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INTERSESSION ACTIVITY REPORT
OF
THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA
PRESENTED BY
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Introduction

Overview of the situation of torture prevention on the continent

The status of the implementation of the Robben Island Guidelines on the continent did not evolve significantly during the intersession. The CPTA has continued to receive reports of acts of torture perpetrated by law enforcement agents; reports of excessive use of pre-trial detention, incommunicado detention, solitary confinement, inhuman and degrading detention conditions characterized by high levels of overcrowding, poor hygienic conditions, disease etc as well as impunity for perpetrators of torture.

Torture persists because of ignorance, and impunity for perpetrators of torture only breeds more torture. Poverty, corruption, lack of transparency in places of detention, blatant disregard for basic procedural safeguards, lack of appropriate legislation criminalizing torture, lack of monitoring mechanisms as well as difficulties occasioned by problems of the criminal justice system in most African countries all conspire to make the fight against torture an uphill task.

Of the forty four African countries that are parties to the UN Convention against Torture, Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and hence under an obligation to adopt specific legislation criminalizing torture, only eight (8) have so far done so. Of these forty four, only eleven have ratified the Optional Protocol to the CAT (OPCAT), and only eight (8) have signed the instrument.

This bleak picture notwithstanding, the CPTA is encouraged that there are draft bills on the criminalization of torture that have been initiated in many States Parties and that the process of OPCAT ratification in Cameroon, Mauritania and South Africa is at an advanced stage. The CPTA is also encouraged that a momentum around issues of torture prevention has been building up on the continent and that torture prevention has now become an issue of open debates in most countries.

Excellencies, distinguished guests, ladies and gentlemen, what follows is an outline of the activities that the Committee for the Prevention of Torture in Africa undertook during the Intersession in furtherance of its mandate of promoting and facilitating the effective implementation of the Robben Island Guidelines.

1. In pursuance of its efforts to constructively engage with States Parties and other relevant stakeholders on issues bordering on the prohibition and prevention of torture, the CPTA undertook a promotion mission to the Islamic Republic of Mauritania from 26 to 30 March 2012. The mission was aimed among other things at, promoting, disseminating and facilitating the effective implementation of the Robben Island Guidelines in Mauritania, engaging in a dialogue with the authorities on the fight against slavery, the situation of persons deprived of their liberty and the progress made by Mauritania in the process of OPCAT ratification.
2. During the visit, the CPTA delegation met with top officials of the Islamic Republic of Mauritania relevant to the objectives of the mission, including the President of the Republic, the Ministers of Justice and Interior, the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society, the Presidents of the National Assembly and of the Supreme Court as well as the Presidents and members of the National Human Rights Commission and the Bar Association. The delegation also met with the Representative of the Office of the United Nations High Commissioner for Human in Mauritania and various civil society organizations active in the domain of human rights.
3. In its meetings with the various officials, the CPTA made recommendations aimed at reinforcing the protection of all persons in the territory of Mauritania from being subjected to slavery, torture or other forms of ill treatment. These included amongst others, the enactment of specific legislation criminalizing

torture; the ratification of OPCAT and the setting up of an effective National Preventive mechanism; a more effective application of the law against slavery, the respect of procedural safeguards contained in the criminal procedure code and various measures to ameliorate conditions of detention. A full report of the mission containing the recommendations of the CPTA will be made public as soon as possible.

4. The CPTA extends its appreciation to the Government of the Islamic Republic of Mauritania for inviting it as well as for its transparency and cooperation throughout the visit. The CPTA seizes this opportunity to implore other States Parties to invite it in order to initiate a constructive dialogue on the prohibition and prevention of torture and other forms of ill-treatment.
5. From 24 - 26 January 2012, in Yaoundé, Cameroon, the CPTA jointly organized a seminar with the Government of Cameroon under the theme "*the prevention and repression of torture in Cameroon*". The organization of this seminar was a result of the presentation of the 2nd Periodic Report of Cameroon during which the African Commission had recommended that the Cameroon Government should collaborate with it to ensure the implementation of the Robben Island Guidelines.
6. The seminar brought together participants from diverse backgrounds including from civil society, personnel of the security forces (police, gendarmerie and the army), officials of the penitentiary, civil and military magistrates, civil and military prosecutors, medical doctors, and officials of the Ministries of Justice and External Relations ,and was aimed at sensitizing participants on international norms on the prohibition and prevention of torture with particular emphasis on the Robben Island Guidelines and reflecting on the implications of the ratification of OPCAT by Cameroon. For three days, participants were treated to presentations on the international legal framework on the prohibition

of torture, torture in the context of deprivation of liberty, the challenges of investigating cases of torture and the protection of victims of torture. A full report of the workshop and the recommendations resulting there from will be made available on the website of the African Commission in the coming days.

7. The CPTA welcomes the political will demonstrated by the Government of Cameroon in the fight against torture and hopes that other African countries will follow in its footsteps by engaging with the African Commission in undertaking joint initiatives to ensure the effective implementation of the Robben Island Guidelines in their respective jurisdictions.
8. From 10 to 11 November 2011, CPTA members participated at the Global Forum on the Optional Protocol to the UN Convention against Torture (OPCAT) that was held in Geneva, Switzerland. The Global Forum, which was organized by the Association for the Prevention of Torture (APT), was aimed at assessing the impact of the OPCAT five years since it entered into force, and to share ideas and experiences in order to ensure its effective implementation.
9. Members of the CPTA also participated in a one day *Strategic Consultative Meeting for Africa* which was held on 9 November 2011 as a precursor to the discussions at the Global Forum. The strategic Consultative Meeting brought together African actors involved in torture prevention and was meant to build on the momentum generated at the Dakar Regional Conference on Torture Prevention, which was jointly organised by the CPTA, the APT and Amnesty International - Senegal, in April 2010, in Dakar, Senegal.
10. CPTA members used the opportunity of both the OPCAT Forum and the Strategic Consultative Meeting for Africa to exchange views on how to mobilise and build on regional synergies towards effective prevention of torture in Africa and to network with other national, regional and international actors involved in torture prevention worldwide.

11. From 6 to 7 February 2012, a member of the CPTA participated in a regional consultation for Africa on enhancing cooperation between United Nations and regional human rights mechanisms on prevention of torture and the protection of victims of torture, especially people deprived of their liberty, which was held in Addis Ababa, Ethiopia. The consultation, organized by the Office of the United Nations High Commissioner for Human Rights, was aimed at ensuring coherence, avoiding gaps and overlaps, as well as strengthening complementarity and maximizing the impact of the work of both UN and African human rights mechanisms on the prevention of torture and the protection of persons deprived of their liberty.
12. During the consultations, participants identified and made recommendations on concrete means and tools of cooperation between UN and African mechanisms on the prevention of torture, in the areas of information sharing, possible joint activities and follow up on recommendations emanating from the various mechanisms. In particular, proposals were made on possible joint reports (including both thematic and country reports), joint press releases, joint visits, joint capacity building activities, joint publications, meetings and conferences, exchange of staff, coordinated early warning actions and identification of common priorities.
13. It should be noted that the CPTA has pioneered cooperation with UN mechanisms on many of the above areas and hopes that the recommendations made during the consultation will be fully implemented.
14. The fourth edition of the biannual CPTA newsletter – the Africa Torture Watch, has been published. This edition of the newsletter highlights the activities of the CPTA in the past six months, and shares best practice on the use of community service as an alternative to detention and as a means of ameliorating prison condition in Burkina Faso. It also contains an updated standard page on the

ratification of the Convention against Torture and its Optional Protocol, as well as the criminalization of torture and the applicable penalties in African countries. Copies of the newsletter are available at the Secretariat of the African Commission.

Recommendations

To states parties to the African Charter

The Committee for the Prevention of Torture in Africa recommends to States Parties to take the following measures:

1. Ensure that torture is criminalized in the national legal framework in conformity with the Convention against Torture and the Robben Island Guidelines. States Parties must go beyond the simple prohibition of torture in their constitutions and adopt specific legislation criminalizing torture that provides for adequate sanctions and a framework where victims of torture can be compensated and rehabilitated;
2. For States Parties that have bills criminalizing torture pending before their legislatures, to speed up the process of adoption and enactment of this bills in to law;
3. For states parties that have not yet done so, to ratify as soon as is practicable, the Optional Protocol to the UN Convention Against Torture and ensure its effective implementation, notably by setting up effective National Preventive Mechanisms (NPM) with all the requisite guarantees to undertake regular unannounced visits to places of deprivation of liberty.
4. In that regard, the CPTA particularly urges the Republic of Cameroon to deposit the instruments of ratification of OPCAT as soon as possible and to initiate an inclusive dialogue on the process of NPM establishment;

5. To ensure that adequate training is on human rights standards and specifically on the Robben Island Guidelines is provided to all services responsible for dealing with persons deprived of their liberty, notably, judges and magistrates, the police, correctional services personnel, immigration officials, defense forces etc.
6. To take all necessary measures to ensure that allegations of torture are thoroughly investigated and that all perpetrators are subject to the legal process in order to curb impunity. Measures should also be put in place to ensure that victims of torture and other forms of ill-treatment are adequately compensated and rehabilitated.

To civil society organizations,

7. To accompany the efforts of the CPTA in sensitizing the general public on the absolute and irrevocable nature of the prohibition against torture and help in disseminating the Robben Island Guidelines to various relevant actors in their respective areas of operation;
8. Promote the criminalization of torture in national legislation and advocate for the ratification and effective implementation of the OPCAT and accompany the implementation of the CPTA strategic plan.