

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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Notice Board

Human Rights Council 19th Session: The HRC hosted a meeting on the rights of the child under the theme “children and the administration of justice” at its 19th Session. One of the topics discussed was the impact of pre-trial detention on children. A report of the meeting is available at the Child Rights International Network, at http://www.crin.org/email/crimail_detail_popup.asp?crimailID=4135

Universal Periodic Review outcomes: The Human Rights Council (HRC) adopted the outcomes of the Universal Periodic Review (UPR) for Zimbabwe and Swaziland. Arbitrary detention and torture are discussed in the outcomes in relation to both countries. The UPR outcomes are available at <http://www.upr-info.org/-Final-outcome-.html> and the HRC reports are available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11966&LangID=E>

New CURE country websites: International Citizens for the Rehabilitation of Errants (CURE) has launched three new country websites: Zambia, available at <http://zambia.internationalcure.org>, Ghana, available at <http://ghana.internationalcure.org>, and Nigeria, available at <http://www.curenigeria.org>. All of the country websites contain links to useful resources on access to justice as well as information on prison statistics and advocacy material.

Interights funded internship: Interights is inviting applications for a six-month funded internship for research on a strategic litigation project addressing torture and/or cruel, inhuman or degrading treatment in healthcare settings in Sub-Saharan Africa. More information is available at <http://www.interights.org/vacancies/index.html>

Country Reports

MALAWI

Court officials resume work: The Nyasa Times reported that judicial workers that have been striking since 9 January 2012 returned to work after signing a new employment pact with the Government. The strike reportedly had a devastating effect on overcrowding in remand detention centres. Reported by The Nyasa Times, 26 March 2012, at <http://www.nyasatimes.com/malawi/2012/03/26/malawi-court-workers-satisfied-with-signed-pact/>

NIGERIA

Benefits of effective plea-bargaining: The Daily Sun reported that participants at a capacity building workshop on plea-bargaining called on the Chief Justice to provide policy guidelines on when and how plea-bargaining should be used for the purpose of speeding up “access to justice”. Plea-bargaining, it was reportedly argued, would help ensure convictions in cases that could otherwise be “easily lost or marred in delay or attrition.” Reported by the Daily Sun, 6 March 2012, at <http://www.sunnewsonline.com/webpages/news/national/2012/mar/06/national-06-03-2012-007.html>

SOUTH

AFRICA

Pollsmoor prison to be designated as a remand centre: IOL reported that Pollsmoor Prison is being transformed into a

centre for remand detainees. Sentenced offenders currently at the prison will reportedly be transferred to other prisons in the Western Cape. Reported by Natasha Prince, 5 March 2012, at <http://www.iol.co.za/news/crime-courts/pollsmoor-to-house-awaiting-trial-prisoners-only-1.1249005>

Deportees complain of torture: The Mail and Guardian reported that the South African government has been accused by Congolese nationals of the ill-treatment of asylum seekers at the Lindela Repatriation Centre. The report stated that asylum seekers were being deprived of water, food and medical care. Reported by Niren Tolsi, 9 March 2012, at <http://mg.co.za/article/2012-03-09-sa-ignores-deportee-torture-claims>

Three officials suspended: The Citizen reported that three prison officials at the Johannesburg Central Prison were suspended following the negligent release of a remand detainee facing 128 charges. The detainee was reportedly re-arrested a week later. Reported by the Citizen, 13 March 2012, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=264975&sn=Detail&pid=146826&Three-suspended-for-prisoner-s-release>

Police officers arrested: The South African Broadcasting Corporation reported that three Durban police officers were recently arrested by the Independent Complaints Directorate for allegedly torturing and killing a suspect in police custody. Reported by SABC, 14 March 2012, at <http://www.sabc.co.za/news/a/8f9fef804a832738aee2af0020d52125/DBN> police officers arrested for killing suspect in custody 20121403

Apology from state in connection with lengthy trial: Sowetan Live reported that it took 15 months for the state to abide by an order of the Public Protector directing that it apologise in writing and compensate financially a rape victim whose case had taken nine years to finalise. Reported by Sowetan Live, 14 March 2012, at <http://www.sowetanlive.co.za/news/2012/03/14/rape-victim-gets-an-apology-at-last>

Former detainee to sue government: The New Age reported that a former remand detainee was considering taking legal action against prison officials involved in his wrongful imprisonment. The detainee was reportedly raped and subjected other kinds of abuse before he was discharged when it was discovered that he was not a suspect in a murder case. Reported by Michael Appel, 15 March 2012, at <http://thenewage.co.za/46283-1007-53-Innocent-mans-prison-hell>

Damages awarded for wrongful detention: IOL reported that the Pretoria High Court ordered the Minister of Police to pay a woman R100 000 in damages in connection with her unlawful arrest and detention. The woman reportedly spent 48 hours in a police cell which was in "terrible" condition. Reported by IOL, 16 March 2012, at <http://www.iol.co.za/news/crime-courts/woman-wins-r100-000-over-wrongful-detention-1.1258131>

Rights of detainees violated: City Press reported that the Minister of Correctional Services is said to have violated the Correctional Services Act when she paraded re-arrested escapees before a press conference in an "inhumane" manner and without their consent. Reported by Zinhle Mapumulo, 17 March 2012, at <http://www.citypress.co.za/SouthAfrica/News/Will-paraded-prisoner-sue-20120317-2>

Detention of children condemned: The Washington Post reported that a coalition of advocacy groups had named South Africa as a country that needlessly detains "thousands of children a day at border crossings" and should accordingly make an effort to managing such cases more expeditiously. Reported by The Washington Post, 21 March 2012, at http://www.washingtonpost.com/world/un-backed-coalition-nations-needlessly-detains-thousands-of-children-a-day/2012/03/21/gIQA9GjVRS_story.html

Remand detainee uniforms: Times Live reported that the Department of Correctional Services had purchased 100 000 metres of fabric for the manufacture of remand detainee uniforms at a cost of R40 million. Reported by Times Live, 26 March 2012, at <http://www.iimeslive.co.za/local/2012/03/26/r40m-for-awaiting-trial-outfits>

Attempted suicide in prison: IOL reported that a remand detainee was believed to be at risk of committing suicide when he climbed to the top of a high wall and remained for several hours. A prison official reportedly managed to get him to safety. Reported by Poloko Tau, 27 March 2012, at <http://www.iol.co.za/news/crime-courts/prisoner-in-alleged-suicide-bid-1.1264626>

"Torture case" to be heard by High Court: Radio Netherlands Worldwide reported that the Southern African Litigation Centre (SALC) and the Zimbabwean Exiles Forum applied for the review of the National Prosecuting Authority (NPA) and the South African Police Service decision not to investigate or prosecute Zimbabwean officials (resident in South Africa from time to time) for the alleged acts of torture carried out against opposition supporters in March 2007. SALC argue that the NPA is obliged under the Rome Statue and the International Criminal Court Act to prosecute the alleged perpetrators. The matter came before the Court on 26 March 2012, but was postponed. Reported by Radio Netherlands Worldwide, 27 March 2012, at <http://www.rnw.nl/africa/article/zimbabwe-torture-case-postponed>

TOGO

Authorities call for the disciplining of perpetrators of torture: News 24 reported that authorities in Togo demanded that state agents implicated in the alleged torture of suspects held over a failed coup in 2009, be punished. The Minister of

Culture reportedly told journalists that authorities demanded that the military high command initiate disciplinary proceedings following findings by the Human Rights Commission that torture had indeed occurred. Reported by News 24, 1 March 2012, at <http://m.news24.com/news24/Africa/News/Togo-wants-torture-agents-sanctioned-20120301>

UGANDA

Transport problems affect court system: New Vision reported that inadequate facilities to transport prisoners to court have caused severe backlogs in the court roll. The report noted that only one bus is available to transport prisoners from one court to the next. Reported by Petride Mudoola, 10 March 2012, at <http://www.newvision.co.ug/news/629530-Poor-transport-systems-affecting-court-proceedings.html>

ZIMBABWE

Police Commissioner criticised: The Daily News reported that activists claimed that police frequently force female detainees to remove their underwear in dirty police holding cells and withhold essential sanitary items. Reported by Daily News, 2 March 2012, at <http://www.dailynews.co.zw/index.php/news/53-top-story/7689-chihuri-sucked-in-underwear-fight.html>

Ministers sued for unlawful arrest: News Day reported that a University of Zimbabwe law lecturer was suing the Police and Home Affairs Ministries for \$300 000 in damages for his unlawful arrest and detention. The report also noted that the applicant claims that he was subjected to assault, torture and other cruel, inhuman and degrading treatment at the hands of the police detectives. Reported by Feluna Nleya, 13 March 2012, at <http://www.newsday.co.zw/article/2012-03-13-gwisai-sues-home-affairs-coministers/>

Corruption in lower courts: New Zimbabwe reported that corruption is getting "out of hand" in Zimbabwe's lower courts where remuneration for judicial officers is poor. The report also said that the wealthy were using their resources to stay out of prison by bribing court officials. Reported by New Zimbabwe, 13 March 2012, at <http://www.newzimbabwe.com/news-7439-Prison> is now for the poor judge/[news.aspx](http://www.newzimbabwe.com/news-7439-Prison)

Campaign to end detention of minors: The Zimbabwean reported that human and refugee rights organisations recently launched a campaign against the detention of undocumented minors at the Lindela Repatriation Centre outside Johannesburg. Reported by Chris Ncube, 28 March 2012, at <http://www.thezimbabwean.co.uk/news/zimbabwe/57416/campaign-to-end-detention-of.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

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