



**CRIME AND CRIMINAL JUSTICE SYSTEMS IN AFRICA-ENHANCING HUMAN  
SECURITY**

**PANAFRIC HOTEL**

**4<sup>th</sup> November 2009**

**Summary Report**

**AFRICAN HUMAN SECURITY INITIATIVE**

Ambassador Ochieng Adala, the deputy director of APFO, an AHSI partner and the Chair of the Seminar, gave a brief background on the AHSI network and its work.

Hassan Omar Hassan, the deputy director of Kenya National Human Rights Commission gave the keynote speech that set the tone for the discussions. He also laid bare the facts on the criminal justice systems in East Africa. He pointed out that it is not in the interests of presidents to reform criminal justice systems and yet their current systems were irrelevant for a number of reasons. This analysis was supported by all the presenters and the audience. The piecemeal and fragmented approach to reforms was quite evident in the Kenyan system where 3 separate reports: the Task force report on Police reforms; Task force report on Judiciary and Task force report on Prisons were all submitted to the president on the 3<sup>rd</sup> of Nov 2009.

A large part of the east African problem was that the Police force is seen as a job for failures and not those endowed with the capacity to 'reason' [quote from Omar]. Amazingly enough, the police are being trained to resolve disputes at the local level so that they don't clog the system with unnecessary cases such as 'chicken thefts'. However, for a police force that is already trigger happy to be made into judge and jury officially will undoubtedly be problematic.

The Justice system in East Africa was viewed as being generally sluggish and as one presenter put it: 'Who invests in a country where it takes 24 years to get justice?' This was in reference to a case that started in 1984 and only got concluded last year. Part of the problem was the failure to deal with what Laurean Tibasana called the 'Crimes of the Powerful'. This was particularly difficult where Policing is the preserve of the executive and some countries eg Uganda, have highly militarized police forces. This military overlap undermines the professional conduct of the police.

An interesting issue was the use of concepts and that there was a need to have the same understanding and meaning attached to security concepts. Eg safe houses elsewhere are to provide safety for threatened victims but in some countries e.g Uganda again, these are torture chambers. This subverting of concepts makes the public lose faith in the state security systems.

There was a general consensus that in east Africa, 'The security are certainly there to protect democracy but not to practice it'.

See [www.africareview.org](http://www.africareview.org) for the presentations.

## **Programme**

|               |                                                                                                                          |
|---------------|--------------------------------------------------------------------------------------------------------------------------|
| 08:30 – 09:00 | <b>Registration</b>                                                                                                      |
| 09:00 – 9:10  | <b>Welcoming Remarks</b><br>Cheryl Frank – ISS Pretoria Office Director                                                  |
| 09:00 – 09:15 | <b>Brief Background on AHSI</b><br>Yvonne Chibiya – HURIDETSA/AHSI                                                       |
| 09:15 – 11:00 | <b>The Challenges of Studying Crime and Criminal Justice Systems in Africa</b><br>Irvin Kinnes – University of Cape Town |
|               | <b>Mapping Crime in Southern Africa and its Impact on Democratization</b><br>Annette Hubschle – OCML/ISS                 |
|               | <b>Discussion</b>                                                                                                        |
| 11:00 – 11:15 | <b>Tea Break</b>                                                                                                         |
| 11:15 – 12:30 | <b>Crime Survey Findings in 3 Western Africa Countries</b><br>Dr. Annie Barbara Chikwanha – AHSI/ISS                     |
|               | <b>Criminal Justice Systems in SADC Countries</b><br>Peter Gitonga – IACP/ISS                                            |
|               | <b>Discussion</b>                                                                                                        |
| 12:30 – 13:30 | <b>Lunch</b>                                                                                                             |

13:30 – 15:30     **Criminal Justice Systems in Francophone African Countries**  
Romain Malejacq – Northwestern University/Sciences Politique, Paris

**The Challenges of Harmonizing Africa's Criminal Justice Systems in Africa [Francophone, Lusophone and Anglophone traditions] and The Role of the RECS in Reforming Criminal Justice Systems.**

Dr. Dossou David Zounmenou – African Security Analysis

**Discussions**

15:30 – 16:00     **Closing Remarks:** George Kabongah – APFO/AHSI