detainees, excessive use of restraints and delays in release of prisoners who have served their sentences in full. Original report in French. Reported by Anne Matho, 17 October 2012, at <http://www.jadecameroun.com/news.php?detailAct=270>

DEMOCRATIC REPUBLIC OF CONGO

Lengthy remand detention: News24 reported that an a senior member of the political opposition in the country claims that he has been detained for three months in police cells on baseless charges of rape without having been taken to court. The report notes that Eugene Diomi Ndongala stated that he was subjected to interrogations which included the use of violence. Reported by News24, 15 October 2012, at <http://www.news24.com/Africa/News/DRC-opposition-MP-says-held-for-months-20121015>

GAMBIA

Inhumane prison conditions exposed: Jollof News reported that members of the civil society associations of the Gambia participating in the 25th anniversary and 52nd Session of the African Commission on Human and People's Rights in Yamoussoukro, Cote D'Ivoire, reported on the poor conditions of detention in prisons and the treatment of prisoners. The report noted that prisoners are facing problems such as lack of access to healthcare, high mortality rates, abuse, and detention without trial. Reported by Jollof News, 10 October 2012, at <http://www.jollofnews.com/20121010dr-janneh-exposes-gambias-inhumane-prison-conditions.html>

LIBERIA

Remand detainees placed on "probation": allAfrica.com reported that the Ninth Judicial Circuit Court in Gbarnga, Bong County, has placed nine pre-trial detainees from the Gbarnga Central Prison on probation as part of the Ministry of Justice's "probation program." Most of those released under the program had been in detention for four to 14 months for allegedly committing various crimes, including theft of property, illegal possession drugs, and misapplication of entrusted property. Reported by Jefferson Massah, 10 October 2012, at <http://allafrica.com/stories/201210100419.html>

MALI

Female prison opened in Timbuktu: 27 avril reported that Islamist authorities, who are currently in control of the city of Timbuktu, opened a new female prison on 21 September. They claim they will arrest all women, whether married or not, dressed "indecently". Original report in French. Reported by Papa Sow, 25 September 2012, at <http://www.27avril.com/blog/culture-societe/societe/mali-prison-pour-femmes-a-tombouctou-fierte-des-barbares-islamistes-dansar-dine>.

NIGERIA

Damages awarded for illegal arrest and detention: Business Day reported that a High Court in the Nigerian province of Benin awarded N5 million (US\$ 30,000) to human rights activist David Ugolor following his arrest and detention for over a month. The judge found that, according to the current constitutional dispensation, the accused should have been immediately released or charged. The police stated that they will appeal the ruling. Reported by Idris Umar Momoh, 15 September 2012, at <http://www.businessdayonline.com/NG/index.php/news/latest/44429-oyerindes-murder-court-awards-n5m-damages-against-police>

RWANDA

Amnesty International condemns actions of military intelligence: Times Live reported that Amnesty International has called on Rwanda to end the "unlawful detention of civilians" and investigate allegations of torture against its security services. Amnesty International has reportedly gathered evidence of "unlawful detention, torture and other forms of ill-treatment and enforced disappearances" at the hands of Rwanda's military intelligence. Reported by Times Live, 8 October 2012, at <http://www.timeslive.co.za/africa/2012/10/08/amnesty-calls-on-rwanda-to-end-unlawful-detentions>

Prisoners tortured: The Guardian reported that prisoners in Rwanda informed Amnesty International that they were tortured into making false confessions after being detained illegally without charge or trial. The report noted that the prisoners were subjected to electric shocks, severe beatings and sensory deprivation while being held at a military camp in Kigali. Reported by The Guardian, 8 October 2012, at <http://www.guardian.co.uk/world/2012/oct/08/rwanda-civilians-claim-torture>

SOUTH AFRICA

Budget cuts will affect access to justice: Business Day reported that the budget cuts intended for all government departments and state entities in the 2013-14 financial year will impact on indigents' ability to access legal assistance. According to Legal Aid South Africa more than 680 000 people were provided with legal aid and legal advice in 2011. Reported by Business Day, 8 October 2012, at <http://www.businessday.co.za>

Three prisoners die in explosion: The SABC reported that three inmates were killed and 14 injured when an explosion went off in a vehicle that was transporting the inmates to Johannesburg Central Prison. The Department of Correctional Services is reportedly investigating the possibility that the explosion was coordinated by members of the police and department officials. Reported by SABC, 23 October 2012, at <http://www.sabc.co.za/news/a/1dc2ac004d2e2400b8f5be0934d0676c/Probe-into-prison-truck-blast-underway-20122310> Also reported at <http://news.iafrica.com/sa/823042.html>

Awaiting trial detainees a major factor in overcrowding: The Beeld reported that one third of prisoners in Gauteng's overcrowded prisons are awaiting trial, and that approximately 50% of them will be acquitted or have their cases dismissed. The report is based on a research report by Robyn Leslie of the Wits Justice Project. Reported by the Beeld, 26 October 2012, at <http://www.beeld.com/Suid-Afrika/Nuus/Tronke-vol-want-hulle-kry-nie-borg-20121026>

SOUTH SUDAN

Mobile courts earmarked as solution to lengthy remand detention: Fox News reported that South Sudan plans to introduce mobile courts in order to reduce the significant number of backlogged court cases. The mobile courts are reportedly a response to the criticism that that some defendants have languished in prison for many years without trial. Reported by Fox News, 11 October 2012, at <http://www.foxnews.com/world/2012/10/11/with-prisons-full-south-sudan-to-introduce-mobile-courts-to-clear-backlog-cases/>

SUDAN

31 detainees escape from a Darfur prison: Afriquejet reported that 31 detainees escaped from the Ed Dain prison in Darfur when one prisoner stole the pistol of a police officer escorting them from the court to the prison. In the chaos that followed, 31 detainees managed to escape. Original report in French. Report by Afriquejet, 25 October 2012, at http://www.afriquejet.com/index.php?option=com_content&view=article&id=381:evasion-de-d%C3%A9tenu-d-une-prison-du-darfour&catid=68:soudan&Itemid=172

ZIMBABWE

Prime Minister's wife visits prisoners: The Herald reported that the Prime Minister's wife visited Chikurubi Maximum Security Prison to see MDC-T suspects accused of killing a policeman in 2010. The bail applications for the activists have reportedly continuously been turned down in courts. Reported by the Herald, 4 October 2012, at http://www.herald.co.zw/index.php?option=com_content&view=article&id=54047:pms-new-wife-causes-stir-at-chikurubi&catid=37:top-stories&Itemid=130

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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