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| AFRICAN UNION |  | UNION AFRICAINE |
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RULES ON THE ESTABLISHMENT AND OPERATION OF THE ALERT AND REPORTING MECHANISM TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS ON SITUATIONS OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

ABIDJAN RULES

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GLOSSARY:

ACHPR: African Commission on Human and Peoples' Rights

CPTA: Committee for the Prevention of Torture in Africa

The African Charter: the African Charter on Human and Peoples' Rights

UNCAT: UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment

OPCAT: Optional Protocol to the Convention Against Torture

RIG: Robben Island Guidelines

NPM / MNP: National Prevention Mechanisms

SOP/ PON: Standard Operating Procedures

NHRI: National Human Rights Institution

CSO: Civil Society Organization(s) NGO: Non-Governmental Organization

ACAT: Action by Christians for the Abolition of Torture (NGO)

FIACAT: International Federation of ACAT

OMCT: World Organization Against Torture (NGO)

IRCT: International Rehabilitation Council for Torture victims (NGO)

REDRESS: International organization working for the reparation of victims of torture and their families.

EXPLANATORY NOTE BY THE CHAIR

The African Commission on Human and Peoples' Rights (ACHPR) adopted the Robben Island Guidelines in October 2002, which reaffirmed the absolute, universal and unwavering condemnation of torture, and established "the prohibition of torture", "the prevention of torture" and "addressing the needs of victims" as top priorities. In 2004, the Working Group on Torture was renamed the Committee for the Prevention of Torture in Africa (CPTA), which was set up to promote the Guidelines and facilitate their implementation. The Guidelines have strengthened the international instruments prohibiting torture on our continent, notably the United Nations Convention against Torture (UNCAT) and its Optional Protocol (OPCAT).

The CPTA has been working with States, National Human Rights Institutions, National Preventive Mechanisms and Civil Society Organisations to ensure the prevention and prohibition of torture and to provide reparation for victims. In so doing, it felt the need to establish a system to seek information on acts of torture and effectively monitor emergency action measures.

It therefore decided to develop a formal framework for the identification and transmission of information relating to torture, including allegations of acts of torture that are imminent or have already occurred. This formal framework will be referred to as the "Standard Operating Procedures of the Alert and Reporting Mechanism to the ACHPR on Situations of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment».

These new standard operating procedures are implemented alongside other actions developed under the Special Mechanisms procedures, as appropriate, and are applied in cases of urgent alert.

We must bear in mind that the purpose of these Procedures and forms presented is to facilitate access to the CPTA for potential victims of torture and other cruel, inhuman or degrading treatment or punishment. They also encourage the contribution of existing networks for the prevention of torture as well as the establishment of a formalised network comprising State and non-State entities, parastatals, National Human Rights Institutions, Civil Society Organisations, National Preventive Mechanisms and the CPTA.

I would like to extend my sincere gratitude to all members of the Drafting Committee of the Standard Operating Procedures of the Alert Mechanism, the Secretariat of the African Commission on Human and Peoples' Rights, the Commissioners, CPTA experts and experts from partner organisations. It would be remiss of me not to acknowledge and pay tribute to our predecessors at the African Commission and the CPTA for paving the way and laying the groundwork for continental human rights bodies.

Commissioner Hatem Essaiem
Chairperson of the Committee for the Prevention of Torture in Africa

I. INTRODUCTION

A. BACKGROUND AND RATIONALE

Chapter VI of the 2020 Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission) governs the establishment and proceedings of the Commission's Special Mechanisms. Rule 26 provides that the Rules of Procedure shall apply *mutatis mutandis* to the proceedings of its subsidiary mechanisms.

At its 27th Extraordinary Session in 2020, the Commission adopted the Standard Operating Procedures (SOP) on the Special Mechanisms of the Commission to “*supplement the provisions of the Rules of Procedure of the Commission, and [...] provide guidance on the general roles and responsibilities of mandate holders; the composition, appointment, tenure and conduct of mandate holders; and the working modalities of Special Mechanisms*”.

These SOPs are guided by and supplement the Standard Operating Procedures on Special Mechanisms, in particular Section V on the Working Modalities of Special Mechanisms, which provides guidance on “Action to be taken on allegations”. Accordingly, the CPTA takes into account all available sources of information which it considers to be credible and relevant, including information from Governments, inter-governmental organisations, international and national non-governmental organisations, national human rights institutions, victims of alleged human rights violations or abuses, relatives of victims and witnesses. It cross-checks information received to the best extent possible.

The decision to take action on any information or a situation shall be exercised in light of the mandate entrusted to the CPTA, the reliability of the source, the credibility of the information received, the details provided and, where necessary, taking into account any risk of harm to the victim.

The idea of presenting a set of good practices to help sound the “alert on cases of torture and other cruel, inhuman or degrading treatment or punishment” was in response to the realisation that there was an urgent need to react to the multiple allegations and reports made across the vast continent of Africa.

The Committee for the Prevention of Torture (CPTA) aims to receive and effectively process information submitted through these forms and, ultimately reduce the response time of its special mechanisms so as to ensure enhanced prevention and protection.

This CPTA Alert Mechanism is intended for use by the public across the continent, local NGOs and associations, as well as independent individuals, who witness or may be subject to torture, cruel, inhuman and degrading treatment, and other ill-treatment.

The guidelines and forms compiled in this document will enable users, members of associations, organizations, and any individual wishing to work for the prevention of torture to quickly alert and bring the matter before the CPTA and the ACHPR Secretariat for prompt action.

Victims, their families, witnesses, whistleblowers, associations, lawyers, regional and sub-regional human rights networks and any person wishing to alert the Commission now have an exhaustive and effective tool at their disposal.

These procedures are a first step towards an improved interaction with the CPTA and its members.

B. OBJECTIVES

This Mechanism is intended for use by the general public on the African continent, victims, their families, human rights defenders, associations or whistleblowers who have been informed of cases of torture and other cruel, inhuman or degrading treatment or punishment and who seek to alert the CPTA of such acts.

The additional objective of this procedure and the presentation of these good practices is not only to report, but also to remotely document torture, with emphasis on the collection and verification of timely information for a more effective action by the CPTA.

It provides a framework for the alert mechanisms previously tested by the CPTA and is also the result of the experience of members of the ACHPR secretariat in dealing with reports received on torture, cruel, inhuman or degrading treatment, enforced disappearances and related cases.

This document outlines the forms to be completed in order to bring a case before the CPTA and describes their use, taking into account the protection of personal data, security of the information submitted and accessibility of this information to the victims throughout the investigation process, in accordance with the principles of the GDPR (General Data Protection Regulation).

C. METHODOLOGY

This document was produced on the basis of cases and claims compiled by the CPTA since its inception.

The work involves collecting, classifying, and formulating the practices as well as producing and formatting the forms, which was the subject of two workshops organized by CPTA and the Commission's Secretariat, on 6-7 October 2021 in Zanzibar and on 17-18 December 2021 in Tunis. CPTA was supported by independent experts from partner organizations with extensive experience in implementing similar practices: FIACAT, IRCT, OMCT and REDRESS.

Finally, it also draws on the experiences and observations of all CPTA members and experts.

I. DESCRIPTION OF CPTA'S INTERNAL PROCEDURES

New procedures:

The role of CPTA, in accordance with its mandate, is to mobilize and sensitize government authorities, with the Ministry of Foreign Affairs as the initiating point for exchanges. In concrete terms, the Ministry of Foreign Affairs and the reference ministries, depending on the country, are kept informed of any exchanges initiated with the CPTA through diplomatic channels. In practice, the State institutions involved in the resolution of cases of torture are mobilized and kept informed or officially informed of the progress of exchanges with their peers

1) Methods through which information is received from victims, civil society organisations and other stakeholders

It is important that the methods for communicating information are known and disseminated as widely as possible. They will thus be published on the Commission's website, and/or disseminated among partners that are members of the network.

- Telephone calls – setting up of a hotline which will be manned by staff who will receive and handle all messages accordingly
- By post
- By private or official messaging
- By email – create a dedicated email address for the CPTA to receive alerts directly
- By fax

2) Assigning a reference number

If the victim does not have a CPTA reference number, s/he shall fill out a “*Partnership Form*” in which s/he can provide, where possible, the name of another partner member of the CPTA network who will verify the credibility of the information.

3) Automatic reply (in the languages of the African Union: English, French, Arabic, Portuguese, Spanish, Swahili) to acknowledge receipt of the Alert (within 48 hours of receipt).

The automatic reply will explain that the alert has been received and that the case is being handled as a matter of urgency.

There will be no mention of dates or the contents of the case file.

Reference shall be made to data protection as well as access to and modification of the case file.

Furthermore, it shall be indicated that victims and their representatives will be informed before any query is sent to the State within the framework of the alert procedure, to ensure their safety and security.

4) Analysis of information received

The information received can be analysed by: the trainees under the responsibility of the legal department (subject to validation) - Lawyers - Chair of the CPTA.

Unless the process of consultation with other CPTA members and Experts unduly delays the sending of CPTA's reaction to the Alert, it will be used. Otherwise, the existing procedure will be maintained and followed.

5) Formal acknowledgement of receipt (which shall include a reference number)

Cross-checking and verification of information (practical issues).

The CPTA should have 7 working days to respond to both the victim and the whistleblower after analyzing the case, the CPTA may, if necessary, initiate actions by activating the Standard Operating Procedures on the Special Mechanisms:

- Urgent Appeal Letter
- Joint Urgent Appeal Letter (with the Commission's Special Mechanisms and/or UN Special Procedures)
- Letter of Concern (with the Commission's Special Mechanisms and/or UN Special Procedures)
- Press Statement (with the Commission's Special Mechanisms and/or UN Special Procedures)

6) What are the other types of responses available to the CPTA following an Alert?

- For immediate action, assign partners on the ground to conduct the fact-finding mission
- Letters from the CPTA to the Government for site visit authorisation
- Resolution
- Submit the case to the Assembly of Heads of State and Government, in accordance with Article 58 of the African Charter on Human and Peoples' Rights

7) Create a simple tracking form to monitor the progress of the Alert and save it in a shared folder so that dedicated staff can access it and take action on the CPTA responses to be issued

| Date | Reference number | Action | Officer-in-charge | Deadline | Remarks | Documents |
|------|------------------|--------|-------------------|----------|---------|-----------|
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II. Form

**For use by the CPTA
(Reference):**

This form is intended for the submission of allegations of torture or threats of torture by individuals, their families or civil society organisations. Please provide as much information as possible in a clear and concise manner. The CPTA collects and processes information for effective case analysis so as to facilitate a rapid response. The CPTA encourages individuals or NGOs to submit case files which include factual, reliable, accurate and clear information. The information submitted shall not include the names of the victims, unless this information is public knowledge or the consent of the victims or their families has been obtained. The information or case file shall include the name of the NGO or person submitting it. Anonymous information shall not be accepted.

CPTA Alert Form

Please provide the following information:

Date: _____

Organisation(s):

Individual(s):

Please specify, are you:

The victim Representing the victim A witness A family member
 The victim's Legal Counsel Other

If Other, please specify:

Physical address: _____

Email: _____

Telephone number: _____

I. Who is the victim?

- Number of victims?
- Age (if known)?
- Gender?
- Nationality (if known)?
- Profession (if known)?
- Does the victim(s) belong to a vulnerable or specific group (ethnic, religious, LGBTQI, migrant, othe?)

II. Who are the perpetrators (if known)?

- State actor (Specify, if possible): Administrative authorities Security and defence forces Other
- Unknown
- Non-State actors (specify, if possible): Unidentified armed groups Other
- If Other, please specify:

III. Where did these acts occur?

- Country?
- Region or province?
- Town/village?
- While in detention
- Outside of detention
- Please provide details on where the acts of torture occurred (if known) (Police station? School? Incommunicado detention? Etc...)

IV. Indicate the date or period during which such act(s) occurred (if known)?

Are these acts still ongoing, to date? Yes No

If yes, indicate the duration:

If no, indicate the period during which they were committed:

V. In what context did the said act(s) take place?

Please also state whether you fear reprisals.



VI. Description of the facts:



VII. What are the consequences of the act(s) concerned)?

- *Is there any evidence of the harm caused (testimonies, medical, psychological or psychosocial reports, photos of the physical injuries, or other documentation to support the claim)?*
- *Can you share these with the CPTA?*

Please attach them in annex, if applicable

I. Code of conduct for partnership with the Committee for the Prevention of Torture in Africa (CPTA) on alerting the latter of cases of torture and other cruel, inhuman or degrading treatment or punishment.

***Preamble:** The CPTA collaborates with networks of partners, institutions, research institutes, associations, and NGOs in order to be alerted and to monitor cases of torture and other cruel, inhuman or degrading treatment or punishment (in accordance with Chapter VI Rule 26 of the 2020 Rules of Procedure of the African Commission on Human and Peoples' Rights, which provides that the Rules of Procedure of the Commission shall apply mutatis mutandis to the proceedings of its subsidiary mechanisms, and in accordance with the Standard Operating Procedures on the Special Mechanisms of the Commission).*

In a bid to improve its information gathering process, and be informed and alerted of cases of torture and other cruel, inhuman or degrading treatment or punishment, the CPTA is extending its network, in a non-exhaustive manner, to include a wider audience: individuals, including whistle-blowers, legal practitioners, medical and penitentiary staff, families of victims and marginalised communities. The CPTA, in an effort to ensure better care and protection for victims, may consider any petition alleging torture and other cruel, inhuman or degrading treatment or punishment reported.

Applicants for partnership shall comply with the conditions described in this Code of conduct between partners and the CPTA.

I. Specific commitments

The partner's mission is to identify cases of torture and other cruel, inhuman or degrading treatment or punishment and to alert the CPTA, in accordance with its standards and procedures and Article 5 of the African Charter on Human and Peoples' Rights.

In addition, it shall assess the credibility of the alleged acts, ensure the confidentiality of information and sources, and facilitate communication between the victim and the CPTA.

The partner, after having observed or received a report of a suspected case of torture and other cruel, inhuman or degrading treatment or punishment, shall record all the relevant information on the “**Alert Form**”.

The partner shall bring the following cases before the Committee for the Prevention of Torture in Africa:

- Acts of torture and other cruel, inhuman or degrading treatment or punishment
- Risks of torture or other cruel, inhuman or degrading treatment or punishment
- Proven and/or ongoing cases of torture or other cruel, inhuman or degrading treatment or punishment

The partner undertakes to seek the consent of the victim or a close family member. It also undertakes to respect the protection of personal data in order to grant the victim a right of access, rectification and consultation of his/her personal data.

Care for the victim or support for the partner shall not be provided by the CPTA under these alert procedures.

At the request of the CPTA, the partner may assist the resource person in carrying out the necessary actions to ensure that the CPTA is able to thoroughly review the facts.

Each partner may inquire about the progress of a case it has submitted to the CPTA at any time during the procedure. This request shall be strictly confidential.

By signing this Code, the partner undertakes to scrupulously respect the points set out above.

Failure to comply with the principles set out in this Code would result in the review of the partnership status by the CPTA.

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| For use by the CPTA (Reference): Year/SOP/Country/Partner <u>Example</u> 2021/SOP/International/FIACA |
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Partnership Form

1. L'ORGANISATION

Name of the organisation (extended version and acronym, if applicable):

Year of establishment:

Country of registration:

National registration number:

Brief description of your organisation (250 words maximum):

Consultative status with regional or international organisations or institutions:

Yes No

If yes, indicate which body and when status obtained:

If no, provide the name of a referring partner with observer/consultative status with the African Commission on Human and Peoples' Rights:

Preferred language(s): English French Portuguese Arabic Other (please specify):

2. CONTACT DETAILS

Full address of registered office:

Address of field office(s), if any:

Tel./Fax:

Region:

Country:

Institutional email address:

Website:

Social media (Facebook, Twitter...):

3. CONTACT DETAILS OF THE REFERRING PARTNER

Referring partner:

Contact person:

Telephone number:

WhatsApp/Signal/Telegram:

Email address:

4. TYPE OF ORGANISATION:

Community-based organisation Local organisation Faith-based organisation Trade Union
 Professional association Academic institution and research centre Regional organisation
Coalition Network Federation International organisation National Human Rights
Institution NPM Other (i.e.: whistle-blowers, legal practitioners, individual experts, etc. please
specify)

5. PAST OR PRESENT COLLABORATION WITH THE CPTA OR ITS MEMBERS

No

Yes Please describe any previous or existing collaboration with the CPTA or its members, if any, including the year and name of the initiative (250 words maximum):

6. MEMBERSHIP OF OTHER HUMAN RIGHTS NETWORKS

Is your organisation a member of another network, coalition or federation?

Yes No

If yes, please specify (100 words maximum):

If no, can you provide references of an efficient and trustworthy human rights NGO you work with or have worked with in your region.

Signature, stamp, date, place: