

INTERSESSION ACTIVITY REPORT

OF

**THE CHAIRPERSON OF THE COMMITTEE FOR THE PREVENTION OF
TORTURE IN AFRICA**

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Introduction

Overview of the torture situation in Africa

The intersession witnessed a deterioration of the torture situation on the continent. In addition to the fact that the root causes of torture and other forms of ill treatment such as poverty, discrimination, social exclusion, impunity, corruption, deficiencies in governance and ignorance, remain largely unaddressed, the spate of political upheavals that have swept through some parts of the continent have only helped to exacerbate the situation and expose many more individuals to the risk of torture and ill-treatment. These upheavals have also revealed just how widespread torture and other forms of ill-treatment have been used by dictatorial regimes in Africa. Mass demonstrations in Tunisia, Egypt, Libya, Algeria, Djibouti, Uganda, Burkina Faso and a host of other states, have occasioned gross human right abuses - torture and other forms of ill-treatment being the most preponderant. Some governments in an effort to suppress some of these upheavals have resorted to the use of torture, arbitrary arrests and detentions, executions, cruel interrogation practices and other unorthodox methods that are contrary to internationally acceptable norms and standards. Other governments, in an attempt to pre-empt demonstrations and popular uprisings, have also resorted to the same cruel means to quell dissent and silence critics.

Armed conflict in Cote d'Ivoire, Libya and other parts of the continent have left an indelible scare on the dignity of millions of individuals; with rape and other forms of torture being employed as a weapon of war against civilian populations. This gloomy situation brings to light the necessity to reinforce efforts to combat torture in all its forms and through all possible means. In this regard, it is important to point out that the risk of torture and ill treatment is rife in places of deprivation of liberty. Most places of deprivation of liberty such as prisons and police holding cells are usually shielded from any form of public scrutiny and as such, people deprived of their liberty are susceptible to being tortured, abused and ill-treated. The numerous appeals received by the CPTA from during the intersession from victims of torture clearly illustrate this fact.

One effective way of minimizing the risk of torture and ill-treatment in places of deprivation of liberty is by subjecting such places to external monitoring, through regular visits by independent bodies. Regular external scrutiny of places of deprivation of liberty has an important deterrent effect and helps to ensure that safeguards and measures put in place to protect detainees from any form of abuse are adhered to. Visits by independent bodies and experts also enable these experts and bodies to have firsthand experience of how persons deprived of their liberty are treated and the recommendations that arise from such visits can go a long way in helping states to adopt remedial measures with a view to improving such conditions.

This brings me to the importance of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) which I have emphasized in my previous reports. Ratifying the OPCAT is an important step that states can take in ensuring adequate external independent oversight of places of deprivation of liberty and minimize the risk of torture. The OPCAT empowers national and international oversight mechanisms, to undertake regular unannounced visits to places where people are deprived of their liberty with a view to insuring that the treatment of detainees conforms to international standards.

African states have been making slow but steady progress in ratifying the OPCAT and today, I note with satisfaction that ten (10) African countries have so far ratified this instrument and 8 others have signed it. I seize this opportunity to encourage states parties that have not yet done so, to take all necessary measures to ratify the OPCAT as soon as possible and set up National Preventive Mechanisms to oversee prison and detention condition.

I have equally emphasized in the past, the necessity for States Parties to adopt legislations criminalizing torture in accordance with international norms and standards as this would strengthen the deterrent effect of its prohibition, reduce the potential for impunity and afford victims an avenue for redress. Currently, only seven African

countries have criminalized torture, the DRC, being the latest entry. In this regard, I congratulate the Democratic Republic of Congo, for passing a bill criminalizing torture.

Judges, lawyers and prosecutors in Africa must also play a more active role in preventing torture by scrupulously implementing existing legal standards. They must ensure that procedural safeguards against torture are fully respected, that acts of torture are fully investigated and punished and that the right of victims to reparation and redress are fully respected. It is in this regard that I wish to salute the judgment of the Military Court of Baraka in the DRC, which in February this year, convicted some military officials for rape and other acts of torture and ill-treatment and sentenced them to appropriate periods of imprisonment. This judgment is a strong indication that such crimes can no longer be allowed and that accountability, even in situations of conflict is possible.

Activities undertaken during the intersession

Your Excellencies, distinguished guests, ladies and gentlemen, what follows is my Report as Chairperson of the Committee for the Prevention of Torture in Africa (CPTA) during the Intersession.

1. From 14 - 20 December 2010, I undertook a joint Promotion Mission to Algeria with Commissioners Maiga and Kayitesi. This mission accorded me the opportunity to highlight to the various officials and partners in civil society, the importance of using principles contained in the Robben Island guidelines in their torture prevention efforts. I was satisfied to note that Algeria has criminalized torture in accordance with international standards.
2. From January 24 - 25, I participated in a workshop on the abolition of the death penalty in Harare, Zimbabwe, organized by Amnesty International Zimbabwe and the Zimbabwe Human NGO Forum. The main objectives of the workshop were to campaign and lobby for the abolition of the death penalty (which has

been internationally recognized as a form of cruel and inhuman punishment) and build on and develop strategies to influence key stakeholders to support the call for abolition of the death penalty in the new Constitution of Zimbabwe. The workshop brought together members of NGOs campaigning for abolition, representatives from Zimbabwe's Constitutional Parliamentary Select Committee, traditional leaders, the Legal Secretaries to the three parties of the Zimbabwean unity government and other civil society leaders. I participated in the workshop as facilitator and made presentations on the African Commission and its role in the abolition of the death penalty in Africa. I also presented on the trends towards abolition in Africa and the success stories that have so far been registered.

3. On February 21st, I addressed an Urgent Appeal to the President of Djibouti, His Excellency Ismaïl Guelleh, following the death in detention of Abdallah Mohamed Abdallah and the arrest and detention of some opposition party officials and militants who were alleged to be at risk of torture and ill-treatment. I have not received any formal response to this Appeal.
4. On 26 April, during the NGO Forum that preceded the present Session, I chaired a panel discussion on 'bringing the absolute prohibition of torture in Africa to life'. The Panel discussion was co-organized by PRAWA and IRCT and discussions centered around the torture situation in Africa, its effects and the role of the African Commission in enforcing standards on the absolute prohibition of torture. Presentations on the role of medical experts in providing evidence on torture cases, the role of rehabilitation centers for torture victims, torture documentation and redress and the rehabilitation of torture survivors were also made by representatives of participating NGOs.

5. I was also invited to facilitate the special interest group discussion on prisons and conditions of detention in Africa that also held on the 26 April during the NGO Forum. This discussion accorded me the opportunity to explain to participants, the work of the CPTA in its efforts to prevent torture in Africa and how civil society partners could engage with and contribute to the work of the CPTA and the Commission as a whole. Participants at the discussion also explored the torture situation in some African countries, outlining the positive developments and challenges that were registered during the intersession and made recommendations on how the situation could be improved.
6. On 28 April, I was invited to chair deliberations at a seminar on the theme '*need for effective victim protection in the fight against impunity for serious human rights violations*'. The workshop was co –organized by OMCT, Independent Medico Legal Unit and REDRESS, and brought together representatives of NGOs and experts on witness protection. During the seminar, I outlined the importance of witness protection and its bearing on the fight against impunity and presented the approach of the African Commission on this issue as enunciated in its rules of procedure and the Robben Island Guidelines.
7. During the intersession, I made requests for authorization to undertake promotion activities on the prevention of torture to the Governments of Mauritania, Gabon, Equatorial Guinea, Cameroon and Zambia and the DRC. I am yet to receive a definite response from any of these Governments.
8. I am happy to announce that the second edition of the *Africa Torture Watch*, the newsletter of the CPTA has been published. The newsletter is an advocacy tool of the CPTA that is aimed at promoting the activities of the CPTA and the principles contained in the Robben Island Guidelines and other standards on the

prohibition and prevention of torture. Copies are available at the Secretariat of the African Commission.