

## **Inter- Session Activity Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa**

1. In the inter-session period between the last Ordinary Session of the ACHPR held in May 2009 and the current session, as Special Rapporteur I undertook no prison inspection visits. Owing to resource constraints, ambitious projects and programmes which should have included a documentary on best practices have had to be deferred. The one visit to Tunisia that had been planned was aborted due to lack of a response from the Tunisian authorities to the Commission's request to undertake the mission. It is hoped that we shall now been in a better position to coordinate our efforts with the authorities in Tunisia for the said mission to materialise.
2. I continued to receive reports of poor prison administration in various prisons across the continent. Over crowding, inadequate food rations, ill treatment of prisoners including torture, neglect of diseases like diarrhoea, tuberculosis, HIV/AIDs amongst inmates, long periods of detention of awaiting trial prisoners arising from slow, tardy prosecution processes, lack of uniforms, failure to confine young offenders to reformatory schools away from main stream prisons, lack of recreation facilities and reform programmes, inadequate sanitary amenities for female prisoners, poor arrangements for babies of prisoners etc., continue to afflict many prisons in Africa. In the absence verifiable data on particular prisons in various countries it would be presumptuous to attempt to engage governments on information received by the Commission through unofficial sources.
3. The true position, however, is that the majority of African prisons do not meet the Minimum Rules for the Treatment of Prisoners and the African Commission's Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reforms in Africa. It is in this light that I have continued to engage with various actors in the area of prisoners' rights to attempt to find a workable formula to encourage African states to do more in reforming their prisons in order to provide more humane environments to persons facing detention for any reason. In this regard, I did during the inter-session period maintain contact with Ms Rachel Murray of Penal Reform International, United Kingdom, which is in fact in the process of arranging a symposium to commemorate Penal Reform International's 20<sup>th</sup> Anniversary in Geneva in December 2009. I also liaised with Professor Jeremy Sarkin, United Nations Special Rapporteur on Enforced Disappearances, with a view to synergise our efforts as far as issues affecting African prisons are concerned.

4. I furthermore continued to dialogue with Prof Muntingh of the Community Law Centre of the University of Western Cape, South Africa on how the Centre could, using its research abilities, assist the Commission with statistical data on various issues affecting African prisons with a view to helping the Commission take informed decisions. To this end a proposed Memorandum of Understanding between the Centre and the Commission will be table for consideration by the Commission in private session. I also maintained contact with Dr Uju Agomo of PRAWA with a view to possible collaboration on a Prison Reform Intervention in Africa Project which will include African Correctional Services Association.
5. I attended and participated in the following activities in the intersession period;

#### **Round table On Penal Reform in Africa**

- a) This was a meeting organised by Penal reform International and took place in Kampala, Uganda between the 20<sup>th</sup> and the 21<sup>st</sup> July 2009. It was intended to take stock of progress on implementing penal reform in Africa and in particular of local good practices that have developed in treatment of prisoners (including those under trial) and tackling prison overcrowding.
- b) The meeting was attended by various stakeholders including those from-Uganda, Malawi, Nigeria, United Kingdom and South Africa. I made a presentation on the ACHPR's past, current and future initiatives and strategies for research, analysis and action in the domain of penal reform.
- c) After the meeting, the participants visited two prisons in Kampala, a male and female prison and had useful exchanges with the paralegals that work from within the prison premises.

#### **20<sup>th</sup> Anniversary Seminar for Centre for the Study of Violence and Reconciliation**

- d) On 31<sup>st</sup> August 2009, I participated in a one day seminar under the theme 'Negotiating Transition; The Limitation of the South African Model for the Rest of Africa.' The seminar was organised by the Centre for the Study of Violence and Reconciliation. It was aimed at providing space to critically reflect on the impact of the South African experience in international developments on negotiating peace and justice. In particular, it explored the impact of two key elements of the South African transition – the Government of National Unity and the Truth and Reconciliation Commission in negotiating transition elsewhere on the continent with a specific focus on Zimbabwe and Kenya. The seminar also discussed

existing and potential roles of various actors- local, regional and international- in shaping these processes and made recommendations for the future.

- e) I was among the resource persons and presented a paper on the Role and Responsibility of African Regional Mechanisms and International Community in, Securing Justice and Peace during Political Transition.
- f) As the concept of transitional justice appears to be generally absent in this Commission's vocabulary and jurisprudence, the seminar was an immensely welcome eye opener to me and I hope that in our work we shall henceforth pay particular attention to this emerging area of human rights concern.

Thank you.