

The Committee for the Prevention of Torture in Africa: facilitating justice and redress for victims of torture

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The International Day in Support of Victims of Torture, 26 June 2013, is an occasion for the Committee for the Prevention of Torture in Africa (CPTA) to express its compassion to victims of torture, in particular, and to all victims of human rights violations. It is an opportunity to recall the important work of the CPTA and its contribution to justice and redress for torture victims.

Article 5 of the African Charter on Human and Peoples' Rights (the Charter) prohibits in absolute terms all forms of torture, cruel, inhuman or degrading treatment or punishment. This was further clarified in the Robben Island Guidelines¹, adopted by the African Commission on Human and Peoples' Rights (ACHPR) in 2002. Subsequently, in 2004, the ACHPR established the CPTA² with the mandate to, inter alia, promote and facilitate the implementation of the Robben Island Guidelines within States Parties to the African Charter.

Despite its absolute prohibition, widespread torture on the continent has resulted in many victims suffering from untold physical pain and suffering, including post-traumatic stress disorder, as well as feelings of guilt, shame and humiliation. Added to these are the risks of reporting torture which may see alleged victims, their families, witnesses and those conducting investigations being exposed to violence, threats and other forms of reprisals.

The provisions of Part III of the Robben Island Guidelines on *'Responding to the Needs of Victims'* outline specific measures that States must put in place to cater for the needs of survivors of torture and their relatives. The practical implementation of these measures within national jurisdictions is a primary focus of the CPTA in the discharge of its mandate.

Redress for victims of torture can only be effective where there is legislation that provides for measures to protect victims and guarantees access to adequate reparation. The CPTA has been playing a fundamental role advocating for the adoption of comprehensive anti-torture legislation by State parties that clearly defines torture and provides a framework for investigations and prosecutions and fully addresses the needs of victims in accordance with international law.³

The CPTA also plays a critical role issuing urgent appeals in situations where allegations of torture are brought to its attention by victims or third parties. It is the practice of the CPTA to send letters of appeals to the highest authorities of the State Party allegedly responsible for the torture, requesting the concerned State to take measures aimed at protecting the mental and physical integrity of the alleged victim, investigating the allegations, bringing the perpetrators to justice and providing redress to the victim. These urgent appeals have had a significant influence and shaped the response of authorities in States parties in the way they treat victims.

¹ *Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa* (Robben Island Guidelines or RIG) . See for further information, African Commission on Human and Peoples' Rights: http://www.achpr.org/files/special-mechanisms/cpta/robben_island_guidelines_2nd.pdf.

² See ACHPR : <http://www.achpr.org/mechanisms/cpta/>.

³ See for instance the CPTA's database which provides information on African States that have ratified the Convention against Torture and its Optional Protocol, and those that have criminalized torture along with the applicable penalties, at <http://www.achpr.org/mechanisms/cpta/torture-db/>.

The needs of victims of torture are most often at the center of the CPTA's preventive and promotion missions to State parties. The CPTA has carried out missions to a number of African countries and engaged in a constructive dialogue on the implementation of key principles in the RIG such as the need to fight impunity and the obligation to establish readily accessible and effective complaints mechanisms where victims can seek redress etc.

The CPTA also provides advice and technical support to national actors on the implementation of the RIG in general and advocates for the establishment for a reparation fund for victims of torture to meet the physical, psychological and social needs of victims. This was particularly highlighted in the Johannesburg Declaration⁴ adopted in the framework of the 10th anniversary of the RIG.

The efforts of the CPTA are geared towards creating a legislative and institutional framework at national level, enabling effective prohibition and prevention of torture including victims' adequate access to the full range of reparations that they are entitled to under international law.

In this context, the CPTA looks forward to drafting and adopting a model anti-torture law as well as developing a general comment on Part III of the RIG in consultation with State parties to the Charter and civil society.⁵ This will enable the CPTA to provide, in the near future, State Parties and other stakeholders with authoritative views and guidance for ensuring that victims of torture obtain justice, including adequate reparation.

⁴ See Association for the Prevention of Torture, at http://www.apr.ch/en/news_on_prevention/johannesburg-declaration-a-platform-for-torture-prevention-action/#.UbX6xpyGdel.

⁵ See further in this newsletter: "Expert Meeting on the Right to Reparation: outcomes and recommendations". .