

<p>الاتحاد الأفريقي <i>African Commission on Human & Peoples' Rights</i></p>	<p>UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i></p>
<p>31 Bijilo Annex Layout, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia Tel: (220) 4410505 / 4410506; Fax: (220) 4410504 E-mail: au-banjul@africa-union.org; Web www.achpr.org</p>	

81st ORDINARY PUBLIC SESSION

OF THE

AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS

17 October - 6 November 2024

Intersession Report

Committee for the Prevention of Torture in Africa

Honourable Commissioner Hatem ESSAIEM

Chairperson of the Committee

INTRODUCTION

1. This report is submitted in accordance with Rules 25 (3) and 64 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission) which require each subsidiary Mechanism and each member of the Commission to submit, at every Ordinary Session of the Commission, a written report on the activities undertaken between two Ordinary Sessions.
2. This report on the situation of torture and other ill-treatment in Africa is prepared in accordance with the terms of reference of the Committee for the Prevention of Torture in Africa (the Committee or CPTA) which mandates the Committee to monitor the implementation of the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines). The Robben Island Guidelines provide concrete guidance to State and non-State actors on how to implement Article 5 of the African Charter on Human and Peoples' Rights (the African Charter) which states that: "*Every individual shall have the right to respect for the inherent dignity of the human person and to recognition as a person before the law. All forms of exploitation and degradation of man, in particular slavery, traffic in persons, physical or moral torture, and cruel, inhuman or degrading treatment or punishment shall be prohibited*".¹
3. I therefore submit this report in my capacity as Chairperson of the Committee, Member of the Commission and Country Rapporteur for the Republic of Benin, the Republic of Djibouti, the Republic of Mauritius, the Republic of Madagascar and the Republic of Sudan.
4. This Report is presented at the 81st Ordinary Session of the Commission. It summarises the intersession activities carried out under the various mandates entrusted to me. This Intersession Report covers the period between the end of the 79th and the 81st Ordinary Session of the Commission, i.e. the period from 4 June 2024 to 16 October 2024.
5. During the period covered by this report, I took part in all the activities set out in the Commission's Work Plan.
6. The detailed account of these activities is contained in this report, which is structured in four parts, namely this introduction, the activities carried out during the intersession period, the report on the situation of torture and other ill-treatment in Africa and the recommendations.

¹ Article 5 of the African Commission on Human and Peoples' Rights' <<https://www.achpr.org/legalinstruments/detail?id=49>>.

I. ACTIVITIES CARRIED OUT DURING THE INTERSESSION PERIOD

7. During the intersession period, I took part in the following activities in my capacity as Chairperson and/or Member of the Subsidiary Mechanism (A) and as a Member of the Commission (B).

A. ACTIVITIES CARRIED OUT WITHIN THE FRAMEWORK OF SPECIAL MECHANISMS

1. CHAIRPERSON OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA

- **CONFERENCE OF THE NETWORK OF AFRICAN TORTURE PREVENTION MECHANISMS CAPE TOWN 26 AND 27 JUNE 2024:**

8. At the invitation of the South African Human Rights Commission and the Moroccan National Centre for Human Rights, I took part in the Second Conference of African Mechanisms for the Prevention of Torture in Cape Town on 26 and 27 June. The meeting was attended by Ms Elina Steinerte, representative of the United Nations Subcommittee on Prevention of Torture, Mr A Rawane, Vice-Chairman of the UN Committee against Torture, and African bodies for the prevention of torture. The conference began with the presentation and adoption of the statutes of the African Network of National Mechanisms for the Prevention of Torture.

9. We then celebrated the 40th anniversary of the UNCAT (adopted in December 1984 and entered into force on 26 June 1987) and the 20th anniversary of the Robben Island Guidelines. My intervention at this ceremony consisted of reading the CPTA Declaration.

10. The second day was devoted to two themes: the trade in instruments of torture and the study on prisons and conditions of detention. I presented Resolution 472/2020 and the study on the production, trade and use of instruments of torture, carried out with Omega. Commissioner Maria Teresa Manuela presented the study on prisons and led the ensuing debate. Lastly, the Conference elected the Steering Committee for the African Network of NPMs. Morocco, South Africa, Mozambique, Cape Verde, Senegal and Mauritania make up this Committee. East and Central Africa do not yet have an NPM. The third conference of the African Network will be held in Cape Verde.

- **AWARENESS-RAISING AND TRAINING WORKSHOP TO DISSEMINATE THE ABIDJAN RULES**

11. This workshop, organised with the invaluable assistance of APCOF, was held at the University of the West Cape. It brought together researchers and stakeholders from South

African civil society. The workshop was led by Commissioner Maria Teresa Manuela and Ms Eva Nudd. It is the first of its kind organised in Southern Africa around the Abidjan Rules.

12. The aim of this workshop for English-speaking African countries was to disseminate and take ownership of the Abidjan Rules. More specifically, the workshop aimed to :

- i. Gather information on the implementation of international and regional instruments for the prevention of torture on the continent;
- ii. Introduce the Committee for the Prevention of Torture in Africa;
- iii. Present and walk through the general operating process of the Abidjan Rules;
- iv. Present the partnership procedure of the HRDOs with the CPTA within the framework of the implementation of the Abidjan Rules;
- v. Simulate practical cases of torture alerts;
- vi. Empower all stakeholders to make effective use of the Abidjan Rules.

- **MEETING OF SOUTHERN AFRICAN POLICE ORGANISATIONS**

13. The APT, APCOF, SADC and CPTA organised a meeting of Southern African police organisations in Johannesburg from 1st to 3rd July to present and discuss the Mendez principles. Eleven countries were represented at the meeting. At this meeting, I indicated our support for this new instrument drawn up on the initiative of the former Rapporteur on Torture by eminent experts. Mr Sean Tait and Ms Valentina Cadelo explained the Mendez principles. Practical cases were discussed by the participants. Mr Maulo Dombaxi and Mohamed Youssef Sakr led and facilitated exchanges with the various delegations.

- **REGIONAL CONFERENCE (NORTH AFRICA) ON TORTURE**

14. MAAT for Peace and OMEGA organised a conference for North African countries in Cairo from 28 to 31 August 2024 on the themes of the Abidjan Rules and the production, trade and use of instruments of torture. Together with Mr Mohamed Youssef Sakr and our Expert Ms Sana Bousbih, I chaired the meetings and debates on these two issues. At the end of the proceedings, the participants launched the North African League for the Prevention of Torture. However, it should be noted that Mauritania and Tunisia were not represented by their national authorities, while Libya was represented by a participant from the east of the country. The meeting enabled us to find out from the Sudanese participants about developments in the humanitarian situation in their country. We also held talks with the Director of Human Rights at the League of Arab States. We explored the possibilities for cooperation between our two bodies. He promised to get back in touch with us after the summer holidays.

2. CHAIRMAN OF THE ADVISORY COMMITTEE ON BUDGET AND STAFF MATTERS

15. I participated in the meeting of the Advisory Committee on Budgetary and Personnel Matters, held during the 80th ordinary private session, organized in virtual format from July 24 to August 2, 2024.

3. ACTIVITIES CARRIED OUT AS COUNTRY RAPPORTEUR

i. REPUBLIC OF SUDAN

- **Resolution on the situation in Sudan**

16. In my capacity as Country Rapporteur for the Republic of the Sudan, I proposed the adoption of a **Resolution on the Joint Fact-Finding Mission to the Republic of Sudan - ACHPR/Res.590 (LXXX) 2024** which was adopted by the Commission at its 79th Ordinary Session in Banjul, The Gambia in May/June 2024. This Resolution provides, inter alia, for a joint fact-finding mission to be undertaken with the AU Department of Political, Peace and Security Affairs in a hybrid form on the human rights situation in the Republic of Sudan consisting of an on-the-spot investigation in a designated area of Sudan and/or neighbouring States for a period of two weeks, to the extent possible.

- **Virtual Meeting on the Situation in Sudan**

17. On 2 August 2024, the International Federation for Human Rights and Sudanese civil society bodies organised a virtual meeting on the human rights situation in Sudan, which has been at war since 15 April 2023. This meeting provided an opportunity for me to keep abreast of the latest developments in the various regions of Sudan. I informed the participants of our Committee's decision to send a fact-finding mission to Sudan. The participants welcomed this initiative and did not fail to share their observations and advice for the smooth running of the mission.

- **Meeting with the UN Department of Peace and Security on the human rights situation in Sudan**

18. At the request of the United Nations Department of Peace and Security, I had a virtual meeting on 12 September 2024 with the Director and senior staff of the Department on the human rights situation in Sudan and our Commission's efforts in that country. I briefed them about the various meetings with Sudanese partners and the appeals, press releases and resolutions adopted by the Commission. Asked about the fact-finding mission to Sudan, I explained that we had already put together our delegation and adopted our terms of

reference. However, we are still waiting for funding to travel to the field and apply for the necessary authorisations. Finally, I stated that we would be willing to join any UN mission.

B. ACTIVITIES CARRIED OUT AS A MEMBER OF THE COMMISSION

• PARTICIPATION IN THE BENCHMARKING MISSION TO WASHINGTON

19. Along with my colleagues, I took part in a mission to share experiences and working methods with the Inter-American Commission on Human Rights. The mission took place in Washington from 11 to 16 July. We were able to learn about the achievements of our American colleagues, so as to benefit from them, and also to explain to them our progress in certain areas.

• ATTENDANCE AT THE 80TH ORDINARY SESSION

20. The 80th Ordinary Session of the Commission met virtually from 24 July to 2 August 2024. I took part in all its deliberations with my peers. This private session enabled us to examine a considerable number of communications and studies.

• PROMOTION MISSION IN CAPE VERDE:

21. Commissioner Maria Teresa Manuela, Special Rapporteur for Cape Verde, and I carried out a promotion mission to the Republic of Cape Verde, assisted by Mr Maulo Dombaxi, from 16 to 21 September 2024. During our mission, we were able to meet the highest political and judicial authorities and visit social and prison institutions. The Cape Verdean authorities provided excellent organisation and a warm welcome. My colleague will describe the mission in more detail.

• WEBINAR TO MARK 20 YEARS OF SOAWR

22. As part of the commemoration of the twentieth anniversary of its creation, the organisation "Solidarity for African Women's Rights" organised a webinar on 26 September 2024 on the theme: 20 years of solidarity and advocacy for women's rights through the Maputo Protocol. Asked by Tunisian women's organisations to speak at the opening of the webinar, I referred the organisers to the Vice-Chairperson, in her capacity as Rapporteur for Women's Rights in Africa. I accepted their invitation and attended the webinar.

II. REPORT ON THE SITUATION OF TORTURE AND OTHER ILL-TREATMENT IN AFRICA

March 2024 - September 2024

Introduction

- Torture means "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, intimidating or coercing him or her or a third party, or for any other reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".²
- This Biannual Report on the Situation of Torture and Other Ill-treatment in Africa is compiled in accordance with the Terms of Reference of the CPTA, which mandate the Committee to report to every Ordinary Session of the African Commission on the status of implementation of the Guidelines and Measures for the Prohibition and Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines). The Robben Island Guidelines provide concrete guidance to State and non-State actors on how to implement Article 5 of the African Charter on Human and Peoples' Rights (the African Charter), which states that:

"Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, in particular slavery, slave trade, physical or moral torture, and cruel, inhuman or degrading treatment or punishment, shall be prohibited".³

- The Committee for the Prevention of Torture in Africa (CPTA) promotes the implementation of the Robben Island Guidelines and other important instruments for the prevention and prohibition of torture and other ill-treatment, in particular the United Nations Convention against Torture (UNCAT) and the Optional Protocol to the UNCAT (OPCAT). It is also working to establish effective National Preventive Mechanisms (NPMs) in African States, in accordance with the OPCAT.

A. Positive Developments

UNCAT

² Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), <<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>>.

³Article 5 of the African Charter on Human and Peoples' Rights, <<https://www.achpr.org/legalinstruments/detail?id=49>>.

- On 31 May 2024, the Committee Against Torture (CAT) stated issues concerning Namibia's third periodic report. The CAT has issued a request for Namibia to provide information on CAT recommendations to adopt a bill on the prevention and combatting of torture, conditions of detention, and respect for the principle of non-refoulement, of which there has yet to be a response.⁴
- On 17 July 2024, The United Nations Committee against Torture concluded its consideration of the initial report of Côte d'Ivoire, with Committee Experts commending the State on the creation of an inter-ministerial committee to coordinate with treaty bodies, while asking questions about the admissibility of evidence obtained through torture and overcrowding in prisons.⁵

UN Subcommittee on Prevention of Torture (SPT)

- From 8 to 19 September 2024, the UN Subcommittee on Prevention of Torture (SPT) will visit Nigeria to assess the treatment of detained individuals and review the country's progress since their last visit ten years ago. The delegation, led by Aisha Shujune Muhammad, will visit various detention facilities and meet with relevant authorities to discuss torture prevention and establish a National Mechanism for Prevention of Torture (NPM). After the visit, the SPT will present its confidential observations and provide a detailed report to the Nigerian government.⁶
- The UN Subcommittee on Prevention of Torture (SPT) has concluded its second visit to Gabon and expressed its deep concern over the lack of measures to address prison overcrowding and impunity for perpetrators of torture and ill-treatment, as well as other recommendations it made from the previous visit in 2013. It stated that “the main cause of this overcrowding is the systemic use of pre-trial detention and its excessively long duration.” However, the SPT did state that “we are nonetheless pleased that a bill to reform the CNDH and designate it as Gabon’s future National Preventive Mechanism (NPM), an independent body specifically dedicated to the prevention of torture .

Ratification

⁴ United Nations Committee Against Torture, ‘List of issues in relation to the third periodic report of Namibia’ (CAT/C/NAM/Q/3 31 May 2024) < <https://digitallibrary.un.org/record/4014066?v=pdf>> accessed 16 September 2024.

⁵ United Nations Human Rights, Office of the High Commissioner, ‘Experts of the Committee against Torture Commend Côte d'Ivoire on the Creation of an Inter-Ministerial Committee to Coordinate with Treaty Bodies, Ask about the Admissibility of Evidence Obtained through Torture and Prison Overcrowding’ (News- 17 July 2024) <Experts of the Committee against Torture Commend Côte d'Ivoire on the Creation of an Inter-Ministerial Committee to Coordinate with Treaty Bodies, Ask about the Admissibility of Evidence Obtained through Torture and Prison Overcrowding | OHCHR> last accessed 22 July 2024.

⁶ United Nations Human Rights Office of the High Commissioner, 'Nigeria: UN torture prevention body to carry out new visit' <<https://www.ohchr.org/en/press-releases/2024/09/nigeria-un-torture-prevention-body-carry-out-new-visit>> last accessed 16 September 2024.

UNCAT: Ratification

- Since the previous report, there have been no new signatories of African States to the United Nations Convention Against Torture.⁷
- To date, the following fifty-two (52) African States have ratified UNCAT: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d’Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Togo, Tunisia, Uganda and Zambia.⁸
- Only two (2) African States have not yet ratified UNCAT: the United Republic of Tanzania and Zimbabwe.⁹

OPCAT: Ratification

- Since the previous report, there have been no new signatories of African States to the Optional Protocol against Torture.
- To date, the following twenty-four (24) African States have ratified OPCAT: Benin, Burkina Faso, Burundi, Cabo Verde, Central African Republic, Cote d’Ivoire (March 2023), Democratic Republic of the Congo, Gabon, Ghana, Liberia, Madagascar, Mali, Mauritania, Mauritius, Morocco, Mozambique, Niger, Nigeria, Rwanda, Senegal, South Africa, South Sudan, Togo, and Tunisia.¹⁰
- A further eight (8) African States are signatories to OPCAT: Angola, Cameroon, Chad, Congo, Guinea, Guinea-Bissau, Sierra Leone, and Zambia.¹¹

Compliance with OPCAT:

⁷ United Nations Human Rights, Office of the High Commissioner, ‘*Status of Ratification Interactive Dashboard*’ <<https://indicators.ohchr.org/>> last accessed 9 December 2023.

⁸ United Nations Human Rights, Office of the High Commissioner, ‘*Status of Ratification Interactive Dashboard*’ <<https://indicators.ohchr.org/>> last accessed 9 December 2023.

⁹ OHCHR, *Status of Ratification Interactive Dashboard: Convention Against Torture and Other, Cruel, Inhuman, or Degrading Treatment or Punishment*, <<https://indicators.ohchr.org/>> last accessed 9 December 2023.

¹⁰ United Nations Human Rights, Office of the High Commissioner, ‘*Status of Ratification Interactive Dashboard*’ <<https://indicators.ohchr.org/>> last accessed 9 December 2023.

¹¹ United Nations Human Rights, Office of the High Commissioner, ‘*Status of Ratification Interactive Dashboard*’ <<https://indicators.ohchr.org/>> accessed 9 December 2023.

- Currently, 70 countries out of the 93 state parties to the Optional Protocol to the Convention Against Torture have established National Prevention of Torture Mechanisms.¹²
- The United Nations SPT visits are a part of their efforts to address the State Parties that are currently non-compliant with Article 17, requiring the establishment of one or several national preventive mechanisms for the prevention of torture at the domestic level. The following (9) African States listed as non-compliant include: Benin, Burundi, the Central African Republic, the Democratic Republic of Congo, Gabon, Ghana, Liberia, Nigeria and South Sudan.¹³
- International Federation of ACATs call for Congo to “complete the process of accession to the OP2-ICCPR and the OPCAT by depositing the instruments of accession with the United Nations Secretariat”.¹⁴

Other positive developments

- On 17 July 2024, it was reported by Independent rights experts and international and regional expert mechanisms that the Gambia has rejected a bill that would lift the ban on female genital mutilation (FGM).¹⁵
- Amnesty International reported that Daouda Diallo, a human rights defender and secretary general of the Coalition Against Impunity and Community Stigmatization, was freed on 7 March 2024 after being abducted on 1 December 2023, in Ouagadougou, capital of Burkina Faso.¹⁶

¹² United Nations Human Rights, Office of the High Commissioner, ‘UN torture prevention body plans to visit Democratic Republic of the Congo, Greece, Honduras, and Nigeria in 2024’ (Press Release – 29 November 2023) <<https://www.ohchr.org/en/press-releases/2023/11/un-torture-prevention-body-plans-visit-democratic-republic-congo-greece>> last accessed 12 February 2024.

¹³ United Nations Human Rights, Office of the High Commissioner, ‘Non-compliance with Article 17’ (Subcommittee on prevention of torture) <<https://www.ohchr.org/en/treaty-bodies/spt/non-compliance-article-17>> last accessed 9 December 2023; United Nations Human Rights, Office of the High Commissioner, ‘UN torture prevention body plans to visit Democratic Republic of the Congo, Greece, Honduras, and Nigeria in 2024’ (Press Release – 29 November 2023) <<https://www.ohchr.org/en/press-releases/2023/11/un-torture-prevention-body-plans-visit-democratic-republic-congo-greece>> last accessed 12 February 2024.

¹⁴ FICACT, ‘Call on the Congolese Authorities to Secure the Abolition of the Death Penalty and Prevent Torture in Places of Deprivation of Liberty’ (15 January 2024) <https://www.fiacat.org/en/media-press/press-releases/3204-press-release-call-on-congolese-authorities-to-secure-the-abolition-of-the-death-penalty-and-prevent-torture-in-places-of-deprivation-of-liberty> (accessed 2 February 2024)

¹⁵ UN Special Rapporteur on Torture, ‘The Gambia: Upholding ban on female genital mutilation another historic win, say human rights experts’ (17 July 2024) , <https://www.ohchr.org/en/press-releases/2024/07/gambia-upholding-ban-female-genital-mutilation-another-historic-win-say>, last accessed 4 September 2024 .

¹⁶ Amnesty International, ‘Burkina Faso: Disappeared human rights defender released: Daouda Diallo’ (28 March 2024) <https://www.amnesty.org/en/documents/afr60/7830/2024/en/> , last accessed 23 July 2024 .

- On 4 June 2024, Côte d'Ivoire deposited an instrument of accession to the Second Optional Protocol to the ICPPR, reaffirming commitments to the irreversible abolition of the death penalty.¹⁷
- On 5 June 2024, National Preventive Mechanisms from Senegal and Switzerland enter into peer exchange from 14-17 May 2024 to strengthen their torture prevention work. Monitoring visits were conducted in Thies prison and Cap Manuel prison which offered insight into challenges in detainment facilities and possible recommendations.¹⁸
- A 16-month study on prison governance in sub-Saharan Africa conducted by FIACAT was released on 4th September 2024. The study focuses on informal prison management practices influenced by colonial-era governance structures. It explores how these informal systems affect prison conditions, including overcrowding and torture. The study provides insights into improving prison governance and upholding human rights. It collects data in the field in Madagascar, as well as conducting interviews for comparative analysis in Cameroon, Côte d'Ivoire, the Republic of Congo, the DRC, and Chad.¹⁹
- Johannesburg played host to a key meeting that marked a significant step in the implementation of the Principles on Effective Interviewing for Investigations and Information Gathering (also known as the Méndez Principles). The Southern African Regional Police Commissioners Cooperation Organisation (SARPCCO), in collaboration with the African Commission on Human and Peoples' Rights (ACHPR) and its Committee for the Prevention of Torture in Africa (CPTA), met on July 1-2 to promote non-coercive interviewing based on the Méndez Principles.²⁰
- On 31 July 2024, Togo's National Prevention Mechanism celebrated its 5th anniversary, highlighting significant achievements while acknowledging persistent challenges, including resource constraints that limit its ability to effectively address underlying issues such as prison overcrowding in Togo. The event concluded with the

¹⁷ FIACAT, 'Côte d'Ivoire, 'Towards the Definitive and Irreversible Abolition of the Death Penalty' (Press Release – 04 June 2024) < <https://www.fiacat.org/en/media-press/press-releases/3223-release>> last accessed 12 September 2024.

¹⁸ Association for the Prevention of Torture, 'Senegal: NPMs strengthen torture prevention efforts through peer exchange' (05 June 2024) < <https://www.apr.ch/news/senegal-npms-strengthen-torture-prevention-efforts-through-peer-exchange>> last accessed 16 September 2024.

¹⁹ FIACAT, 'Étude sur la gouvernance pénitentiaire en Afrique subsaharienne : pratiques informelles et influence historique' (4 September 2024) < <https://www.fiacat.org/en/524-francais/qui-sommes-nous/offres-d-emploi-et-stage/3234-etude-sur-la-gouvernance-penitentiaire-en-afrique-subsaharienne-pratiques-informelles-et-influence-historique>> last accessed 16 September 2024.

²⁰ Association for the prevention of torture, 'Shifting Mindsets: Southern Africa Embraces the Méndez Principles for Effective Interviewing' (22 July 2024) < [Shifting Mindsets: Southern Africa Embraces the Méndez Principles for Effective Interviewing | APT](https://www.apr.ch/news/shifting-mindsets-southern-africa-embraces-the-mendez-principles-for-effective-interviewing)> 26 July 2024.

signing of a memorandum of understanding between APT and the NPM, reinforcing the enduring partnership since the NPM's inception.²¹

Reported Prosecutions of officials for the crime of torture, or other ill-treat treatment and Court Decisions Advancing the Prohibition of Torture

- On 30 July 2024, it was reported that the Malawi High Court upheld the protection of undocumented immigrants from arbitrary and indefinite detention. The Mzuzu High Court ordered that 30 days should be the reasonable time envisaged under the Immigration Act within which deportation of undocumented immigrants ought to be affected by the State.²²
- On 1 August 2024, in Conakry, Guinea, former president Moussa Dadis Camara and six high-ranking officers were sentenced to prison terms ranging from 10 years to life for their roles in the 28 September 2009 massacre. The massacre, which took place at Conakry's stadium, involved the brutal killing of at least 156 people and widespread sexual violence.²³
- In July 2024 a case was brought to CAT by Epitace Nshimirimana, a national of Burundi born in 1980. He claimed that the State party had violated his rights under articles 2 (1) and 11 to 14 of the Convention, read in conjunction with article 1 or, in the alternative, with article 16, and under article 16 of the Convention, read alone. The Committee concluded that the facts before it reveal a violation by the State party of articles 2 (1) and 11 to 14, read in conjunction with article 1, and of article 16 of the Convention.²⁴
- On 10 July 2024, the Community Court of Justice of the Economic Community of West African States (ECOWAS) delivered a judgement against Nigeria in response to a case brought by victims of the Lekki toll gate massacre. The massacre happened in 2020 during a peaceful protest when Nigerian state agents opened fire on the demonstration. The ECOWAS found Nigeria "unequivocally responsible for both

²¹ Association for the Prevention of Torture, 'Togo's National Prevention Mechanism Marks Fifth Anniversary with Renewed Commitment' (21 July 2024) <<https://www.ap.t.ch/news/togos-national-prevention-mechanism-marks-fifth-anniversary-renewed-commitment>> last accessed 16 September 2024.

²² Southern Africa Litigation Centre, 'Malawi High Court upholds protection of undocumented immigrants from arbitrary and indefinite detention' (30 July 2024) <https://www.southernafricalitigationcentre.org/news-release-malawi-high-court-upholds-protection-of-undocumented-immigrants-from-arbitrary-and-indefinite-detention/>, last accessed 4 September 2024.

²³ International Federation for Human Rights (FIDH), 'Guinea: the verdict of victory for the victims of the 28 September 2009 massacre' (1 August 2024) <<https://www.fidh.org/en/region/Africa/guinea-conakry/guinea-the-verdict-of-victory-for-the-victims-of-the-28-september>> last accessed 16 September 2024.

²⁴ UNCAT, 'Decision adopted by the Committee under article 22 of the Convention, concerning communication No. 1039/2020' <<https://digitallibrary.un.org/record/4053809?v=pdf>> last accessed 18 September 2024.

substantive and procedural violations and ordered compensatory and declaratory relief to the applicants.”²⁵

C. Concerns with the Prohibition and Prevention of Torture and Other Ill-Treatment or Punishment in Africa

Extra-judicial killings, arbitrary executions, the death penalty and enforced disappearances

- On 1 March 2024, Barney Afako, a Member of the Commission on Human Rights in South Sudan, stated that there were concerns raised regarding the impunity of the key political and military officials in South Sudan, such as Joseph Monytil and Gordon Koang, allowing them to continue to instigate serious violence, including extrajudicial killings.²⁶
- On 5 March 2024, The UN Committee on Enforced Disappearances (CED) expressed concerns regarding the targeting of human rights defenders, journalists, political opponents, and Peul Ethnic group members for enforced disappearances in Burkina Faso, following the receipt of evidence of several mass graves.²⁷
- On 7 March 2024, Amnesty International reported that authorities in Zimbabwe had still not revealed the whereabouts of pro-democracy activist and journalist Itai Dzamara who had forcibly disappeared nine years ago.²⁸
- On 27 March 2024, Amnesty International reported that drone strikes by the Malian army on 17 March killed at least 14 civilians in Amasrakad.²⁹

²⁵ ECOWAS, ‘ECOWAS COURT FINDS NIGERIA IN BREACH OF MULTIPLE ACHPR ARTICLES RESULTING IN SEVERAL HUMAN RIGHTS VIOLATIONS’ (10 July 2024) <<http://www.courtecowas.org/2024/07/10/ecowas-court-finds-nigeria-in-breach-of-multiple-achpr-articles-resulting-in-several-human-rights-violations/>> last accessed 29 September 2024.

²⁶ United Nations Human Rights Office of the High Commissioner, ‘Statement by Barney Afako, Member of the Commission on Human Rights in South Sudan, to the Human Rights Council’ (Statements – 1 March 2024) <<https://www.ohchr.org/en/statements/2024/03/statement-barney-afako-member-commission-human-rights-south-sudan-human-rights>> last accessed 16 September 2024.

²⁷ United Nations Human Rights Office of the High Commissioner, ‘UN Committee on Enforced Disappearances publishes findings on Cambodia, Burkina Faso, and Honduras’ (Treaty Bodies – 05 March 2024) <<https://www.ohchr.org/en/press-releases/2024/03/un-committee-enforced-disappearances-publishes-findings-cambodia-burkina>> last accessed 16 September 2024 .

²⁸ Amnesty International, ‘Zimbabwe: Authorities must reveal whereabouts of prodemocracy activist and journalist forcibly disappeared nine years ago’ (7 March 2024) <https://www.amnesty.org/en/latest/news/2024/03/zimbabwe-authorities-must-reveal-whereabouts-of-prodemocracy-activist-and-journalist-forcibly-disappeared-nine-years-ago/> , last accessed 23 July 2024.

²⁹ Amnesty International, ‘Mali: Drone strikes killed 13 civilians including seven children in Amasrakad’, (27 March 2024) <https://www.amnesty.org/en/latest/news/2024/03/civilians-seeking-shelter-were-killed-by-drone-strike-in-town-in-gao-region/> , last accessed 23 July 2024.

- On 12 April 2024, Amnesty International called for African and global human rights bodies to urgently investigate killings of civilians by the Ethiopian National Defense Forces (ENDF) in Merawi town, Amhara region, after fighting with Fano militias on 29 January, as war crimes of murder and extrajudicial executions.³⁰
- On 25 June 2024, Amnesty International reported on the abduction of at least 12 people in Kenya which had occurred over the last five days. They are described as a gross violation of human rights and amount to arbitrary arrests and enforced disappearance as prohibited under Article 29 of the Constitution of Kenya 2010.³¹
- On 26 June 2024, The United Against Torture Consortium (UATC) expressed “grave concern over clear and convincing evidence of systematic torture and ill-treatment, extra-judicial killings and enforced disappearances by Kenyan security forces”. This concern has arisen ahead of renewed mass protests in Kenya due to “proposed tax rises amid a cost-of-living crisis”. The UATC urges the Kenyan authorities to immediately undertake “prompt, independent and effective investigations into all allegations of torture and ill-treatment, as it is obligated under its ratification of the UN convention against torture.”³²
- On 16 May 2024, the UN Special Procedures of the Human Rights Council, d Nigeria to place a moratorium on the death penalty with a view to abolishment following fears of re-prosecution of Yahaya Sharif-Aminu for “the crime of blasphemy” in 2020. UN experts argue that the death sentence for such a crime would amount to arbitrary deprivation of life under international law.³³
- On 11 July 2024, Mary Lawlor, the UN Special Rapporteur on Human Rights Defenders, called for Kenya and Rwanda to provide information about the disappeared human rights defender, Yusuf Ahmed Gasana from Kenya and his alleged extraordinary rendition to Rwanda a year ago.³⁴

³⁰ Amnesty International, ‘Ethiopia: Merawi killings should be independently investigated’ (12 April 2024) <https://www.amnesty.org/en/latest/news/2024/04/ethiopia-merawi-killings-should-be-independently-investigated/>, last accessed 12 April 2024.

³¹ Amnesty International, ‘Kenya: abductions of citizens suspected of involvement in protests violate human rights’ (25 June 2024) <https://www.amnesty.org/en/latest/news/2024/06/kenya-abductions-of-citizens-suspected-of-involvement-in-protests-violate-human-rights/> last accessed 23 July 2024 .

³² REDRESS, ‘Kenya: End Killings and Torture of Protestors, Ensure Freedom of Assembly’ (8 August 2024) < <https://redress.org/news/kenya-end-killings-and-torture-of-protesters-ensure-freedom-of-assembly/> > last accessed 25 August 2024.

³³ United Nations Human Rights Office of the High Commissioner, ‘Nigeria: UN experts demand release of Yahaya Sharif-Aminu’ (Special Procedures – 16 May 2024) < <https://www.ohchr.org/en/press-releases/2024/05/nigeria-un-experts-demand-release-yahaya-sharif-aminu>> last accessed 16 September 2024.

³⁴ United Nations Human Rights Office of the High Commissioner, ‘Kenya and Rwanda must provide information about disappeared human rights defender: Special Rapporteur (11 July 2024) <https://www.ohchr.org/en/press-releases/2024/07/kenya-and-rwanda-must-provide-information-about-disappeared-human-rights>, last accessed 24 July 2024 .

- On 23 July 2024, Amnesty International reported that two activists, Oumur Sylla and Mamadou Billo Bah, were arrested by defense and security forces in Sylla's home in Conakry (Guinea's capital) on 9 July 2024. They have since been subjected to enforced disappearance.³⁵ On 30 August 2024, Amnesty International called for an urgent investigation.³⁶
- On 10 September 2024, Amnesty International stated that the Libyan Internal Security Agency (ISA) must be held accountable for death in custody, enforced disappearances, and arbitrary detention. It reported that the ISA and Libyan Arab Armed Forces (LAAF) have been committing serious human rights abuses to crackdown on critics and political opponents. They have arrested dozens of people in areas of eastern and southern Libya under LAAF control. These people were then transferred to ISA-controlled facilities, where they remained arbitrarily detained for months and some were subjected to enforced disappearances for periods reaching 10 months. Two people died in custody in suspicious circumstances in April and July while in ISA-controlled detention centers in Benghazi and Ajdabiya. No independent and impartial criminal investigations have been carried out into their deaths and no one has been held accountable.³⁷
- Between January 2023 and June 2024, 76 people, including two children, were extrajudicially executed by the firing squad in South Sudan. These executions, carried out without trial by army and security forces for alleged offenses like murder, rape, and cattle-raiding, violate the right to life and due process. There are urgent calls for the South Sudanese government to halt these practices, conduct impartial investigations, hold perpetrators accountable, and consider a moratorium on the death penalty.³⁸
- On 6 September 2024, the UN Fact Finding Mission stated numerous human rights breaches and international crimes, such as war crimes and crimes against humanity, have been committed by Sudan's fighting parties, which include the Sudanese Armed

³⁵ Amnesty International, 'Guinea: Arrested activists' whereabouts unknown: Oumar Sylla (alias FonikeMengue), Mamadou Billo Bah' (23 July 2024) <https://www.amnesty.org/en/documents/afr29/8340/2024/en/>, last accessed 27 July 2024.

³⁶ Amnesty International. 'Guinea: Urgent investigation needed into enforced disappearance of two FNDC activists missing since 9 July', (30 August 2024) <https://www.amnesty.org/en/latest/news/2024/08/guinea-urgent-investigation-needed-into-enforced-disappearance-of-two-fndc-activists-missing-since-9-july/>, last accessed 10 September 2024.

³⁷ Amnesty International, 'Libya: Internal Security Agency must be held accountable for deaths in custody, enforced disappearances and arbitrary detention', (10 September 2024) <https://www.amnesty.org/en/latest/news/2024/09/libya-internal-security-agency-must-be-held-accountable-for-deaths-in-custody-enforced-disappearances-and-arbitrary-detention/>, last accessed 10 September 2024.

³⁸ UN Office for the High Commissioner of Human Rights, 'South Sudan: Rise in extrajudicial executions' (31 July 2024) <<https://www.ohchr.org/en/statements/2024/07/south-sudan-rise-extrajudicial-executions>> last accessed 16 September 2024.

Forces and Rapid Support Forces. These crimes include rape, arbitrary detention, torture, and attacks on individuals, hospitals, schools, communication networks, and other vital resources.³⁹

Torture during deprivation of liberty and poor conditions of detention

- Human Rights Watch's submission to the UPR of Egypt on 15 July 2024 revealed that security agencies continued to torture and hold detained dissidents in incommunicado detention for long periods:⁴⁰
 - a) The government failed to amend the definition of torture in the penal code to meet its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
 - b) There were reported abuses in prisons.
 - c) Reported that interior ministry police and National Security Agents have continued to forcibly disappear.
 - d) It was reported that incommunicado critics and dissidents were being held in official and unofficial detention centers and were being subject to torture and forced to confess.⁴¹

- On 18 July 2024, Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders, stated that “urgent and concrete action is required to ensure respect for human rights in places of detention in the Central African Republic.” The report found that “Thousands are currently held in overcrowded places of detention across the country, with limited access to food, water, sanitation, and basic healthcare.”⁴²

- On 5 July 2024, human rights defenders raised concern over the “deplorable and incessant food insecurity in Malawi prisons, which they say is a flagrant violation of the constitution and other international human rights instruments.” The 2023 Malawi Human Rights report revealed that prison conditions remained harsh and life-

³⁹ United Nations Human Rights ‘Sudan: UN Fact-Finding Mission outlines extensive human rights violations, international crimes, urges protection of civilians’ (6 September 2024) < <https://www.ohchr.org/en/press-releases/2024/09/sudan-un-fact-finding-mission-outlines-extensive-human-rights-violations> > last accessed 16 September 2024.

⁴⁰ Human Rights Watch, ‘Submission to the UPR of Egypt’ (15 July 2024) [HRW UPR submission of Egypt 15.7.24.pdf](#), last accessed 4 September 2024.

⁴¹ Human Rights Watch, ‘Submission to the UPR of Egypt’ (15 July 2024) [HRW UPR submission of Egypt 15.7.24.pdf](#), last accessed 4 September 2024.

⁴² United Nations Human Rights, ‘Central African Republic: Urgent action required to address human rights violations in places of detention – UN report (18 July 2024) < <https://www.ohchr.org/en/press-releases/2024/07/central-african-republic-urgent-action-required-address-human-rights> > last accessed 22 July 2024.

threatening due to gross overcrowding, inadequate food and potable water, and unsanitary conditions.⁴³

Torture and excessive use of force against protestors

- On 19 July 2024, Amnesty International called for 12 arbitrarily detained opposition leaders in Mali to be immediately released. One of these is Youssouf Daba Diawara, former coordinator of the Coordination of Movements, Friends, and Sympathizers of Imam Mahmoud Dicko (CMAS). Diawara was forced out of his car and brought to the Criminal Investigations Brigade of the Gendarmerie. He was then charged with “opposing legitimate authority” for participating in an unauthorized protest on 7 June. His trial is due to take place on 3 October.⁴⁴
- On 18 July 2024, Amnesty International reported that the Egyptian authorities have carried out 119 arbitrary arrests, including at least seven women and one child. Detainees posted on their social media accounts calling for protests.
- On 8 August 2024, The African Commission on Human and Peoples’ Rights expressed concern surrounding Nigeria’s response to mass protests. On 2 August 2024 and the following days, there were reports of clashes and fatalities due to the response of security and law enforcement personnel of Nigeria to the protests taking place in the country under the theme #EndBadGovernance. It was reported that 13 individuals died because of the excessive force.⁴⁵

Crimes against persons with albinism

- On 18 July 2024, The UN Independent Expert on the enjoyment of human rights by persons with albinism published a report on children with albinism and the right to a family life. The report underlines the range of violations experienced by children with albinism and highlights the practical risks to children with albinism when separated from their families owing to discrimination, lack of access to education or health services, ritual attacks and poverty, among other factors. It also presents sets of good practices to prevent and respond to separation.⁴⁶

⁴³ Southern Africa Litigation Centre, ‘Prison Malnutrition Persists’ (5 July 2024) < <https://www.southernafricalitigationcentre.org/prisons-malnutrition-persists/> > last accessed 25 August 2024.

⁴⁴ Amnesty International, ‘Mali: Arbitrarily detained opposition leaders must be immediately released’ (19 July 2024) <https://www.amnesty.org/en/latest/news/2024/07/mali-arbitrarily-detained-opposition-leaders-must-be-immediately-released/>, last accessed 10 September 2024.

⁴⁵ ACHPR, ‘The African Commission on Human and Peoples’ Rights Expresses Deep Concern over incidents of human rights abuses in the context of the response to mass protests in Nigeria’ (8 August 2024) < <https://achpr.au.int/en/news/statements/2024-08-08/statement-clashes-nigeria-human-rights-abuses-over-protests> > last accessed 25 August 2024.

⁴⁶ United Nations Office Of The High Commission, ‘A/79/173: Enjoyment of human rights by persons with albinism – Children with albinism and the right to a family life’ (18 July

- On 24 April 2024, The UN Committee on the Rights of Persons with Disabilities (CRPD) stated that Tanzania’s lack of investigation and action was equivalent to condoning ritual killings and mutilations of people with albinism. The Committee examined three cases of violence against individuals with albinism that occurred in Tanzania between 2008 and 2010. In all three cases the perpetrators weren’t charged with any offence and the Committee found that Tanzania had violated its obligations under the Convention. Tanzania also failed to provide a report on follow-up steps after the Committee asked Tanzania to provide the victims with an effective remedy.⁴⁷
- On 19 April 2024, UN expert Muluku-Anne Miti-Drummond urged the Lesotho authorities to prioritize removing barriers to the enjoyment of rights by persons with albinism after a 10-day trip to the country. Miti-Drummond said that she heard some encouraging testimonies, but she heard far more cases involving bullying, microaggressions, othering and emotional trauma. She encouraged a multi-sectoral approach to effectively tackle existing challenges and urged all actors, including traditional leaders and community members, to work together.⁴⁸
- On 10 September 2024, The African Court on Human and Peoples’ Rights held a public hearing in Centre for Human Rights and Others v United Republic of Tanzania (Application No. 019 of 2018). The case raises concerns about the widespread threats and breaches of the rights of persons with albinism in Tanzania, which include deaths, mutilations, discrimination, persecution, and humiliation. The NGOs contend that these events are in violation of the rights enshrined in the African Charter, which include the freedom from discrimination, the right to an effective remedy, the right to life and security, and the ban against torture. The Respondent's failure to reply resulted to the pleadings being closed at first, but on May 31, 2024, the Court reopened the case.⁴⁹

Other concerns (negative developments)

2024) <https://www.ohchr.org/en/documents/thematic-reports/a79175-enjoyment-human-rights-persons-albinism-children-albinism-and> , last accessed 11 September 2024.

⁴⁷ United Nations Human Rights Office Of The High Commission, ‘Tanzania’s lack of investigation and action equivalent to condoning ritual killings and mutilations of people with albinism, Un committee says’ (24 April 2024) <https://www.ohchr.org/en/press-releases/2024/04/tanzanias-lack-investigation-and-action-equivalent-condoning-ritual-killings> , last accessed 11 September 2024.

⁴⁸ United Nations Human Rights Office Of The High Commission, ‘Lesotho: Removing barriers to the rights of persons with albinism critical to improving lives, says UN expert’ (24 April 2024) <https://www.ohchr.org/en/press-releases/2024/04/lesotho-removing-barriers-rights-persons-albinism-critical-improving-lives> , last accessed 11 September 2024.

⁴⁹ The Centre for Human Rights (University of Pretoria), 'African Human Rights Court to hold public hearing of the Case challenging violation of human rights of persons with albinism in Tanzania' (9 September 2024) <<https://www.chr.up.ac.za/latest-news/3862-african-human-rights-court-to-hold-public-hearing-of-the-case-challenging-violation-of-human-rights-of-persons-with-albinism-in-tanzania>> last accessed 28 September 2024.

- On 15 March 2024, Amnesty International reported that the Democratic Republic of Congo (DRC) government had reinstated executions. Tigere Chagutah, Amnesty International's Regional Director for East and Southern Africa, said: "The government's decision to reinstate executions is a gross injustice for people sentenced to death in the Democratic Republic of Congo and shows a callous disregard for the right to life."⁵⁰
- On 19 June 2024, UN expresses concern over escalating attacks, intimidation and killings of human rights defenders in the Democratic Republic of Congo (DRC), particularly in the eastern provinces amid intensifying armed conflict. Between June 2023 and April 2024, the UN documented 387 incidents targeting human rights defenders and 67 journalists, involving both State agents and armed groups. Lawlor urged DRC authorities to ensure protection for human rights defenders and to investigate these violations in accordance with international standards.⁵¹
- On 9 August 2024, Amnesty International called for Zimbabwe's Authorities to end the massive crackdown on dissent before the Southern African Development Community (SADC) summit. They stated that over 160 people have been arrested since mid-June before the upcoming SADC summit in Harare and there is evidence of torture or other ill-treatment.⁵²
- On 25 July 2024, Amnesty International reported that the Nigerian military authorities have cracked down on the opposition, media, and peaceful dissent since taking power in the coup. They have arbitrarily detained former President Mohamed Bazoum, at least 30 officials from the ousted government, and people close to the deposed president, as well as several journalists.⁵³

⁵⁰ Amnesty International, 'Reinstating executions shows a callous disregard for human rights' (15 March 2024) <https://www.amnesty.org/en/latest/news/2024/03/drc-reinstating-executions-shows-a-callous-disregard-for-human-rights/>, last accessed 23 July 2024.

⁵¹ United Nations Human Rights Office of the High Commissioner, 'Democratic Republic of Congo: Targeting Human Rights Defenders Must Stop, UN Expert Says' (19 June 2024) <<https://www.ohchr.org/en/press-releases/2024/06/democratic-republic-congo-targeting-human-rights-defenders-must-stop-un>>last accessed 16 September 2024.

⁵² Amnesty International, Zimbabwe: Authorities must end massive crackdown on dissent before SADC summit (9 August 2024) <https://www.amnesty.org/en/latest/news/2024/08/zimbabwean-authorities-must-end-their-crackdown-against-opposition-and-civil-society-members-ahead-of-the-southern-african-development-community-sadc-summit-scheduled-for-17-august-2024-in-harare/>, last accessed 10 September 2024.

⁵³ Amnesty International, 'Niger: Rights in free fall a year after coup' (25 July 2024) <https://www.amnesty.org/en/latest/news/2024/07/niger-rights-in-free-fall-a-year-after-coup/>, last accessed 10 September 2024.

- On 17 July 2024, Amnesty International called for Zimbabwean authorities to immediately release over 70 detained opposition members, detained solely for the peaceful exercise of their human rights.⁵⁴
- On 22 April 2024, Amnesty International called on the South Sudanese authorities to disclose the fate and whereabouts of Juba's ex-mayor, Kalisto Lado who was arbitrarily arrested on 30 March 2024, by officers believed to be from the National Security Service.⁵⁵
- On 25 April 2024, The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz stated: "In cases of extrajudicial, summary or arbitrary executions (i.e. unlawful killings), bodies of victims are testaments to the violation of their right to life and, as such, the international community has a responsibility to protect and safeguard dead persons."⁵⁶ The Special Rapporteur examines the obligations to protect and respect the dead from a human rights perspective and calls for the development of human rights-based guiding principles to ensure the dignified treatment of human remains and addresses existing gaps between international humanitarian law and human rights law regarding the protection of the deceased, particularly in situations of potentially unlawful deaths. The report also explores challenges faced in different contexts, such as armed conflicts, migration, health crises, and mass fatality incidents, and highlights best practices to ensure that the rights of the deceased and their families are upheld.⁵⁷
- The African Commission on Human and Peoples' Rights expressed "profound concern regarding the recently amended National Security Service Act in the Republic of South Sudan regarding the recently amended National Security Service Act in the Republic of South Sudan". On 3 July 2024, the South Sudanese Parliament voted in favour of the amended National Security Service Bill which expands the powers of National Security Services, which includes the authority to arrest individuals without a warrant. This legislation awaits the President's signature to make this Bill law.⁵⁸

⁵⁴ Amnesty International, 'Zimbabwe: Authorities must immediately release detained opposition members', July 17 2024, <https://www.amnesty.org/en/latest/news/2024/07/zimbabwe-authorities-must-immediately-release-detained-opposition-members/>, last accessed 10 September 2024.

⁵⁵ Amnesty International, 'South Sudan: Government should come clean on enforced disappearance of Juba's ex-mayor', April 22 2024, <https://www.amnesty.org/en/documents/afr65/7967/2024/en/>, last accessed 23 July 2024.

⁵⁶ UN Special Rapporteur on extrajudicial, summary or arbitrary executions, 'Protection of the dead – Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions' (A/HRC/56/56 25 April 2024) < <https://www.ohchr.org/en/documents/thematic-reports/ahrc5656-protection-dead-report-special-rapporteur-extrajudicial-summary>> last accessed 16 September 2024.

⁵⁷ UN Special Rapporteur on extrajudicial, summary or arbitrary executions, 'Protection of the dead – Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions' (A/HRC/56/56 25 April 2024) < <https://www.ohchr.org/en/documents/thematic-reports/ahrc5656-protection-dead-report-special-rapporteur-extrajudicial-summary>> last accessed 16 September 2024.

⁵⁸ African Commission on Human and Peoples' Rights, 'The African Commission on Human and Peoples' Rights Expresses Deep Concern over the Recently Amended National Security Service Act in the Republic of South Sudan'

On 19 June 2024, Mary Lawlor, Special Rapporteur on the Situation of Human Rights Defenders, expressed concern over the growing number of attacks and harassment directed towards human rights defenders in the Democratic Republic of the Congo (DRC), especially in the eastern provinces of the country.⁵⁹

C. Recommendations

In view of the foregoing, the following recommendations can be made in relation to the CPTA's mandate of preventing and prohibiting torture and other ill-treatment:

- I. States that have not yet done so should ratify UNCAT.
- II. States that have not yet done so should ratify OPCAT and establish, designate or maintain National Preventive Mechanisms in accordance with Article 17 of OPCAT.
- III. All States should criminalise torture and other ill-treatment according to UNCAT.
- IV. All States should ensure that no statement obtained through torture is admitted as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.
- V. As States should ensure that any measures and restrictions imposed during the COVID-19 pandemic that may have facilitated or amounted to acts of torture or ill-treatment are removed in full.
- VI. States should take steps to avoid the use of broad laws such as anti-terror legislation, state of emergency laws and other state security legislation to carry out arbitrary arrests, searches and detentions contrary to international and regional standards.
- VII. States should take steps to improve conditions of detention in accordance with the Guidelines on the Condition of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines).
- VIII. States should review national laws to protect individuals from enforced disappearances, torture and other ill-treatment by prohibiting incommunicado detention; prolonged solitary confinement and criminalise the use of secret or unauthorised detention centres in accordance with the Robben Island Guidelines, UNCAT and OPCAT.

(8 July 2024) < <https://achpr.au.int/en/news/statements/2024-07-08/expresses-deep-concern-over-recently-amended-national-security-service> > last accessed 17 July 2024.

⁵⁹ United Nations Human Rights, Office of the High Commissioner, 'Democratic Republic of Congo: Targeting human rights defenders must stop, UN expert says', <[Democratic Republic of Congo: Targeting human rights defenders must stop, UN expert says | OHCHR](#)>, last accessed 27 August 2024.

- IX. States should establish mechanisms empowered to receive complaints of torture and other ill-treatment.
- X. States should initiate prompt, thorough, independent, and impartial investigations into all allegations of torture and other ill-treatment and ensure that perpetrators are held accountable and are subjected to appropriate sanctions that reflect the gravity of the offences, in accordance with the relevant international and regional standards.
- XI. States should ensure that security personnel do not use excessive force against civilians and that they respond to protests in accordance with the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.
- XII. States should respect and protect the rights of persons or groups at heightened risk to acts of torture and other ill-treatment, including persons with intellectual or psychosocial disabilities, homeless persons, even and children, persons with albinism, LGBTQIA+ persons, migrants, refugees, and internally displaced persons, and to ensure that perpetrators are held accountable.
- XIII. States should ensure that victims of torture and other ill-treatment have the right to all forms of redress including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition in accordance with General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5).
- XIV. All parties to conflicts should respect international humanitarian law set out in the Geneva Conventions, in their treatment of civilians and civilian property.
- XV. States should ensure that they implement recommendations made by the African Commission on Human and Peoples' Rights and UN bodies to prohibit and prevent torture and other ill-treatment.
- XVI. Anyone with information regarding allegations of torture and other ill-treatment should bring the allegations to the attention of the CPTA.