

AFRICA PRETRIAL JUSTICE MONITOR



APJM

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Civil Society Prison Reform Initiative Report: The CSPRI has released a research report entitled: "Remand detention in South Africa: An overview of the current law and proposals for reform." It is available for download at <http://www.communitylawcentre.org.za/news/remand-detention-in-south-africa-an-overview-of-the-current-law-and-proposals-for-reform/>

Launch of research findings on remand detention in Malawi: On 21-21 July 2011 the findings of an audit of remand detainees and conditions of detention in Malawi will be launched in Lilongwe. The project was undertaken by the Civil Society Prison Reform Initiative (Community Law Centre, University of the Western Cape) in partnership with the Open Society Initiative for Southern Africa, the Open Society Foundation for South Africa and the Open Society Foundation Global Criminal Justice Fund. The report will shortly be available on the OSISA website.

Launch of research findings on remand detention in Zambia: On 25-26 July 2011 the findings of an audit of remand detainees and conditions of detention in Zambia will be launched in Lusaka. The project was undertaken by the Zambian Human Rights Commission and the Civil Society Prison Reform Initiative (Community Law Centre, University of the Western Cape) in partnership with the Open Society Initiative for Southern Africa, the Open Society Foundation for South Africa and the Open Society Foundation Global Criminal Justice Fund. The report will shortly be available on the OSISA website.

Open Justice Initiative Report: The Open Justice Initiative, as part of its Global Campaign for Pretrial Justice, has released a report entitled: "Pretrial Detention and Torture: Why Pretrial Detainees Are Most at Risk." It is available at http://www.soros.org/initiatives/justice/focus/criminal_justice/articles_publications/publications/pretrial-detention-and-torture-20110624/pretrial-detention-and-torture-06222011.pdf

Together Against Torture International Newsletter: Penal Reform International has published the Torture Prevention Project's first newsletter. It is available at <http://us2.campaign-archive2.com/?u=9bbf03ee88683fbb10143c20e&id=eeaab853a3&e=a373a320e1>

Report on Remand Detention in Uganda: *Avocats Sans Frontiers* and the International Human Rights Program at the University of Toronto have released a report entitled: "Presumed Innocent, Behind Bars: The Problem of Lengthy Pre-trial Detention in Uganda." The press release is available at http://www.utorontoihrp.com/index.php/resources/reports/doc_download/86-asf-uganda-press-release-presumed-innocent-behind-bars-15-june-2011 and a copy of the full report is available for download at <http://www.asf.be/sites/default/files/files/pre-trial%20detention%20report%20-%20UGA%20-%20ASF%20Univ%20Toronto%20june2011.pdf>

Amnesty International State of the World Report 2011: The Amnesty International 2011 Annual World Report is available. The report deals with a number of African countries in relation to torture, ill-treatment and arbitrary detention. More information is available at <http://www.amnesty.org/en/annual-report/2011>

United Nations Convention against Torture: The Committee against Torture has released a draft working

document on Article 14 for comment. Comments must be submitted to cat@ohchr.org by 15 September 2011. The document is available for download at http://www2.ohchr.org/english/bodies/cat/comments_article14.htm

Administrative Detention of Children Report: The Children's Legal Centre and UNICEF have released a discussion paper entitled: "Administrative Detention of Children: A Global Report." The report contains a section on the administrative detention of children in conflict with the law. It is available at <http://www.childrenslegalcentre.com/Publications/Research+and+Publications>

Country Reports

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Country Reports

CAMEROON

Arbitrary arrest and detention of suspect: Jade Cameroun reported on the arbitrary arrest and torture of a Guinean citizen in Cameroon that took place in December 2010. Salomon Mbu was arrested, held overnight and seriously beaten up in the night following a disagreement with an off-duty police official. When brought before a judge, he was immediately released. Original report in French. Reported by Charles Nfongang, Jade Cameroun, 3 June 2011, at <http://www.jadecameroun.com/news.php?detailAct=184>

Rights of remand detainees explained: Jade Cameroun published an interview with Attorney Antoine Pangué explaining what the Cameroonian legislation says in relation to remand detention. He explained that both suspects and witnesses can be held in custody for the purposes of an investigation. This detention can last for a maximum of 48 hours, which can be extended once by criminal investigation officials, and then twice by the State Attorney. He also explained who exactly among police officials is legally entitled to proceed to an arrest. Finally, details are given on how to appeal a custodial decision. Original report in French. Reported by Christian Locka, Jade Cameroun, 17 June 2011, at <http://www.jadecameroun.com/news.php?detailAct=188>

Infringement of the rights of remand detainees: Jade Cameroun reported that citizens have been arrested and detained without reason for extensive periods of time, and only released after paying bribes to detaining officers. This situation has been reported by the National Commission on Human Rights and Liberties, as well as by Transparency International Cameroon. With the help of civil society organisations, some victims have started filing complaints and some state officials have been sanctioned accordingly. Original report in French. Reported by Charles Nfongang, Jade Cameroun, 22 June 2011, at <http://www.jadecameroun.com/news.php?detailAct=189>

Prolonged detention of remand detainees: Jade Cameroun reported on a case of the three year remand detention of three individuals suspected of killing the head of the Batcham tribe, despite the legal limit set at a year and a half. The numerous appeals against the judicial decision to keep them in custody have been rejected. Original report in French. Reported by Guy Modeste Dzudie, Jade Cameroun, 29 June 2011, at <http://www.jadecameroun.com/news.php?detailAct=190>

EGYPT

Egypt to investigate torture claims: News24 reported that Egypt's public prosecutor had set up a panel of judges to look into claims of police torture before and after a popular revolt that ousted president Hosni Mubarak. Reported by News24, 21 June 2011, at <http://www.news24.com/Africa/News/Egypt-to-investigate-torture-claims-20110621>

GABON

Investigation into the deaths of three illegal immigrants in custody: Jeune Afrique reported that an investigation has been opened regarding the death of three illegal immigrants. Moreover, the Ministry of Defense also announced an investigation into the general conditions in which about 20 illegal immigrants are being held in Bitam, following complaints that they are locked up day and night without access to toilets, light and fresh air. Three military police officers have been suspended. Original report in French. Reported by Jeune Afrique, 27 June 2011, at <http://www.jeuneafrique.com/Article/ARTJAWEB20110627113923/>

MAURITANIA

Allegations of arbitrary detention: Afrique en ligne reported that two politicians from Mauritania expressed deep concern regarding the poor conditions within the country's prisons. The politicians reportedly singled out Nouakchott's Main Prison, stating that there was "overcrowding, bad sanitary conditions, lack of food, lack of clean water, medical care, and prison staff." They also expressed concern regarding the arbitrary detention and torture of prisoners. Reported by Afriquetjet.com, 1 June 2011, at <http://www.afriquejet.com/news/africa-news/mauritania:-opposition-mps-challenge-mauritanian-govt.-on-prison-situation-2011060113853.html>

NIGERIA

Poor Correctional Services criticised: This Day Live carried a piece titled Agenda for Jonathan (IV): Reform Criminal Justice System, in which Olawale Fapohunda, secretary-general of the West African Bar Association, criticises the former government regimes in Nigeria for the poor state of the country's criminal justice system, its prisons in particular. The article also states that government ignorance was responsible for "a regrettable neglect of the prisons service resulting in inadequate financial allocations and a dangerous inattention to the security risk posed by the more than 27,000 remand persons in prisons nationwide many of whom have become hardened by the endless wait for justice". Reported by Olawale Fapohunda, 7 June 2011, at <http://www.thisdaylive.com/articles/agenda-for-jonathan-vi-reform-criminal-justice-system/92773/>

Seven remand detainees regain freedom: Africanseer.com reported that Chief Judge of Anambara, Justice Paul Obidigwe, released seven inmates and granted bail to 16 others during a visit to Akwa prison. The action to release was part of the wider activities the Chief Judge was undertaking ahead of his retirement on 30 June 2011. Reported by Africanseer.com, 28 June 2011, at <http://news.africanseer.com/african-news/nigeria/135852-seven-awaiting-trial-inmates-regain-freedom.html>

SOUTH AFRICA

Conditions of detention criticized: The Citizen reported that the conditions in which five Boeremag treason trial escapees were being held had become the focus of argument in the North Gauteng High Court when counsel for Mike du Toit, Herman van Rooyen, Tom Vorster and Rudi Gouws revealed they were being held in isolation and were forced to sleep in leg irons with the light on all the time. Reported by the Citizen, 1 June 2011, at <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=198464&sn=Detail&pid=146866&Boeremag-accused-taken-to-hospital>

Privileges of Boeremag detainees revoked: Buanews reported that the Department of Correctional Services had revoked the privileges of and tightened security around five Boeremag detainees who attempted to escape from court. The report said that some of the privileges which had been withdrawn included use of laptops, televisions and reclassifying them as high security risk prisoners. Reported by Buanews, 3 June 2011, at <http://www.buanews.gov.za/news/11/11060310051001>

Three remand detainees escape from prison: The New Age reported that police have appealed for help in catching three suspected rhino poachers who escaped from the holding cells at the Badplaas police station three months ago. The three escaped after allegedly cutting through cell bars on March 18 2011. Reported by Mandla Khoza and Masoka Dube, 4 June 2011, at http://www.thenewage.co.za/19508-1014-53-Rhino_%E2%80%98poachers%E2%80%99-break-free

Courts urged to deny bail to rape accused: Times Live reported that the Department of Women, Children and People with Disabilities had appealed to courts across the country to deny bail to suspects charged with the rape and murder of women and children. The report quotes Minister Lulu Xingwana, saying, "Rapists and perpetrators of violence against women and children have no place in our society. Hence we are calling upon our courts to deny bail for suspects charged with rape and murder of women and children." Reported by Times Live, 4 June 2011, at <http://www.timeslive.co.za/local/article1106244.ece/Deny-rape-and-murder-suspects-bail--Xingwana>

Video link to reduce backlog amongst remand detainees: The Cape Times reported that the Department of Justice and Constitutional Development had introduced an "Audio Visual Remand" system which will dramatically lessen the backlog in Cape Town's courts. The technology allows awaiting trial detainees to attend court proceedings without being physically present in court. Reported by Jade Witten, 7 June 2011, at <http://www.capetimes.co.za/video-link-plan-to-reduce-case-backlog-1.1080005> (subscription needed)

Remand detainees to benefit from programme: Business Day reported that awaiting trial detainees who could have been released on bail of R1000 or less but could not afford to pay may soon find

themselves out of prison, thanks to a programme aimed at reducing the huge backlog in remand detainees. The programme is part of a wider package of reforms targeting the criminal justice system. Reported by Ernest Mabuza, 17 June 2011, at <http://www.businessday.co.za/articles/Content.aspx?id=146027>

Number of children awaiting trial drops: Eyewitness News reported that the number of children awaiting trial in South Africa dropped from 500 in April 2010 to 298 by December 2010. The statistics are contained in a progress report made to Parliament on the implementation of the Child Justice Act. Reported by Catherine Rice, 21 June 2011, at <http://www.ewn.co.za/Story.aspx?Id=68596>

Prisons in bad shape: Money Web carried a story highlighting the poor state of the prison system by making reference to the fact that 48 000 awaiting-trial prisoners experience overcrowding. The story added that many of the remand prisoners "suffer inhumane living conditions, along with assaults or rapes perpetrated mostly by fellow inmates but sometimes also by prison warders." Reported by Anthea Jeffery, 23 June 2011, at <http://www.moneyweb.co.za/mw/view/mw/en/page292681?oid=545704&sn=2009+Detail>

Search for substitutes to remand detention: IOL reported that the Department of Correctional Services is attempting to expedite case processing in order to reduce the number of remand detainees. The number of remand detainees waiting to be sentenced is reportedly 40 000. Reported by Mogomotsi Magome, 24 June 2011, at <http://www.iol.co.za/news/crime-courts/search-for-substitutes-to-jail-time-1.1088155>

Magistrates lack information when granting bail: Eyewitness News reported that Deputy Justice Minister Andries Nel described as a "major problem" the fact that crimes are being committed by suspects who are already out on bail. He is quoted as having said that "magistrates hearing the cases of people who have been arrested for a crime while already out on bail are not made aware of the fact." The Deputy Minister stressed the need for better communication and coordination among government departments. Reported by Eyewitness News, 29 June 2011, at <http://www.eyewitnessnews.co.za/Story.aspx?Id=69171>

Bail not an easy matter: IOL reported on comments made by Judge President Bernard Ngoepe regarding bail decisions in the lower courts. He reportedly said that judges were "doing their best under the circumstances when deciding on bail for repeat offenders." Of late, concerns around bail have been raised following the revelation that some offenders commit crime while they are out on bail. Reported by IOL News, 30 June 2011, at <http://www.iol.co.za/news/crime-courts/bail-not-an-easy-matter-1.1091385>

UGANDA

Ugandan government sued: The Monitor reported that the government of Uganda has been sued by Kenyan rights activists outraged at the continued detention of bomb blast suspect Al-Amin Kimathi. The suspect is one of seventeen suspects accused of detonating a bomb killing Ugandans watching a soccer match. Reported by Emphraim Kasozi, 20 June 2011, at <http://www.monitor.co.ug/News/National/-/688334/1185432/-/c09bdfz/-/index.html>

ZIMBABWE

MDC activists assaulted in police custody: The Zimbabwean reported that MDC-T activists arrested for the murder of Petros Mutedza, a police officer in an alleged political brawl, were severely beaten while in police custody. The report quotes the Harare Trust, a residents association, urging the police to exercise restraint as they investigated the murder of one of their own. Reported by Ngoni Chanakira, 2 June 2011, at http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=40110:mdc-t-activists-severely-beaten-in-police-custody&catid=31:weekday-top-stories&Itemid=30/http://nehandaradio.com/011/06/06/glen-view-residents-tortured-by-police/

MDC-T complain of poor treatment in remand detention: The Herald reported that eight more MDC-T activists picked up by the police following the murder of a police officer have allegedly complained of inhumane treatment while in police detention. The report said that the detainees were held under inhuman conditions, beaten and sometimes denied food. Reported by the Herald, 6 June 2011, at http://www.herald.co.zw/index.php?option=com_content&view=article&id=11977:8-more-mdc-t-activists-in-court&catid=46:crime-a-courts&Itemid=138 Also reported at <http://www.thezimbabwean.co.uk/human-rights/50279/travesty-of-justice.html>

Alleged coup plotters released from remand detention: The Daily News reported that Emmanuel Marara, freed from remand prison for allegedly plotting to remove President Robert Mugabe from power

by staging a coup, reportedly said that he was warned by one of his torturers that he would spend a "very long" time in jail for refusing to implicate some senior army officers he did not know. The report added that the former remand prisoner, together with six others, spent four years in remand prison without trial for refusing to implicate innocent people. Reported by Reagan Mashavave, 5 June 2011, at <http://www.dailynews.co.zw/index.php/features/49-featured/2791-coup-plotters-tell-horror-stories.html>

Democratic Alliance slams detention of Timba: The South African Democratic Alliance criticized the conditions under which Zimbabwe Minister Jameson Timba was kept while in detention. It is alleged that during his detention he was denied food and access to his lawyers. Reported by Nehandaradio.com, 27 June 2011, at <http://nehandaradio.com/2011/06/27/sa-opposition-slam-arrest-of-timba/>

Journalists arrested: The Mail and Guardian reported that the editor of The Standard newspaper, Nevanji Madanhire, and reporter, Patience Nyangove were arrested after a weekend report on the arrest of Jameson Timba, a Movement for Democratic Change (MDC) Cabinet minister. The arrest may also relate to a report in which the paper said a senior police officer, Crispin Makedenge, was involved in the arrest of Minister Jameson Timba, and linked Makedenge to allegations of human rights abuses. Reported by Jason Moyo, 29 June 2011, at <http://mg.co.za/article/2011-06-29-editor-of-independent-zimbabwe-newspaper-arrested>

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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