

Illegal Detention

Illegal detention occurs when people are arbitrarily arrested or imprisoned without charge or trial for an indefinite amount of time. Without a voice, victims of this crime can remain trapped in prison systems, where they may suffer disease, malnutrition or abuse. Families also suffer in this separation, and may face severe economic hardship as the result of the imprisonment of a breadwinner.

With incomes for the global poor hovering around \$1 to \$2 a day, the average poor person cannot hope to pay legal fees if he or she is arbitrarily arrested. Many countries in the developing world do not recognise a right to indigent legal representation, leaving those who cannot afford a lawyer to navigate the legal process without an advocate. Thus, unsubstantiated accusations against poor people may permanently put their liberty at risk without legal representation.

This problem is made worse by the simple scarcity of lawyers in the developing world - there are more lawyers in the New York offices of some major law firms than there are in all of Zambia or Cambodia. Of this small class of lawyers, prosecutors represent an even tinier subset. There are frequently too few public prosecutors to handle the volume of cases, creating an enormous backlog that can allow cases to languish indefinitely on overloaded dockets and leave unfairly accused prisoners trapped.

THE FACTS

- Up to 20 percent of Kenya's 55,000 prisoners might be declared innocent with proper legal representation. (*New York Times*)
- It can be very difficult for a case to be heard in court. In India, there are only 11 judges for every million people. In the Philippines, the average judge has a backlog of 1,479 cases. (U.N. Commission on Legal Empowerment of the Poor)
- 70% of prisoners in India have never been convicted of anything. (*BBC*)
- Kenya has only 63 lawyer prosecutors for a population of 30 million. (U.S. State Department)

IJM'S RESPONSE

IJM conducts casework on behalf of victims of illegal detention in Kenya, where it gives victims a voice in court and a strong advocate in the legal process. IJM receives case referrals and sends investigators to interview witnesses, review court documents and gather evidence to confirm a victim's innocence and to verify illegal detention. IJM presents evidence in court to secure the victim's release from jail. Once victims are freed, IJM provides aftercare for the victim and his or her family.

ABOUT INTERNATIONAL JUSTICE MISSION

International Justice Mission is a human rights agency that secures justice for victims of slavery, sexual exploitation and other forms of violent oppression. IJM lawyers, investigators and aftercare professionals work with local officials to ensure immediate victim rescue and aftercare, to prosecute perpetrators and to promote functioning public justice systems.

* In order to protect this IJM client, a pseudonym has been used and the photograph has been obscured.
Real name and casework documentation are on file with IJM.



STEPHEN'S STORY – KENYA

Stephen was falsely accused of shooting a police officer and robbing the bank where he worked. The officers who arrested him subjected him to savage beatings and psychological torture over five days, moving him to a different station every night so that his wife would be unable to find him. When it was determined that he was innocent, the officers conspired with a corrupt judge to hold him in prison for three and a half more years.

When IJM Kenya learned of his situation, the team took his case, proving that there was no evidence linking him to the crime. As a result of IJM's advocacy, Stephen was released from jail and reunited with his family. Today, he works for IJM Kenya, sharing the message of justice throughout the country.



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