



Illegal Detention

Illegal detention occurs when people are arbitrarily arrested or imprisoned without charge or trial for an indefinite amount of time by authorities seeking to either extort money or land or to silence their victims. Without a voice, these prisoners eventually disappear into the prison system and suffer torture, disease, malnutrition and abuse.

The Facts

- In the spring of 2002, 50 percent of 1,700 detainees in an Ethiopian prison had been there for five to 10 years, many without charge (African Commitments to Human Rights: A Review of Eight NEPAD Countries).
- Of the 13,300 cases involving children accused of crimes in the Philippines in 2002, 4,544 children had already been jailed and many were held illegally in adult prisons without trial in the first quarters of 2003. At least 36 children are detained each day (Public Attorney's office in the Philippines).
- In 2003 it was estimated that 41.4 percent of South Africa's prisoners were infected with HIV due to sub-human prison conditions, overcrowding, violence and sexual assault (The Institute for Security Systems).

What IJM Does

IJM receives case referrals and sends IJM investigators to interview witnesses, review court documents and gather evidence to confirm a victim's innocence and to verify illegal detention. IJM presents the evidence to a judge in order to secure the victim's release from jail, as well as appropriate aftercare for the victim.

Among the detainees in the many jails in Metro Manila, Philippines, there are children accused of petty crimes awaiting their court date. Filipino law provides that children in conflict with the law (CICL) must be housed in facilities separate from adult criminals, but this provision is rarely enforced.

One of these detainees is Rashid,* a 17-year-old boy accused of selling stolen goods and thrown into a disease-ridden prison cell. Rashid said a friend asked him to sell a mountain bike. Rashid didn't know the bike had been stolen and actually sold the bike back to the original owner. The owner then called the police and Rashid was arrested.

In the Philippines, if the complainant fails to show for trial, the date is rescheduled—often in three month intervals—and can be rescheduled as many as three times. Rashid had been in jail for six months without trial, and some CICL have been awaiting trial for more than a year. When his accuser failed to show in court, the court ordered his case dismissed. However, no one followed up on his release order and Rashid remained in prison until IJM discovered his case and secured his release. An IJM attorney in the Philippines serving as Rashid's advocate filed the proper paperwork to have him released to a home where he was safe, could go to school and live a life of freedom.



INTERNATIONAL JUSTICE MISSION*

* In order to protect the individuals IJM serves and those who carry out the work, faces of sex abuse victims and particular IJM investigators have been blurred. To further conceal the identities of victims and safeguard ongoing IJM casework, pseudonyms have been used though the accounts are real. Actual names and casework documentation are on file with IJM.