



# 30 Days Dae Izinsuku

Project of the Community Law Centre

CSPRI '30 Days/Dae/Izinsuku' November 2008

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November 2008

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## NOTE TO OUR READERS

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This will be the last issue of CSPRI 30 Days/Dae/Izinsuku for 2008 and there will be no issue in December. The January 2009 issue will include news reports for December 2008 and January 2009. We would also like to use this opportunity to thank all our readers for their continued interest in the work of CSPRI and wish you a well deserved rest over the festive season.

Lukas Muntingh, Julia Sloth-Nielsen and Jamil Mujuzi

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**GOVERNANCE AND CORRUPTION**

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**Parliamentary Committee questions donation to DCS:** The Parliamentary Public Accounts Committee, Scopa, reportedly 'slammed prison bosses for allowing Bosasa [a company that was awarded the tender to supply food in some prisons] to donate a vegetable processing plant worth R812 000 to the Department of Correctional Services.' Scopa chairman, Themba Godi, reportedly wanted to know whether the extension of Bosasa's contract was not influenced by such donations. Reported by Anna Majavu, 20 November 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=888364>

**Court officials accused of helping prisoners to escape:** Three Johannesburg court officials appeared in court on charges of fraud, defeating the ends of justice, corruption and assisting prisoners to escape. The three officials, Ms Nicole Dawson, Mr. Andre Ali, and Mr. Refilwe Mahuma, pleaded not guilty to releasing prisoners fraudulently. The prosecution alleged that the officials helped six prisoners to escape by doctoring their appeal documents, which resulted in their release from prison. Reported by Botho Molosankwe, 26 November 2008, IOL, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=vn20081126052222934C738592](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20081126052222934C738592)[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=vn20081126052222934C738592](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20081126052222934C738592)

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## UNSENTENCED PRISONERS

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**Judge lashes out at absent awaiting trial inmate's advocate:** Johannesburg High Court Judge, Ratha Mokgoathheng, criticised the South Africa's legal system saying that 'it has lost its integrity' and that 'the Bar Council's ethical standards have been eroded to such a point' where a counsel can invoke lame excuses to justify his absence in court. Judge Mokgoathheng's disappointment was a result of one of the defence advocates', Advocate Buthelezi, failure to arrive in court on time in the Jeppestown-massacre trial. The Judge instructed the accused, Mr. Siyanda Mgomezulu, to apply for a new legal representative but he refused saying that Advocate Buthelezi understood the matter better. The judge then brushed off the plea saying that the 'court will not be held to ransom by a counsel who switches off his phone knowing the case starts at 10am ... he has done it before.'" Reported by Sapa, 30 October 2008, Mail and Guardian, at <http://www.mg.co.za/article/2008-10-30-jeppe-massacre-judge-lashes-out-at-absent-advocate>

**Notorious prison escapee appears frail and his trial postponed:** The trial in the Johannesburg High Court of Mr. Ananias Mathe, a Mozambican national, nicknamed the 'Houdini of C-Max' and 'who made history when he became the first man to escape from Pretoria's high-security C-Max prison' was postponed until 2009. Mr. Mathe who was 'frail-looking' appeared before Judge Geraldine Borchers while six heavily armed policemen kept close watch over him. Mr. Mathe 'will stand trial on 76 charges related to his alleged reign of terror' in Gauteng province between 1999 and 2006. Reported by Khethiwe Mabena, 13 November 2008, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=883812>

**Awaiting trial prisoners to expect early release:** The Department of Correctional Services will be releasing thousands of petty offenders before Christmas to reduce prison overcrowding. Both the departments of justice and correctional services verified that over 10 000 people were in prison either because they were serving sentences for minor offences, or could not afford the low amount required for bail. The Deputy Chief Commissioner for Corrections, Mr. Tebogo Motseki, said that the move was part of the criminal justice reform programme spearheaded by the Deputy Justice Minister, Jonny De Lange. Reported by Siyabonga Mkhwanazi, 22 November 2008, IOL, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=13&art\\_id=vn20081122081437597C840885](http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20081122081437597C840885)

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## SECURITY AND ESCAPES

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**Awaiting-trial prisoners caught with loaded gun:** Four awaiting trial prisoners at Modderbee Prison in Benoni, were caught with a loaded gun that they were about to use in their escape. Spokesperson for the Department of Correctional Services, Mr. Manelisi Wolela, said that 'a tip-off helped officials find and confiscate a .38 Special Taurus revolver that was intended to be used in the escape.' Reported by Mfundekelwa Mkhulisi, 14 November 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=884092>

**Prison security tightened ahead of festive season:** The Department of Correctional Services has tightened security in prisons across South Africa as one of the measures to prevent prison escapes. The Department has designed a 'special 50-day festive season security plan' that has shown major improvements in security at correctional centres in the country. The Department is also at the same time implementing a security plan named 'Operation Vala' which has seen correctional centres such as Zonderwater Correctional Centre equipped with a new security fence, motion detectors, CCTV cameras and monitors. The security plan and upgrading at prisons have cost the department R510-million. Reported by Jacques Breytenbach and Thabisitse Madisa, 25 November 2008, IOL, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=13&art\\_id=vn20081125063437198C963157](http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20081125063437198C963157)

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## PAROLE AND SENTENCING

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**Minimum sentences for child offenders unconstitutional:** Pretoria High Court Acting Judge, Acting Judge Poterill, held that certain aspects of the minimum sentences legislation were unconstitutional. The law currently provides that offenders aged between 16 and 17 must be sentenced according to the minimum sentences laws when convicted of very serious crimes which could result in them being sentenced to lengthy terms of imprisonment. The court can only depart from this where substantial and compelling circumstances exist to do so. Acting Judge Potterill declared the sections to be unconstitutional insofar as they affect children, as they contravene an important constitutional rule that in the case of child offenders, imprisonment must be a measure of last resort and for the shortest time possible, whereas the legislation makes it a measure of first resort. Reported by Legal brief, 4 November 2008, at <http://www.legalbrief.co.za/article.php?story=20081104210533387> see also <http://www.sowetan.co.za/News/Article.aspx?id=878610>

**Rapist on parole charged with rape and murder:** Mr. Jacob More, a convicted rapist who was on parole after serving part of his sentence was arrested and appeared in court on charges of rape and murder. Mr. More, was previously convicted for rape, attempted murder and armed robbery appeared in the Protea Magistrate's Court. His arrest followed when the corpse of Ms Mataata Thahanyane was found in the veld in Tladi, Soweto. The deceased was the wife of a chief of the Hathhanyane clan in Lesotho. Published in Legal Brief, 05 November 2008, <http://www.legalbrief.co.za/article.php?story=20081105130713530>

**Court told that fine can only be paid if offender is not sentenced to prison:** A Lesotho-based businessman, Mr. Ashraf Aboobaker, told the Durban Regional Court that his family was willing to lend R 1 million to his friend, Dr. Imraan Mohammed Hassim, to pay a fine on condition that the court only fined him and did not sentence him 'to any prison term.' This was after Dr. Hassim pleaded guilty to 11 counts of VAT fraud, two counts of income tax fraud and defrauding the South African Revenue Services of almost R4-million. The Court also heard that Dr. Hassim's was a 'ticking time bomb' because he was suffering from 'coronary artery disease brought on by hypertension, high cholesterol, an enlarged heart, diseased arteries in the brain, a cyst in his kidney, gout and sinusitis.' Reported by Irene Kuppan, 07 November 2008, IOL, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=vn20081107111020282C615510](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20081107111020282C615510)

**Correctional Services Minister tells high profile parole applicant to 'go to hell':** The Minister of Correctional Services, Ngconde Balfour, while speaking at the launch of Corrections Week in Pretoria reportedly made a statement which indicated that Mr. Clive Derby-Lewis' parole application would not be successful in the foreseeable future. Mr. Derby-Lewis is serving a life sentence for the murder of Chris Hani. The Minister reportedly said that 'I will tell you [you] will not go out [of prison] Clive Derby-Lewis ... you can go to hell. You're not going to go out until you do your time, it's as simple as that.' Mr. Derby-Lewis' wife declined to comment on the Minister's statement. Reported by Sapa, 14 November 2008, Mail and Guardian, at <http://www.mg.co.za/article/2008-11-14-balfour-blocks-derbylewis-parole>

**Derby-Lewis says DCS Minister was drunk when he made comments about his parole:** Mr. Clive Derby-Lewis, a 72-year old inmate serving a life sentence, reportedly said that the Minister of Correctional Services, Ngconde Balfour, must have been 'drunk' when he said that he would never be released on parole unless he had done his time. Mr. Derby-Lewis said that he has served his time and that it was on that basis that the Parole Board recommended his release. Mr. Derby-Lewis's lawyer, Mr. Marius Coertze, reportedly said that he was disappointed by the Minister's statements. Reported by Sapa, 18 November 2008, News24, at [http://www.news24.com/News24/South\\_Africa/News/0,,2-7-1442\\_2428536,00.html](http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2428536,00.html)

**High profile prisoner to know whether he will be paroled:** Mr. Clive Derby-Lewis, who is serving a life sentence for murdering SACP leader, Chris Hani, will soon know whether he will be released on parole. Mr. Derby-Lewis's lawyer, Mr. Marius Coertze, said that his client's parole hearing will be held on the 9th of December 2008 in the Pretoria High Court. Mr. Derby-Lewis's lawyer said he had not yet received submissions for the parole hearing from the Hani family. Mr. Coertze said, however, that the defence received 'certain documents' from the Department of Correctional Services pertaining to the matter. Reported by Sapa 25 November 2008, IOL, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=15&art\\_id=nw20081125134842306C927055](http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=nw20081125134842306C927055)

**Widow of slain South African politician opposes parole application by his husband's killer:** Wife of the slain SA Communist Party leader, Chris Hani, said that her husband's killer must not be released on parole as he has political beliefs that are dangerous to society. Hani's wife, Ms Limpho Hani, made the comment in an affidavit filed in the Pretoria High Court to oppose an urgent application against the Department of Correctional Services to release Mr. Clive Derby-Lewis on parole. Reported by Fatima Schroeder, 29 November 2008, IOL at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=13&art\\_id=vn20081029115903593C571811](http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20081029115903593C571811)

**Prisoners reportedly smoking their HIV/AIDS and TB medication:** The Parliamentary Portfolio Committee on Correctional Services believes that a large number of inmates in South African prisons are smoking their AIDS and tuberculosis medication as a substitute for drugs. When the Chairperson of the Committee, Mr. Dennis Bloem, visited Benoni's Modderbee prison, he 'discovered that the prisoners there were smoking the antiretroviral medication as a substitute for drugs.' Mr. Bloem accused nursing staff of negligence and not monitoring the prisoners when they are given medication and recommended that the Health Department should investigate the nurses at that prison. Mr. Lukas Muntingh of the Civil Society Prison Reform Initiative said 'that prisoners may have resorted to smoking their medication as a result of boredom and despair in overcrowded and poorly supervised prisons.' Reported by Nkosana Lekotjolo, 12 November 2008, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=882309>

**Department of Correctional Services blasts chairperson of Portfolio Committee on Correctional Services:** In reacting to the Chairperson of the Parliamentary Portfolio Committee on Correctional Services' remarks after visiting Modderbee Prison in Benoni where he reportedly found that prisoners were smoking their AIDS and TB medication and said that the Department of Health should take over the healthcare at that prison, the Department of Correctional Services, reportedly said that 'the call for a takeover of the facility by the Department of Health or its closure is an overstatement, considering the quality of services, in general, provided and that most efforts are undertaken in collaboration with the department of health.' Reported by Nkosana Lekotjolo, 13 November 2008, The Times, at <http://www.thetimes.co.za/News/Article.aspx?id=883239>

**Opposition party calls for children and juveniles to be diverted from prisons:** The Democratic Alliance, DA, called for an increase in efforts of the Departments of Correctional Services and Justice to divert children and juveniles out of prison. Lindiwe Mazibuko, spokesperson for the DA says that turning around the criminal justice system and achieving a sustainable decrease in crime require the direction of substantial resources to children and juveniles in prisons. Reported by Sasha Forbes, 13 November 2008, Bush Radio News, at <http://bushradionews.blogspot.com/2008/11/da-urges-department-of-correctional.html>

**Report highlights the need to address mental healthcare in prisons launched:** A report compiled by more than 100 authors, including activists and scientists, was launched in Cape Town and highlighted the problem of insufficient mental healthcare services in prisons and called upon governments to allocate more resources to improve these services in prisons. The report entitled Global Health Watch 2 revealed that 'a significant proportion of prisoners suffer from mental illness, making prisons the new mental health asylums of our time. Humiliation and sexual abuse by prison guards and other prisoners pose a further threat to their physical and mental wellbeing.' Reported by Melanie Peters, 22 November 2008, IOL, at [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=125&art\\_id=vn20081122082858813C598444](http://www.iol.co.za/index.php?set_id=1&click_id=125&art_id=vn20081122082858813C598444)

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**Minority racial group disproportionately represented in prisons:** A survey carried out by the South African Institute of Race Relations showed that 'members of the so-called coloured population are incarcerated at a rate almost double that of their black compatriots.' The report revealed, amongst other things, that 'in October 2007 about 80 percent of South Africa's prison population was made up of Africans, who also made up 79 percent of the entire South African population. But the coloured population was incarcerated at a rate of 651 per 100 000 people.' Reported by Sapa, 26 November 2008, Sowetan, at

<http://www.sowetan.co.za/News/Article.aspx?id=892334> see also  
[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=13&art\\_id=nw20081125092724233C691954](http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20081125092724233C691954)

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## OTHER AFRICAN COUNTRIES

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### BENIN

**Two sentenced to death in China:** A court in the Chinese city of Guangzhou sentenced two Benin nationals to death for narcotics related offences. Six other people, four from Uganda and two from Zimbabwe, were also sentenced to death for drug smuggling. Their sentences are likely to be commuted to life imprisonment should they conduct themselves properly in the first two years on death row. Reported by AFP, 26 November 2008, Sowetan, at <http://www.sowetan.co.za/News/Article.aspx?id=892830>

### DEMOCRATIC REPUBLIC OF CONGO

**Soldiers sentenced to life imprisonment for looting:** A military court in North Kivu province sentenced four Congolese soldiers to life imprisonment for, amongst other crimes, looting. One of the four 'was found guilty of war crimes, including rape and looting... The three other men were convicted of abandoning their posts in time of war and misuse of weapons during looting, while a fifth was given a six-month sentence for shooting and wounding a civilian.' Reported by AFP, News24, 17 November 2008, at [http://www.news24.com/News24/Africa/News/0,,2-11-1447\\_2428025,00.html](http://www.news24.com/News24/Africa/News/0,,2-11-1447_2428025,00.html)

### RWANDA

**Genocide prisoners sensitised on reconciliation:** The Rwandan National Unity and Reconciliation Commission visited 14 prisons where many prisoners are serving sentences for committing genocide in 'an effort meant to sensitise this section of the Rwandan population for it to play a pivotal role in promoting unity and reconciliation.' The Commissioners informed the prisoners that the Commission was committed to promoting unity and reconciliation among all Rwandans and prisoners should remember that after serving their sentences they would return to their communities where unity and reconciliation were vital pillars for a peaceful Rwanda. Reported by Sam Nkurunziza, 21 November 2008, The New Times, at <http://allafrica.com/stories/200811210273.html>

### SOMALIA

**Transitional government needs funds to set up strong prisons department:** While addressing journalists in the Kenyan capital Nairobi, Somali Federal Transitional Government MPs, led by Awad Ahmed Ashareh, 'welcomed the conditions by regional states to ensure peace and stability returned' to Somalia. The MPs also said that 'the transitional government needed funds to set up strong police force, prisons department and judiciary.' They called upon Somalis in the Diaspora to come back home and develop their country. Reported by Lukas Barasa and John Ngirachu, 31 October 2008, Daily Nation, at

<http://www.nation.co.ke/News/-/1056/485996/-/tlij7p/-/>

## ZIMBABWE

**Imprisoned women activists to pray for the end of crisis:** Two female activists of Women of Zimbabwe Arise, Ms Jenni Williams and Ms Magodonga Mahlangu, who were awaiting trial in the notorious Mlondolozhi Prison in southern Zimbabwe where they have been jailed since holding a peaceful protest on October 16 were to pray for the end of the political and economic crisis in Zimbabwe. Members of Women of Zimbabwe Arise countrywide prayed 'for a speedy resolution to the crisis in Zimbabwe and for change for the better in the justice system in Zimbabwe, within both the courts and the prisons.' Reported by Sapa-AP, 3 November 2008, Daily Dispatch, at <http://www.dispatch.co.za/article.aspx?id=265067>

**Prisoners allegedly stripped naked:** Zimbabwe human rights activists who were released on bail said that the prison conditions in which they were detained were unhygienic and overcrowded. One of the women released on bail, Ms Mahlangu, said that she 'was moved, against prison regulations, into a yard inhabited by dangerous prisoners. Yard Two, as it is called, also housed at least fifteen mental health patients. Prisoners in Yard Two are stripped naked once a day.' The women also said that hunger was common in prisons and that prisoners were fighting over orange peels. According to an official in the Movement for Democratic Change who had spent seventy-one days detained in a Zimbabwe prison said "I am not sure which one is worse - hell or Mugabe's prisons." Reported by Ted Townsend, 7 November 2008, Impunity Watch, at [http://www.impunitywatch.com/impunity\\_watch\\_africa/2008/11/woza-leaders-re.html](http://www.impunitywatch.com/impunity_watch_africa/2008/11/woza-leaders-re.html) see also <http://www.swradioafrica.com/NEWS061108/woza061108.htm> see also [http://ap.google.com/article/ALeqM5jd\\_JZmhdw6XWCIfpenWt9g-dqNNAD949IB6GO](http://ap.google.com/article/ALeqM5jd_JZmhdw6XWCIfpenWt9g-dqNNAD949IB6GO)

## KENYA

**400 inmates graduate with certificates in different courses:** The Shimo la Tewa GK Prison in Mombasa issued certificates to inmates who graduated in different courses. Among the courses the inmates took were theology, peer counselling, paralegal and alternatives to violence. Mr. Wanini Kireri, the officer in charge of the prison, said: 'apart from the government trade test, the other courses were sponsored by well-wishers, including churches and rehabilitation centres.' Mr. Kireri also said that 'a similar ceremony would be held in December for the female prisoners'. Reported by Amina Kibirige, 8 November 2008, Daily Nation, at <http://www.nation.co.ke/News/-/1056/488742/-/tlkkgr/-/index.html>

**Warder in custody for stealing stoves:** A prison warder in Naivasha, was held by police for being in possession of charcoal stoves believed to be stolen. 'Police sources said they were looking for another suspect, also a warder.' Reported by Nation correspondent, 8 November 2008, Daily Nation, at <http://www.nation.co.ke/News/regional/-/1070/488666/-/6l3f6d/-/index.html>

**Former prisoners visit prison to talk to prisoners:** During a special Sunday service that was organised by the prison chaplain, the Rev Joyce Mutuku, at Lang'ata Women's Prison, former inmates encouraged prisoners that 'there is life beyond the bars.' Among the former prisoners who visited the prison were Judy Akinyi, a reformed drug trafficker, and wife of slain gangster, Bernard Matheri, and Ms Nyambura Karirimbi, a former offender herself. Reported by Nation correspondent, 9 November 2008, Daily Nation, at <http://www.nation.co.ke/News/regional/-/1070/488982/-/6l3hke/-/index.html>

**84-year old prisoner sits national exams:** An 84-year old prisoner serving a 26-year prison sentence for defilement at Naivasha Maximum Security Prison 'is among more than 100 candidates who will sit the Standard Eight exams inside prison'. The local welfare officer, Mr. Douglas Mugendi, said that the 84-year old prisoner is believed to be the oldest candidate in Kenya to sit for this year's exams. Mr. Mugendi added that 'despite his advanced age, he has



shown a lot of potential in his class work and we expect him to do well.' Reported Nation Team, 9 November 2008, Daily Nation, at <http://www.nation.co.ke/News/-/1056/489078/-/tll4dk/-/index.html>

**Blood noticed in the ears and mouth of the body of allegedly assaulted prisoner:** A Kenya National Commission on Human Rights official, Mr. Njonjo Mue, said that his team noticed blood in the ears and mouth of the body of the prisoner, Mr. Ibrahim Ngacha, who was allegedly assaulted to death by prison warders at Kamiti Maximum Security Prison in an operation to rid the prison of mobile phones and other contraband. However, prison officials said that Mr. Ngacha had been sick and died of natural causes. Reported by Dominic Wabala, 18 November 2008, Daily Nation, at <http://www.nation.co.ke/News/-/1056/492496/-/tm2v88/-/index.html>

**Prison officers suspended for assaulting prisoners:** Seven prison officers at Kamiti Maximum Security Prison were suspended to pave the way for investigations 'following a brutal assault on prisoners that was captured on camera.' One of the assaulted prisoners died. Kenyan Vice-President, Kalonzo Musyoka, told a press conference that the Prison Department had launched an internal investigation into the matter. Reported by Dominic Wabala and Muchemi Wachira, 20 November 2008, Daily Nation, at <http://www.nation.co.ke/News/-/1056/493166/-/tm3i4d/-/index.html> see also <http://www.nation.co.ke/News/-/1056/492828/-/tm2y6w/-/index.html>

**Prisoners stripped naked and tortured:** Allegations were made that prisoners in Kenya's maximum security prison, Kamiti, were stripped naked and tortured. 'In the incident that was secretly filmed using a mobile phone, prison warders conducting a search for illicit mobile phones, stripped the prisoners naked and beat them with batons critically injuring a number of them.' Reported by BBC news, 22 November 2008, at [http://www.bbc.co.uk/worldservice/africa/2008/11/081124\\_prisons.shtml](http://www.bbc.co.uk/worldservice/africa/2008/11/081124_prisons.shtml)

**Prisoners attacked warders with human waste over mobile phones:** Prison warders led by the Officer in Charge of Naivasha Maximum Security Prison, Mr. Patrick Mwenda, who participated in an operation to rid the prison of mobile phones were attacked by the inmates in an attempt to sabotage the operation. A source at the prison said that 'after some of the inmates learnt that there was an operation going on in the cells, they armed themselves with raw human waste' and the inmates 'attacked officers with human waste to block an attempt to rid the prison of mobile phones.' Reported by Nation team, 24 November 2008, Daily Nation, at <http://www.nation.co.ke/News/-/1056/494764/-/tm4c58/-/index.html>

**Laptop and mobile phones confiscated from prisoners in maximum security prison:** In a search for contraband, prison warders at Kenya's maximum security prison, Kamiti, seized a laptop, mobile phones and money from the inmates. The Prisons Service spokesperson, Mr. Dickson Mwakazi, said that 'the department was determined to ensure that contraband was kept away from convicts.' Reported by Dominic Wabala and Macharia Mwangi, 25 November 2008, Daily Nation, at <http://www.nation.co.ke/News/regional/-/1070/495142/-/6lmr50/-/index.html>

**Magistrate tells awaiting trial prisoners that the right to bail is not absolute:** Somali nationals accused of piracy were denied bail based on, amongst other grounds, that the right to bail was not absolute. The Mombasa chief magistrate, Ms Catherine Mwangi, also said that the defence had failed to show where the accused would reside if released on bail. The magistrate said that there is a need for the speedy trial of the accused as they had been denied bail. Reported by Philip Muyanga, 24 November 2008, Daily Nation, at <http://www.nation.co.ke/News/-/1056/494754/-/tm4c4c/-/index.html>

## LIBERIA

**Son of former Liberian President found guilty of torture by US court:** A jury in Miami, in the United States of America, found Charles 'Chuckie' Taylor

Jr. guilty 'on all eight counts brought against him, including allegations that he and his cohorts tortured victims in Liberia by applying electric shocks to their genitals, burning them with hot irons and melting plastic and rubbing salt in their open wounds'. 'Five victims testified during the five-week trial against Taylor Jr., whose father is on trial in The Hague for suspected war crimes during the civil war in Liberia's neighbour, Sierra Leone'. The charges Taylor Jr. was convicted on carry a maximum penalty of life in prison. Reported by Reuters, 31 October 2008, Daily Nation, at <http://www.nation.co.ke/News/africa/-/1066/485852/-/14885vdz/-/index.html>

## GHANA

**Ghanaians subjected to torture in Libyan jail:** A number of Ghanaians are enduring 'conditions that can be compared to those of the Nazi concentration camps'. They are alleged to have entered Libya illegally. Sources at Gat 'Concentration' camp in Libya said most of the 'prisoners are ill but the Libyan authorities do not care about their health situation.' There are fears that some of them might die because of the outbreak of cholera and tuberculosis as 'there are no medical facilities at the camp'. Reported by The Enquirer, 31 October 2008, Ghana News, at <http://news.myjoyonline.com/international/200810/22237.asp>

**Drug smuggling and homosexuality in Ghanaian prisons:** Mr. Andy Atta Peprah, a 37-year-old ex-convict of Nsawam Medium Security Prisons, narrated his experience of how homosexuality and drug peddling are rife in prisons. 'Even though prisons are meant to help reform people, Peprah said, worse crimes that may have sent convicts there go on, which negatively impact on the lives of inmates and also help to produce more hardened criminals into the society.' 'There is something called "Kpeeh" that is homosexuality, it is very rampant there and serious; you go to jail for two or five years and nobody is visiting you, what do you do? You have to sell your body' Mr. Peprah said Reported by Isaac Essel, 12 November 2008, Myjoyonline.com, at <http://www.myjoyonline.com/tools/print/printnews.asp?contentid=22683> see also <http://allafrica.com/stories/200811171293.html>

## NIGERIA

**African Commission informed that many prisoners allegedly wrongly classified as mentally ill:** A Nigeria-based non-governmental organization, Prisoners Rehabilitation and Welfare Action, informed the 44th Ordinary Session of the African Commission on Human and Peoples' Rights that sat in Abuja, Nigeria, that 'there are cases of detention of mentally ill persons in prisons in many African countries. Of special interest are the cases of persons who have not committed any offence (or have shown any propensity of doing so prior to their detention), in Nigerian prisons statistics these people are classified as civil lunatics. In April 2007 during our intervention on this issue, it found for instance that in one of the prisons in Nigeria, Enugu Prisons, there was about 100 persons in this category some being erroneously classified as criminal lunatics.' Reported by Innocent Anaba, 17 November 2008, Vanguard, at <http://www.vanguardngr.com/content/view/21975/42/>

**Nigeria President pardons a 90-year old prisoner:** Mr. Nze Ikemenawa Enweremadu, a 90-year old man who is presently on death row in Port Harcourt Prison following a murder conviction was pardoned by the Nigerian President, Yar'Adua. The 90-year old 'has spent nine years awaiting trial and two years on death row'. President Yar'Adua wrote to Governor Rotimi Amaechi of Rivers State, asking him to kindly pardon Mr. Enweremadu. Reported by Afrik.com, 29 November 2008, at <http://en.afrik.com/news12395.html>

## CENTRAL AFRICAN REPUBLIC

**Prime Minister says that 'human life is sacred even in prison':** The Prime Minister of the Central African Republic, Faustin-Archange Touadera, said

that human life was 'sacred even in prison' and urged the newly recruited female prison warders to 'contribute to making prison conditions more humane so that the penal system can succeed in rehabilitating prisoners and preparing them for a return to society.' Mr. Touadera was speaking at the ceremony to launch a project to strengthen the rule of law in the Central African Republic. At the same ceremony, the Prime Minister also congratulated the four female prison warders and 12 prison guards on completing their training at the National School of Administration of the Judiciary. The training and deployment of female warders and guards to work in female prisons will ensure that in the future all female prisoners are guarded by female warders. Reported by UNDP, 10 November 2008, at <http://content.undp.org/go/newsroom/2008/november/gardiennes-de-prison-en-centrafrique.en;jsessionid=amQUyrBmG8Od?categoryID=349431&lang=en>

## UGANDA

**Awaiting trial detainees killed in police custody:** Two suspects, who had allegedly escaped from a prison cell, in Lira district, were killed by police. The Ireda Shamba LC1 chairman, Mr. Peter Okello, said that Mr. Geoffery Engin, who was one of the suspects, before breathing his last breath, had told him that they had been released from police custody by a certain police officer, who then told them that they could go out of the cell. According to Mr. Okello, the other suspect, whose identity is unknown, 'was rearrested but returned blindfolded and killed in cold blood'. Mr. Okello said he pleaded with the police not to kill the man in his area but they ignored his plea. 'When I insisted, the policeman turned his gun on me', Mr Okello said. Reported by Hudson Apunyo, 7 November 2008, Daily Monitor, at [http://www.monitor.co.ug/artman/publish/regional-special/Police\\_execute\\_two\\_suspects\\_-\\_LC\\_chief\\_74434.shtml](http://www.monitor.co.ug/artman/publish/regional-special/Police_execute_two_suspects_-_LC_chief_74434.shtml)

**Financial crisis could result in prisoners being naked:** The Internal Affairs Minister, Ruhakana Rugunda, said that 'an estimated 26,000 prisoners countrywide are likely to go naked this financial year if the government fails to mobilise Shs 2 billion needed to clothe them'. The Minister said that only about Shs 609 million have been provided to dress prison wardens and prisoners, instead of the required Shs2.3b needed. 'This amount (Shs 609 million) will dress only 1,500 staff out of 6,375 and 2,800 prisoners out of 29,200', the Minister added. MP Theodore Ssekikubo, a member of Defence and Internal Affairs Committee, commented on how prisoners are putting on rags and on how others will soon go naked because the government has not provided required funds for clothing. Reported by Yasiin Mugerwa, 12 November 2008, Daily Monitor, at [http://www.monitor.co.ug/artman/publish/regional-special/26\\_000\\_prisoners\\_may\\_go\\_naked\\_as\\_MPs\\_ask\\_for\\_2b\\_74769.shtml](http://www.monitor.co.ug/artman/publish/regional-special/26_000_prisoners_may_go_naked_as_MPs_ask_for_2b_74769.shtml)

**Former prisoners to go back to prison to sit national exams:** The Prisons Spokesperson, Mr. Frank Baine, said that 135 prisoners will sit for the Uganda National Examinations Board exams this year at different levels. Mr. Baine said that about 62 sat the Primary Leaving Examinations (PLE) this year. He added that around 44 candidates will sit the A' Level examinations and 29 the O' Level examinations. Mr. Baine said that 'five former inmates would return to sit the A' Level examinations and four the O' Level' since they had registered to sit their exams in prison prior to their release. Reported by Charles Ariko, 4 November 2008, The New Vision, at <http://www.newvision.co.ug/D/8/219/657954>

**Almost 50% of the prisoners on remand charged with defilement:** The Deputy Commissioner General of Prisons, Mr. James Mwanje, told participants at a conference organised by the Justice, Law and Order Sector that 'defilement is the most widespread capital offence. It is followed by murder, which has 2,308 prisoners on remand, aggravated robbery, with 1,236 and rape with 424 cases.' The Deputy Commissioner also said that 'TB was the leading cause of death among prisoners and urged the government to provide TB detecting mechanisms.' Reported Fortunate Ahimbisibwe, 21 November 2008, The New Vision, at <http://www.newvision.co.ug/D/8/13/660714>

**Red Cross helps in the fight against HIV/AIDS in prisons:** The International Committee of the Red Cross (ICRC) Coordinator for Health in Detention, Raed Aburabi, said that the humanitarian organisation has implemented programmes in various African countries to fight HIV/AIDS in prisons. While commenting on the programmes being implemented in Uganda, Mr. Aburabi said that 'the ICRC launched a pilot project in three prisons aiming to improve

detainee health by strengthening the capacity of Uganda Prison Medical Services to provide treatment for HIV/AIDS, TB and malaria equivalent to that available outside of prison. The ICRC also provided Prison Medical Services and the Ministry of Health with a tested and cost-effective model for improving HIV, TB and malaria prevention and treatment that can be implemented across the prison system with the resources available. Similar projects will now be carried out in other prisons by the authorities.' Interview by Read Aburabi, 28 November 2008, ICRC, at <http://www.icrc.org/web/eng/siteeng0.nsf/html/aids-day-feature-081128?opendocument>

## CAMEROON

**Riots looming as food crisis hits prisons:** High food prices in Cameroon have hit prisons to the extent that the government is finding it hard to feed prisoners and officials fear that prisoners could riot. Mr. Joseph Tsala Amougou, manager of the Central Prison in the commercial capital Douala, reportedly said that the prison authorities were worried that an uprising was unavoidable 'if the prisoners' food situation gets worse.' Blaming high food prices, Mr. Amougou said they were 'having an increasingly difficult time providing two meals per day to the prisoners.' Reported by IRIN Africa, 27 November 2008, at <http://www.irinnews.org/Report.aspx?ReportId=81686>

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