

AFRICA PRETRIAL JUSTICE MONITOR



Africa Pretrial Justice Monitor

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ICRC Annual Report: The International Committee of the Red Cross has released its Annual Report for 2012. The Report describes the nature and effect of armed conflicts around the world and, in the chapter on Africa, contains a useful table on the numbers of people deprived of their liberty in various African countries. The report is available at <http://www.icrc.org/eng/assets/files/annual-report/current/icrc-annual-report-africa.pdf>

Mendez speech on 'culture of torture': The National Religious Campaign Against Torture along with Amnesty International, USA and the Torture Abolition and Survivor Support Coalition hosted a panel discussion on torture on 25 June 2013. This panel featured Juan Mendez, the UN Special Rapporteur on Torture, and a video of the speech he made is available at https://www.youtube.com/watch?v=rPFLu_fcasA

Report on criminal justice and poverty in Malawi: The Southern Africa Litigation Centre has published a report entitled 'No Justice for the Poor: A Preliminary Study of the Law and Practice Relating to Arrests for Nuisance-Related Offences in Blantyre, Malawi.' The report describes the findings in relation to a study on the connection between poverty and arrest. The report is available at <http://www.southernafricalitigationcentre.org/category/library/salc-publications-page/>

ICPS Digest: The International Centre for Prison Studies has released its 15th edition, covering the period May – June 2013. The digest contains a number of stories on African countries and notes changes in prison populations across the world, and indicates that African countries have a particularly high awaiting-trial prison population. The Digest is available at <http://www.prisonstudies.org/news/all/185-prison-news-digest-issue-fifteen.html>

Amnesty International report on Egypt: Amnesty International has released a report entitled 'Egypt: Arrests of Muslim Brotherhood Members and Supporters.' The report was published in the wake of recent civil unrest in the country and notes the numbers of arrests that have been made as well as the allegations of torture that have emerged. The report is available at http://www.amnesty.org.uk/uploads/documents/doc_23290.pdf

Torture Act passed: On 29 July 2013 the South African government formally promulgated the Prevention and Combating of Torture of Persons Act 13 of 2013. The United Nations Convention against Torture was ratified by the government in 1998. Thus, the enactment of this piece of legislation is a welcome development in the prevention of torture. A copy of the Act is available at <http://ppja.org/countries/south-africa/south-africas-torture-act-promulgated-1>

Country Reports

DEMOCRATIC REPUBLIC OF CONGO

Prevention and combating of torture: The Office of the Committee for Human Rights released a statement on the progress of the Democratic Republic of Congo in preventing and combating torture. The report notes that two years after the enactment of the law criminalizing torture, at least five soldiers of the Congolese armed forces, five agents of the Congolese National Police, one agent of the national intelligence service and one administrative official have been convicted for practicing and/or encouraging the use of torture. The full post dated 9 July 2013, is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13517&LangID=E>

Illegal detention and torture by M23 rebels: Angola Press reported that the UN mission in the DRC (MONUSCO) is alarmed by the illegal detention of civilians by M23 rebels in Kirumba. MONUSCO has reported cases of forced enrolment in the movement and the killing of hostages who attempt to escape. Original report in French. Reported by Angola Press, 27 July 2013, at http://www.portalangop.co.ao/motix/fr_fr/noticias/afrika/2013/6/30/mission-ONU-alarnee-par-des-exactions-presumees-M23,752a2542-efec-41f1-bd22-aa1026e885cb.html

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LIBYA

Mass prison escape: The Independent reported that more than 1000 detainees escaped from a prison near the eastern city of Benghazi during a mass prison escape. The mass escape reportedly took place during a mass public protest against the killing of an activist critical of the Muslim Brotherhood. The report notes that those that escaped were either convicted of or were facing serious charges. Reported by Esam Mohamed, 27 July 2013, at <http://www.independent.co.uk/news/world/africa/more-than-1000-inmates-escape-from-libyas-alkweifiya-prison-8735076.html> Also reported at <http://www.enca.com/africa/protesters-help-prisoners-escape>

MAURITANIA

Allegations of torture: Amnesty International posted a report on their website on the findings of a recent mission to prisons in Mauritania. The report notes that police are using torture to coerce men, women and children to confess to crimes while in custody. Prisoners, including those held on ordinary and terrorism-related charges, reportedly stated that many of them had been beaten as well as tried in grossly unfair procedures. Reported by Amnesty International, 26 June 2013, at <http://www.amnesty.org/en/news/men-women-and-children-tortured-confess-crimes-mauritania-2013-06-25>

MOROCCO

Coercion and torture by police: Human Rights Watch released a video wherein former detainees of the Moroccan police and a number of experts discuss the ways in which confessions are coerced from suspects by means of torture. The video is available at <http://www.youtube.com/watch?v=KeQUko1IAhA&feature=c4-overview-vl&list=PL73F4876AF62C15CC>

SOUTH AFRICA

Clarification of government policy: The South African Government Information portal released a statement describing recent undertakings on the part of the Department of Correctional Services to better understand best-practice in relation to the electronic monitoring of parolees. The statement also purports to clarify the implementation of section 49G of the Correctional Services Act, which, the statement emphasises, is intended to establish whether further remand detention is still appropriate in certain cases. The statement, published on 2 July 2013, is available at <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=37701&tid=111652> Also reported at <http://www.iol.co.za/news/south-africa/western-cape/sa-prisons-set-for-hi-tech-systems-1.1541475#.UgNWQ1Mmxxl>

Review of lengthy detention: Times Live reported that on 1 July 2013, section 49G of the Correctional Services Act, which requires that detainees who have been in remand detention for more than two years must have their continued detention reviewed by a court, came into force. The report states that approximately 2700 out of almost 45 000 remand detainees have been in remand detention for more than two years. Reported by Aarti Narsee, 4 July 2013, at <http://www.timeslive.co.za/thetimes/2013/07/04/fears-as-jail-birds-get-new-deal> Also reported at <http://www.iol.co.za/news/south-africa/western-cape/sa-prisons-set-for-hi-tech-systems-1.1541475#.UgNWQ1Mmxxl>

Alleged denial of medical treatment: IOL reported that on Friday 12 July 2013 a correctional services official was called to explain to the Pretoria North Magistrate's Court why four men arrested in connection with a murder charge had not received medical attention. The report notes that one of the four men stated that although he had been taken to a hospital, he had simply been given pain killers. Reported by IOL, 12 July 2013, at <http://www.iol.co.za/news/crime-courts/treatment-row-over-murder-accused-1.1546168>

Detainee commits suicide: The Mail and Guardian reported that Sfiso Makhubo, a detainee at Johannesburg Medium A, was found dead in his cell on Thursday, 25 July 2013. Makhubo, who had been detained alone in a single cell, had reportedly hanged himself with a blanket. He was reportedly facing 122 charges, including the rape of 35 children. The report notes that the Department of Correctional Services opened an investigation into his death. Reported by Khuthala Nandipha, 25 July 2013, at <http://mg.co.za/article/2013-07-25-alleged-hiv-serial-rapist-sfiso-makhubo-found-dead-in-cell> Also reported at <http://worldnews.nbcnews.com/news/2013/07/25/19677010-alleged-serial-rapist-found-dead-in-south-africa-prison-cell-hours-before-trial> and <http://www.bbc.co.uk/news/world-africa-23453592>

SOUTH SUDAN

Journalists detained: eNCA reported that South Sudan's security services detained two Ugandan journalists who were filming in the capital Juba. The report notes that it was unclear as to what the reasons were behind the arrest but that relations between the security services and the media have deteriorated recently. Reported by eNCA, 30 July 2013, at <http://www.enca.com/africa/journos-detained-south-sudan>

UGANDA

Quantifying costs of torture: The African Centre for the Treatment and Rehabilitation of Torture Victims (ACTV) posted a report on its website on a study it has recently undertaken to establish possible costs associated with torture. The report notes that survivors of torture in Uganda are faced with direct socio-economic repercussions such as the loss of educational opportunities and the costs of physical and psychological treatment. The study is therefore an attempt at finding an empirical, socio-economically acceptable and relatively commensurate compensation package for survivors of torture. More information is available at <http://www.actvuganda.org/story/understanding-socio-economic-costs-torture-uganda-actv-study-report>

ZAMBIA

Calls to release detained journalists: The Committee to Protect Journalists (CJP) has published a post on its website on the arrest and detention of two journalists, reportedly employed by the *Zambian Watchdog*, a site that has been subject to ongoing government harassment. The CJP notes that the journalists were not charged with a criminal offence, and has called for their release. Reported by the Committee to Protect Journalists, 9 July 2013, at <http://www.cpj.org/2013/07/two-journalists-detained-without-charge-in-zambia.php>

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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