



AN AUDIT OF
**POLICE
OVERSIGHT
IN AFRICA**



AFRICAN POLICING CIVILIAN OVERSIGHT FORUM

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67 Roeland Square, Drury Lane, Gardens, Cape Town 8001, South Africa
Tel: +27 21 461 7211
Fax +27 21 461 7213
www.apcof.org.za

www.africanminds.co.za

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Acknowledgements

The African Police Civilian Oversight Forum (APCOF) is a network of African policing practitioners drawn from state and non-state institutions. It is active in promoting police reform through civilian oversight over policing. It believes that the broad values behind establishment of civilian oversight is to assist in restoring public confidence, develop a culture of human rights, integrity and transparency within the police and promote good working relationship between the police and the community. It achieves its goal through raising awareness and sharing information on police oversight, providing technical assistance to civil society police and new and emerging oversight bodies in Africa. APCOF was established in 2004 as a coalition of police oversight bodies and practitioners in Africa.

The objectives of APCOF are to:

- Create and sustain public confidence in the police
- Develop a culture of human rights, integrity, transparency and accountability within the police
- Promote good working relationships between the police and the community
- Promote good working conditions in the police

APCOF works on a range of issues such as:

- Promoting fair treatment of citizens by police agencies within the continent
- Exchange of information and better practices among oversight bodies
- Campaigning for the establishment of police oversight bodies in countries where they do not currently exist
- Standard setting for policing and civilian policing oversight bodies in Africa
- Encouraging and supporting the formation of regional networks to promote the issues of police reform.

APCOF is registered as a non-profit company under South African company law. The current directors of APCOF reflect the continental expertise from both state and civil society in promoting policing reform.

- Etannibi Alemika, Chair Criminology, Department of Sociology, University of Jos, Nigeria
- Edith Kibalama, Executive Director, East Africa Centre for Constitutional Development, Uganda
- Innocent Chukwuma, Executive Director, CLEEN (Centre for Law Enforcement Education Network), Nigeria
- Tommy Tshabalala, Head of Investigations, Independent Complaints Directorate, South Africa
- Ababacar Ndiaye, Project Officer, Senegalese Commission on Human Rights, Senegal
- Amir Suliman, Executive Director, Khartoum Centre for Human Rights and Environmental Development, Sudan
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- Elna van der Spuy, Centre for Criminology, Faculty of Law, University of Cape Town, South Africa
- Florence Simbiri-Jaoko, Chairperson, Kenya National Commission on Human Rights, Kenya
- Parry B.O. Osayande, Chair of the Nigerian Police Service Commission, Nigeria
- Ellas Valoyi, Acting Executive Director, Independent Complaints Directorate, South Africa

This audit is provided to give insight into the diversity of police oversight on the African continent and the challenges it faces. Through this publication APCOF also seeks to raise awareness on the importance of policing oversight in the ongoing efforts to promote reform or transform police agencies into organisations that are effective and efficient but also respectful of peoples' and human rights. The field is dynamic and this audit should be seen as a work in progress. Readers are encouraged to provide additional information using the reply form included in the book to contribute to an updated publication in 2010.

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Sean Tait
Co-ordinator, African Police Civilian Oversight Forum

October 2008
Cape Town

Foreword

Police forces play an important role in every state and in all democratic societies. The police force is one of the organs of the state responsible for the proper administration of justice, law and order, thereby providing a safe environment guaranteeing the respect and enjoyment of basic rights by all citizens. Maintenance of such an environment is only possible if the state, its institutions, and the citizenry respect the basic precepts of democracy and the rule of law.

The enforcement of law and order by police forces in every state is based on the constitutional and legal system of the respective states. Police forces are subject to the provisions of national constitutions and those laws regulating police matters.

Human rights principles proclaim that every person is equal before the law, and deserves the equal protection of the law. Being a member of the police force does not make one, or the force itself, above the law. All major human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights stipulate the right to equality before the law, equal protection of the law, non-discrimination, the right to liberty, human dignity and the security of the person, and the right to protection against cruel, inhuman and degrading treatment or punishment. Invariably, these rights suffer when police forces cease to operate in accordance with the law, when they wrongly perceive themselves to be above the law, or are not accountable to society.

It is quite evident that policing in a democratic society must be respectful of the basic rights of the individual, which are usually protected by national constitutions and law. Conversely, history teaches us that policing in non-democratic states and military or civilian dictatorships is characterised by arbitrariness and a lack of respect for the due process of the law.

Police forces in undemocratic societies are known for acts such as the unlawful arrest and detention of innocent persons, such as political opponents, the suppression of free speech, the prosecution of innocent individuals on trumped-up charges, prolonged detention without trial, torture, extra-judicial and summary executions, and other arbitrary acts against innocent individuals.

Unfortunately, such arbitrary acts and police brutality occur in democratic societies as well. There are sometimes 'bad apples' that bring disrepute to the forces in which they serve. In many cases, complaint procedures for raising such violations of public trust by the police are ineffective, non-existent or confusing.

During the last 50 years of independence and statehood for its countries, Africa has experienced massive cases of violations of basic human and peoples' rights associated with police enforcement of law and order during civil unrest, civil conflict, and military coups in many states.

Police forces in Africa are a reflection of the African state. Their history is closely linked to the evolution of the African state and its institutions. The post-independence political history of Africa has been one of authoritarian regimes and institutions, ranging from military dictatorships to the ubiquitous one-party state. Police forces have operated within that political culture.

Only in the early 1990s, when many African states embraced democratic reforms, did some begin human rights training within police forces. But draconian police methods and brutality continue; particularly when suppressing political demonstrations, but also in handling cases of regular crime. These practices have resulted in deaths and injuries to many innocent citizens in a number of African states.

The African Policing Civilian Oversight Forum (APCOF) was established at the end of an International Conference on Civilian Police Oversight, convened by the South African Independent Complaints Directorate in January 2004. There, African police forces began to re-examine the concept and philosophy of police accountability and civilian police oversight mechanisms in Africa.

It was not accidental that the conference was in South Africa. It was convened to enable police forces and other stakeholders to share insights from South Africa's post-apartheid policing experience, in view of the racist policing methods during the apartheid era and the lessons learnt during 10 years of democracy; as well as learning from other civilian policing oversight regimes within and beyond Africa.

The re-examination was informed by the recognition that police forces in democratic societies all over the world are accountable for their deeds. Police forces ought to be accountable to civilian institutions, instead of complaints being dealt with through the chain of command. It is believed that civilian oversight would dispel the impression that the police force are above the law, and would guard police forces against impunity.

In my view, the establishment of APCOF as a network of police forces, national human rights institutions, and non-governmental oversight bodies across the continent, aimed at enhancing accountability within African police forces, was long overdue. APCOF, upon its establishment, sought observer status with the African Commission on Human and Peoples' Rights, which it was granted during the 42nd Ordinary Session of the African Commission.

The African Commission on Human and Peoples' Rights welcomes the establishment of APCOF. APCOF's objectives are consistent with the African Charter on Human and Peoples' Rights. It is very clear that APCOF has filled a vacuum in the protection regime within Africa for victims of unlawful acts of police forces. The African Commission's jurisprudence is full of decisions against unlawful arrest and detention, and a host of other complaints attributable to unlawful acts of police forces in number state parties to the African Charter.

In granting APCOF observer status, the African Commission recognised the important role played by APCOF in disseminating the principles of police accountability and civilian police oversight. These will guarantee that police forces respect human rights and are seen to respect basic police procedures.

The African Commission, having realised that the vast problem of torture on the continent invariably involves law enforcement agencies including police forces, has adopted the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa. Known as the Robben Island Guidelines, they were adopted by the African Commission in October 2002. They were developed through a thorough consultative process involving the African Commission, representatives of governments and non-governmental organisations, in January 2002 at Robben Island, South Africa.

The importance of the guidelines and the symbolism of the Robben Island in respect of freedom, justice and the right to human dignity cannot be over-emphasised.

On behalf of the African Commission on Human and Peoples' Rights, I wish to acknowledge APCOF's initiative in promoting sound policing in Africa, and to thank them for agreeing to publish the Robben Island Guidelines in the inaugural APCOF Oversight Audit. Through this publication, the guidelines will be disseminated widely and will assist African police forces in their work. It is my expectation that APCOF will ensure that its mission and vision is spread to all police forces on the continent so that they may perform their very important duties in accordance with the law.

I therefore commend the APCOF Oversight Audit to you all, and hope that it will be used for the betterment of policing in Africa.

Bahame Tom Mukirya Nyanduga
Member, African Commission on Human and Peoples' Rights

September 2008
Dar es Salaam

Introduction

Police accountability institutions and mechanisms

Etannibi E.O. Alemika

Police and coercive powers

The police have enormous powers, which they may use to preserve or subvert the safety, liberty and rights of citizens. Thus, police power is a double-edged weapon. It represents liberty and oppression. Depending on the character of the society, the police may exercise their powers of surveillance for proactive crime prevention, arrest, investigation, search, seizure, interrogation, detention, bail and prosecution to promote or to undermine the safety, freedom, rights and dignity of citizens.¹

Realising this double-edged nature of police powers and discretion, governments in different countries have introduced various measures and processes to ensure that police do not abuse their powers with impunity. However, the measures have not eliminated police misconduct due to political culture and ineffectiveness of accountability mechanisms in different nations.² In a democratic society, police powers should be exercised for the advancement of democratic ethos and culture and in accordance with the rule of law or due process. However, given the nature of police work and culture, the temptation to use coercive powers to achieve illegitimate goals is enormous. The most difficult problem in the political and administrative management of the police in any nation is that of ensuring effective deterrence against police misuse of their enormous powers, especially in the light of the high levels of invisibility and discretion that are embedded in police work.³

An overview of police accountability mechanisms

In a democratic society, all organs of government are subject to vertical and horizontal forms of accountability. According to Andreas Schedler, the term:

... accountability carries two basic connotations: answerability, the obligation of public officials to inform about and to explain what they are doing; and enforcement, the capacity of accounting agencies to impose sanctions on power holders who have violated their public duties. This two-dimensional structure of meaning makes the concept a broad and inclusive one that, within its wide and loose boundaries, embraces (or at least overlaps with) lots of other terms – surveillance, monitoring, oversight, control, checks, restraint, public exposure, punishment – that we may employ to describe efforts to ensure that the exercise of power is a ruled-guided enterprise.⁴

Several measures, including periodic elections, written constitutions and entrenched fundamental human rights provisions are means of guaranteeing the accountability of political institutions and actors.

Police are accountable for several things and actions to different bodies and audiences. They are accountable for funds, policies (recruitment quotas and representation; crime control priorities, plans and targets), operations, and conducts. Stone and Ward⁵ identified the following three levels of police accountability:

1. Internal or departmental control. This refers to the rules and processes within police departments that are used to ensure compliance with rules; to investigate complaints, determine culpability of officers and to enforce dispositions.
2. State or governmental control. This refers to institutions, rules and processes through which the government hold the police accountable for a range of issues – policies, actions, resources, performance and conducts.
3. Social control or oversight by civil society. Groups within society constantly monitor the actions, performance, conducts and resource utilisation by the police. The media and human rights organisations are very active in this respect, and this partly accounts for the mutual suspicion between these groups and the police, especially in periods when the 'banner of law and order' is raised by politicians and police commanders.

The first and second levels are accountability mechanisms while the third level constitutes a watchdog role. In practice, watchdog mechanisms may expose misconduct and mobilise public opinion against it, including influencing internal and external accountability mechanisms⁶ to enforce sanctions. However, often they do not have statutory power of sanction.

Political accountability of the police are the mechanisms outside the forces, introduced to ensure that activities of the police are monitored and evaluated based on the achievement of different goals. Such goals are:

1. *effectiveness* (level of performance in the discharge of their mandates);
2. *efficiency* (optimal return to resources expended in the discharge of their functions); and
3. *integrity* (observance of laws and rules, respect for human rights, and avoidance of corrupt practices and abusive behaviours such as brutality, excessive use of force and extra-judicial killing, and law enforcement decisions based on prejudices against groups of individuals).

Police complaints institutions, whether within or outside the police force, aim mainly at ensuring police integrity. Mechanisms within the police force designed to receive, investigate and determine complaints against officers are internal disciplinary measures. They are meant to enhance police integrity, which is an essential requirement for public confidence, and to enforce discipline within the force, which is also necessary for effectiveness and efficiency. An effective internal police disciplinary regime enhances effective accountability to external authorities and audiences.

New forms of global and continental watchdog agencies are also emerging. In recent times, international human rights organisations like Amnesty International and Human Rights Watch have become important global watchdogs of police and prisons services. Similarly, the appointment and functions of Special Rapporteurs by the United Nations and other continental organisations are becoming important oversight mechanisms. The emergence of trans-national police associations, over time, may perform the function of oversight. In Southern Africa, the Southern African Regional Police Chiefs Co-ordinating Committee (SARPPCO) has adopted a code of conduct for policing in the region. In West Africa, an association of chiefs of police in ECOWAS countries has been formed. The African Policing Civilian Oversight Forum, with its multi-stakeholder membership, may also exercise oversight as its capacity is strengthened over time.

Police complaint systems and accountability

Police complaints systems, whether internal or external, independent or not, are mainly reactive measures. Such measures are aimed at redressing the grievances of complainants or victims of police misconduct. They are also expected to deter specific individuals accused of misconduct and the general population of police officers who are expected to learn from the discipline meted out to their colleagues punished for misbehaviour.

Police complaint systems provide opportunities for ventilation of grievances against police officers engaged in misconduct or abusive behaviours. They provide opportunity for the public to hold police officers and departments accountable for their conduct. Other dimensions of accountability hold police departments accountable for utilisation of resources, performance and compliance with organisational rules and operational orders. There are several ways of classifying police complaints models and several scholars and researchers have produced various typologies.⁷ Models of police complaint review may be classified in terms of whether or not they are internal or external to the police or in terms of the functions and powers of the systems and their operators.

Challenges of police oversight in Africa

Several factors militate against police oversight in Africa. They include the colonial and post-colonial legacies of authoritarian rule; lack of autonomy of policing institutions because of the prevalence of patrimonial (big man) rule; lack of appropriate normative and legal frameworks; weak institutional capacity; and pervasive insecurity.

Modern organised police forces in Africa were the creation of colonial rulers from the mid-nineteen centuries. The forces were established to enforce law and maintain order so that the colonisers could dominate the colonised with either minimum resistance from the colonised or through effective repression. Police forces and policing under the colonial rule were not aimed at satisfying the needs of the indigenous communities. The colonial police forces in Africa were deployed as occupation forces to suppress resistance against colonial rule and threats against the person and possessions of the colonisers.⁸ This explains the uneven distribution of police services between the government reserved area occupied by the colonial officials and entrepreneurs on one hand and the native residential areas on the other. While the latter lacked police services the former was saturated with police officers deployed as residential guards and personal orderlies.

After independence, post-colonial rulers appropriated the privileges of the colonisers and failed to restructure inherited institutions, including the police. Patrimonial or personal rule rather than democratic governance rapidly became entrenched in most African countries after independence. As opposition to post-colonial authoritarian rule intensified, the rulers also strengthened their grip on the armed forces and other security agencies. Leaders of these institutions owe their tenure to the head of the government. In this environment, neither the rulers nor the head of these agencies desire relative autonomy of the police forces. This is because autonomy will mean that political leaders will have less control over the forces. Similarly, the heads of police forces will lose immunity from lawless policing. In essence, autonomy will undermine impunity by both the rulers and the police forces.⁹ Given the continuing legacy of authoritarian government and policing, there is no political will to ensure effective oversight and accountability of the police.

The absence of democratic rule in most African countries, until political reforms aimed at establishing multi-party democracy began in the early 1990s, undermined the development of normative and legal frameworks for police oversight and accountability. Notwithstanding recent adoption of multi-party forms of government, former authoritarian rulers are still in power in many African nations. Thus, democratic transition remains feeble in the majority of African countries. This poses a challenge to police oversight of police forces, which served and continue to serve as handmaidens of the political rulers on the continent.

Another important challenge to police oversight and accountability in Africa is pervasive lack of capacity and resources. African police forces lack the capacity required for policing increasingly complex societies. In particular, their control, command, composition, training, remuneration, equipment and deployment render them ineffective. Lack of capacity and resources is visible in such critical areas as crime prevention, surveillance, intelligence, investigation and apprehension of offenders. This handicap engenders inefficiency and lack of trust in the police to promote security and safety.

High rates of crime and the inefficiency of the police to combat the problem have engendered the proliferation of armed vigilante groups. The groups engage in trial by ordeals, mutilation and killing of suspects. Citizens often praise them because they consider them more effective than the police. The increasing rates of violent crimes in many African countries engender public support for unlawful policing acts by the police and vigilantes, thereby undermining oversight and accountability. While the governments in many African countries have established oversight institutions, police accountability and oversight remain weak due to several factors, including those enumerated above.

Structure of the report

This report contains a description of the police accountability mechanisms in Africa. In reading the report, it is useful to bear in mind that the institutions can be classified into two broad categories as general and specific mechanisms.

The general mechanisms include the parliamentary committees, which are ingredients of democratic oversight and the administrative mechanisms such as the office of Auditor-General, which is responsible for the auditing of the accounts of government departments. In all emerging democratic countries in Africa, these mechanisms exist, but are rarely effective due to persisting authoritarian political culture, weak institutions and capacities. Another form of general accountability mechanisms are the watchdog roles of the media and civil society organisations, including human rights non-governmental organisations.

The more specific mechanisms are those agencies specifically established for the oversight of aspects of police service. Examples in this category include the Police Service Commission in Nigeria, which is vested with powers of appointment, promotion and discipline and the Independent Complaint Directorate of South Africa that is responsible for investigation of serious police misconducts, particularly the investigation of deaths in police operations and custody.

In addition to these two broad types of mechanism, a third one that may be called a hybrid mechanism can be identified. National Human Rights Commissions are the principal example of the hybrid accountability mechanism. They have broad mandates for the investigation of the violation of human rights by individuals as well as private and public organisations, including the police. With transition to multi-party civil rule in many African countries since the late 1980s, many human right commissions have been established on the continent.

Methodology

The audit was undertaken over a period of two years as four separate studies into police oversight in the Northern, Western, Eastern and Southern African regions.

The information and data for this paper were obtained from several secondary sources. These sources often rely on different media for their information. Given the cost burden, research could not be conducted in individual countries but was somewhat compensated for by structuring the audit on the basis of regional audits.

In view of the dearth of information, a desk review of police oversight agencies in Africa cannot be exhaustive. Therefore, this report does not claim to be an exhaustive presentation on the subject. Instead, it is intended to provide preliminary information on which more systematic empirical identification and assessment of police oversight agencies in Africa may be designed and executed.

Due to the fact that many international organisations and institutions have a clear presence on the Internet, much information was extracted from websites – such as Amnesty International, the US Department of State and the like. Their interpretation of events may not be objective and certain situations or contexts may be misinterpreted by them. At best, the information on the actions of law enforcement agents and state security agencies presented here are only indicative of tendencies in the various countries and should be interpreted with caution.

The report is structured to provide a brief background to the country and its political and legal system, an overview of the police and the oversight mechanisms over the police.

APCOF intends to undertake a regular audit of oversight and it is hoped that future publications will become more comprehensive. To this end, a reply form is included in the publication and readers are encouraged to forward information they think may be relevant to subsequent publications.

Algeria

Algeria gained independence from France in 1965. The country has been in a state of civil war following military intervention into planned multi-party elections in 1991. A state of emergency has been in place since this time.¹⁰

Algeria is a presidential republic. The President is both head of state and head of government, and is elected for five-year terms (for a maximum of two terms). The President has the power to appoint and relieve the Prime Minister and to appoint senior military, security and civil officials.¹¹ Parliament is made up of a National People's Council and a Nation's Council. All of the members of the National People's Council, and two-thirds of the Nation's Council, are elected. The remaining members of the Nation's Council are appointed by the President. Parliament has legislated for public and individual rights and freedoms¹² and has the power to investigate and conduct hearings on issues of public interest.¹³

Policing is split between country and city. In rural areas, policing is provided by the gendarmerie. The gendarmerie is made up of 35 000 personnel that report directly to the Minister of Defence.¹⁴ In urban areas, policing is provided by the General Directorate for National Security or Surety National. The Surety National is made up of 16 000 officers and is mandated to protect individuals and property, investigate criminal offences, maintain public security, protect against crime and contribute to state security.¹⁵ The Surety National is further divided into a Judicial Police Directorate, a General Inquiry Directorate, a Security Republican Units Directorate, a Public Security Directorate and an Immigration and Territorial Police Directorate. Both the gendarmerie and Surety National have been involved in anti-insurgency operations that have been criticised for excessive use of force.

Chapter 4 of the Constitution enshrines basic rights that must be respected by all, including the police. Rights include equality, privacy, dignity, movement and freedom of expression, belief and peaceful assembly. It prohibits 'moral' and 'physical' violence. The Constitution also states that arrest is subject to judicial monitoring and that parliament has the power to monitor government. The Constitution states that fundamental freedoms and human and citizen's rights cannot be amended.¹⁶ However, under the State of Emergency Act, constitutional freedoms are limited. For example, the state of emergency grants the Minister of Interior the power to prohibit demonstrations and close down meetings, and gives security forces the right to search houses.

Constitutional matters are overseen by a Constitutional Council, which has a potential role in monitoring and reporting on human rights abuse by police. The Council comprises three members appointed by the President, two members from each of the parliamentary houses and one member from each of the High Court and State Council. The Council monitors compliance with the Constitution and determines the extent to which laws are compatible with the Constitution.¹⁷

There is debate over the independence of the judiciary, which has a possible role in police oversight. Under the Constitution, judges are held accountable to a High Judiciary Council, chaired by the President.¹⁸ There have been claims by civil society organisations that the system of judicial appointment – judges are appointed for ten-year terms by the Government-controlled Ministry of Judiciary – opens the judiciary up to illegitimate political pressure. The President's power over the judiciary was demonstrated in August 2000, when he replaced eighty percent of the judges at primary court level, and removed three judges from the High Court. In 1992, special anti-terrorist courts were established. These courts have been charged with giving the Government greater influence over security related matters.¹⁹

In 2001, the Government established the High Consultative Committee for the Promotion and Protection of Human Rights. This mechanism is responsible for the promotion and protection of human rights, as well as compiling reports on human rights in Algeria.²⁰

Human rights are also monitored by non-governmental organisations, including the Algerian Association for Human Rights and the Algerian Association for Defending Human Rights. However, these groups are severely restricted in their work and are repeatedly refused permission to hold public events. Media activity is also restricted – in 2006, 18 journalists were charged with defamation related to reporting on government activities.²¹

Angola

The Republic of Angola gained independence from Portugal in 1975. The country soon descended into civil war between the ruling Movement for the Popular Liberation of Angola (*Movimento Popular de Libertacao de Angola*, or MPLA) and the National Union for the Total Independence of Angola (*Uniao Nacional pela Independencia Total de Angola*, or UNITA). Peace negotiations between the Government and UNITA that commenced in 1990 resulted in the signing of the Angola Peace Accords (the Bicesse Accords), which provided for national elections. Although legislative and presidential elections took place in 1992, the civil war continued following the withdrawal of UNITA from the peace process. Peace negotiations continued during the 1990s, but the conflict only ended in 2002 after the assassination of Jonas Savimbi, the leader of UNITA. The current government is formed by the MPLA under the leadership of Jose Eduardo dos Santos.

The Constitution affirms the country's commitment to the UN and the OAU Charter.²² It also guarantees equality before the law,²³ respect for human dignity,²⁴ the right to life,²⁵ and protection against torture or any other cruel, inhuman or degrading treatment or punishment.²⁶ Articles 38 and 39 prohibit arbitrary detention and arrest. Constitutional and legal standards relating to fundamental rights must 'be interpreted and incorporated in keeping with the Universal Declaration of Human Rights, the African Charter on Human and People's Rights other international instruments to which Angola has adhered'.²⁷ Article 21(3) requires the Angolan courts to apply international instruments in the determination of legal disputes 'even where not invoked by the parties'.²⁸ The Constitution also guarantees 'the right to contest and take legal action against acts that violate rights guaranteed by (the) Constitution and other legislation'.²⁹ Under Annex 5 to the Lusaka Protocol, the activities of the Angolan National Police 'shall not restrict citizen's exercise of their political rights'.³⁰ A maximum period of detention is set out in the Preventive Custody Law – all detentions must be approved by the Public Prosecutor's Office (this office may also extend the initial period of detention).

The primary responsibility for law enforcement rests with the National Police (*Policia Nacional*), which falls under the authority of the Ministry of the Interior.

The 27-year civil war in Angola destroyed state institutions – including the institutions mandated to protect human rights. During the war, the police were often used for political purposes and as a fighting force of the MPLA government. In this context, the police organisation was allowed to act with impunity. More recently, the Government has undertaken reform initiatives that included the adoption of a Modernisation and Development Plan 2003–2007, which focused on improving police-community relations and training programmes. In 2005, the Government made some efforts to improve police respect for human rights and to combat impunity.³¹ In July 2007, the National Police signed an agreement with the Association for Justice, Peace and Democracy for the provision of human rights training and civic education.

The Angolan police force has been blamed for numerous human rights violations, including extrajudicial execution, torture and ill treatment, excessive use of force, arbitrary arrest and detention and long periods of pre-trial detention. The National Bureau of Criminal Investigation has reportedly used threats and violence to extract information from suspects.³² During 2005, a number of police officers were dismissed for misusing firearms or beating suspects. However, no police officer appears to have been prosecuted for human rights violations during the year.³³ Conditions of service are poor and pay is low – officers tend to supplement their income through extortion.³⁴

Angola's police are overseen by internal and external mechanisms. Internal mechanisms include police command inquiries and Amnesty International has reported that complaints handled by internal disciplinary procedures have led to formal punishment or dismissal of members of the police force.³⁵

The first of the external oversight mechanisms, the Judicial Proctorate, is established by Chapter VI of the Constitution. It is required 'to defend the rights, freedoms and guarantees of citizens ensuring by informal means the justice and legality of the public administration'.³⁶ Citizens may lodge complaints with the Judicial Proctorate concerning acts or omissions of public bodies (including the police) and the Proctorate may make recommendations to remedy the complaint. Under article 144, 'public administration bodies and agents' are obliged 'to co-operate with the Judicial Proctorate in the discharge of its duties'.

The Constitution provides for the establishment of an independent Justice Ombudsman tasked with protecting people's constitutional rights and freedoms and ensuring, by informal means, fair and lawful public administration. The Justice Ombudsman is empowered to receive complaints from members of

the public and to make recommendations aimed at preventing and remedying injustices. However, the establishment of the office has been delayed by the civil war. In April 2005, a Justice Ombudsman was appointed by the National Assembly. The appointment was met with concern by local human rights activists who feared that the lack of transparency and consultation in the appointment process would render the position ineffective.³⁷ At the time of writing this report, legislation concerning the powers and functions of the Ombudsman had not been adopted.

Angola does not have an independent human rights commission. Nevertheless, the National Assembly (*Assembleia Nacional*) has a human rights commission (*Direitos Humanos, Peticoes, Redamocoes e sugestoes dos cidadaos*) that is empowered to receive complaints from members of the public.³⁸ The parliamentary commission on human rights also undertakes site visits to places of detention and holds hearings on human rights issues. The National Assembly may constitute parliamentary commissions of inquiry to examine 'acts of the Government and administration'.³⁹

A number of non-governmental organisations have played an important role in holding the police accountable through activities such as human rights training. Notable among these organisations are the Justice, Peace and Democracy Association (*Associacao Justica, Paz e Democracia*, or AJPD), the Anti-militaristic Angolan Initiative for Human Rights (IAADH), the OMUNGA Project and the Commission for Justice, Peace and Reconciliation in Angola. The AJPD monitors activities within the National Bureau of Criminal Investigation, the Public Prosecutor's Office and national courts. The IAADH, which is based in Germany, defends the human rights and basic civil rights of 'all Angolans in Angola'.⁴⁰ It is important to note, however, that a number of Angolan human rights defenders have been subjected to threats and arrest because of their activities.⁴¹

Other mechanisms that may be used to hold the police accountable include the courts and the Human Rights Unit of the Ministry of Justice. The courts are obliged to 'guarantee and ensure compliance with the Constitutional Law, laws and other legal provisions in force, protection of the rights and legitimate interests of citizens and institutions' and are empowered to decide on the legality of administrative acts.⁴² However, the effectiveness of the Angolan court system as an oversight mechanism is adversely affected by poor infrastructure, facilities and poorly trained personnel.⁴³

The Ministry of Justice's Human Rights Unit has human rights commissions in each of the country's provinces to address human rights issues.

Benin

The Republic of Benin is a presidential parliamentary system. Multi-party elections have been held since 1991.

Benin's national police force falls under the Ministry of Interior.⁴⁴ Members of the police are generally poorly equipped and trained. There have been reports of arbitrary detention, brutality and extra-judicial killings, particularly during dispersal of demonstrators.⁴⁵ The police have also been criticised for being ineffective, particularly when dealing with crime and vigilantism.

The judiciary is fairly independent, although it has been criticised for inefficiency and corruption.⁴⁶

A human rights commission, the *Commission Beninoise des Droits de l'Homme*, was established in 1989. Its creation has been credited to two human rights lawyers. The Commission has a wide mandate with respect to the promotion of human rights. Although the Commission does not have specific provisions mandating it as a police oversight agency, it can investigate complaints of human rights abuse against police and make appropriate recommendations. The Commission cannot enforce its recommendations. The Commission has been seen to be active in promoting human rights, but has not been considered to be active in investigating and reporting on rights violations.⁴⁷

The Constitutional Court plays a role as a human rights monitor and has the potential to act as another form of police oversight agency.

Civil society is relatively free in Benin. Freedom of the press is generally satisfactory and the country benefits from an independent and pluralistic media industry. The media has been critical of government policies and actions.

Burkina Faso

Burkina Faso gained independence from France in 1960. Independence was followed by years of conflict, military rule and coups d'états. Burkina Faso now has a presidential parliamentary system, with a multi-party political structure guaranteed by the Constitution. The Constitution vests a significant level of power in the President.

Police organisations include a national police force (under the Ministry of Security) and a municipal police force (under the Ministry of Territorial Administration).

Widespread corruption has been reported through the junior police ranks.⁴⁸ Other problems that have been associated with the police include extra-judicial killing, torture, impunity and death in custody. For example, Freedom House reports that the police 'routinely ignored prescribed limits of detention with impunity. Security forces commit abuses with impunity, including torture and occasional extra-judicial killing'.⁴⁹ Amnesty International⁵⁰ has reported that 106 people were extra-judicially executed between October 2001 and January 2002 with no government investigation or prosecution. Demonstrations are frequently violently suppressed.

The judiciary is not independent. Illegitimate political interference into court proceedings has been reported.⁵¹ The country's security law permits surveillance and arrest without trial.⁵²

Press freedom is relatively good. There is a vibrant media and press freedoms guaranteed in the Constitution are respected.

Botswana

Botswana is a multi-party democracy that gained independence in 1966. The President is both head of state and head of government. The Botswana Democratic Party has been in power since independence.

There are two main police forces in Botswana. The first is the Botswana Police Force, established under the Botswana Police Act of 1987 and operating under the Ministry for Presidential Affairs and Public Administration. The second is the Local Police, which is established under the Local Police Act and falls under the Ministry of Local Government. The Local Police has law enforcement responsibility mainly in the rural areas of the country and works closely with the Customary Courts.⁵³ The Botswana Police Force is headed by a Commissioner and consists of a number of branches including the Criminal Investigation Department (CID) and the Special Support Group (SSG), which is the paramilitary wing of the police.

In its 2005 human rights practices country report for Botswana, the US Department of State observed that the Government of Botswana generally respected human rights, but noted that there were a number of human rights concerns during year, including excessive use of force by the police against suspects and harassment of human rights activists.⁵⁴ Further, two branches of the police force – the SSG and the CID – have been cited for their ‘high-handedness’ and ‘abuse and torture’ respectively.⁵⁵

Since the mid-1990s, the Botswana Police Force has been engaged in a reform process focusing on community policing and respect for human rights. It has also carried out opinion surveys to gauge public perceptions of its work. According to its Corporate Development Strategy 2003–2009, the Police Force is committed to ‘respecting, protecting and upholding the fundamental rights and freedoms of the individual’.⁵⁶ The Strategy also places emphasis on community policing.

The Botswana Police Act of 1987 contains extensive disciplinary procedures and makes provision for a Police Council responsible for receiving complaints made against the police.

The Office of the Ombudsman is established by the Ombudsman Act of 1995. The Ombudsman may ‘investigate complaints of injustice or maladministration in the Public Service’.

Botswana’s parliamentary committee system also contributes to holding the police accountable.

The Directorate on Corruption and Economic Crime may receive police complaints if the police do not deal with the complaint adequately. Botswana’s Auditor General is provided for in section 124 of the Constitution and holds the police accountable through financial and performance auditing of all public accounts.⁵⁷

There are several individual non-governmental organisations, such as Ditswanelo and the Centre for Human Rights, which address human rights issues.

Burundi

Burundi has been independent since 1962. The country has been in a state of conflict since 1972, and ethnic divisions and human rights abuse have characterised life for many decades. A peace and reconciliation process is underway under a transitional government. A 2008 referendum supported a human rights focused constitution and power-sharing arrangements between the Hutu and Tutsi ethnic groups.

The new Constitution enshrines the right to life and prohibits torture or cruel, inhuman or degrading treatment.⁵⁸ A further article of the Constitution makes provision for the training of security and defence personnel in international humanitarian law and the Constitution.⁵⁹

The Burundi police force falls under the Ministry of Community Development and Regional Administration. Under the forces technical agreement in place in October 2003, the police are subject to 'the laws and regulations of the country', 'at the disposal of the Government, subordinate to its authority and accountable before the law', must be non-partisan, and are 'under the supervision of the competent civil authorities' as well as 'under the direct command and control of the Director General of Police'.⁶⁰ The United Nations Security Council adopted a resolution in mid-2004 calling for the deployment of a UN Operation in Burundi (ONUB). This has included police training and monitoring aimed at democratic human rights focused policing.⁶¹

There is no effective civilian oversight of the police. Security forces, including the police, continue to arbitrarily arrest and detain individuals, hold detainees for long periods of time without charge, torture and mistreat detainees and refuse to co-operate with prosecutors and magistrates.

The Arusha Agreement for Peace and Reconciliation in Burundi, signed in 2000 as part of the reconciliation process, makes provision for an Ombudsman, whose responsibilities include investigating complaints 'submitted to it by citizens of violations of their rights by agents of the state'.⁶² The Ombudsman may make recommendations on findings and is required to submit an annual report to the National Assembly and for public perusal.⁶³ Despite these provisions, it is not clear whether the Office of the Ombudsman is currently in operation and if so, whether its duties are being performed efficiently and effectively. In particular, it is not clear if the Ombudsman is engaged in police accountability work (through, for example, responding to complaints of police mistreatment or abuse).

Burundi has an Auditor General (*Inspection Generale des Finances*) who is appointed by the head of state and whose jurisdiction includes 'audit[s] of receipt of Government', including public agencies providing a public service. The Auditor General has the powers of search and seizure, but these are rendered ineffective by a lack of enforcement power. However, in theory the Auditor General is equipped to monitor the financial accountability of government departments, including the police force.⁶⁴

Burundi also has an Attorney General, and according to a report by the Danish Immigration Service in 1999, 'unlawful arrests and lengthy periods of unlawful detention' have decreased since the appointment of the Attorney General, despite limited resources and low capacity.⁶⁵ The report considers the Attorney General 'to be sound and trustworthy' and despite it being 'an uphill struggle getting him appointed', it is noteworthy that a Hutu was appointed to this post in the face of a Tutsi-dominated system.⁶⁶

There is a parliamentary human rights committee that has investigated deaths of civilians related to armed conflict in 2000 and 2002. In one instance the body was mandated to complete an inquiry by parliamentary request – it is unclear whether there is any process for routine investigation of police misconduct. The committee has investigated the conduct of the military, so there is some scope for investigating other security forces.⁶⁷

Two potential oversight agencies are the National Truth and Reconciliation Commission (mandated to look into crimes since independence) and the Ministry of Good Governance (a Government anti-corruption department).⁶⁸

The transitional government can be considered an oversight mechanism, particularly in light of comments made by the Minister of Institutional Reforms, Human Rights and Relations in a submission to the United Nations Commission on Human Rights in 2002. The Minister:

...underlined that the objective of the Transitional Government was to establish a true state of law and promote and raise awareness among the population of human rights and fundamental freedoms. In this regard, the Transitional Constitution accorded primary importance to the protection of human rights and fundamental freedoms, recognising that every person was

sacred and inviolable. It also stipulated that every person had the right to life, security, physical integrity, development, fulfillment, education, culture and ownership. The Government was also committed to the fight against impunity and to increasing the representation of women throughout the national structure.⁶⁹

The judicial system has been unable to guarantee due process and fairness. This is due to the failure of security forces to respect the law, the prevalence of widespread corruption and a lack of judicial independence.⁷⁰ This has meant that it has not been able to exercise a police oversight role.

Media is restricted. The transitional government has suspended operations of an Internet news group and has issued warnings to other groups. The government also restricts movement in rural areas where criminal activities may be taking place – this effectively limits media coverage. In addition, the transitional government also owns much of the major media, including the daily newspaper, Burundi's only television station and two radio stations.⁷¹

Human rights groups and other non-governmental organisations are also restricted in their work. The transitional government has, in general, allowed the operation of these groups and provided them with information and resources, but the political and ethnic instability in the country prevents the groups from operating effectively. Recommendations made by local organisations, such as the human rights group League Iteka, are often not carried out by the transitional government despite active advocacy and lobbying.⁷² Human rights groups working in the country include League Iteka (as mentioned) and APRODH - *L'Association Burundaise pour la Protection des Droits Humains*, or the Burundian Association for the Protection of Human Rights and Detainees.

Cameroon

Cameroon is a presidential, multi-party democracy dominated by the Cameroon People's Democratic Movement party (CPDM). The CPDM and its predecessors have governed Cameroon since the independence of French Cameroon in 1960 and unification with British Cameroon in 1961, notwithstanding the introduction of multi-party elections in the early 1990s. The President has significant levels of power and elections have been marred by claims of intimidation, manipulation and fraud. Cameroon's mixed colonial history means that it has inherited aspects of French and English law and language.

The country's police force is under the control of the President's office. It has been associated with serious abuse, including extrajudicial killings, torture, degrading and inhuman treatment, arbitrary arrest of members of opposition political and civic groups, long detention of suspects (sometimes in solitary cells) widespread corruption and extortion.⁷³ Torture is outlawed, but is routinely employed against detainees. According to a Freedom House Report, various intelligence agencies operate with impunity and opposition activists have been arrested and detained without charge – some of these have disappeared while in custody. Security forces routinely impede domestic travel, prevent demonstrations and disrupt meetings.⁷⁴ According to an Amnesty International Report, cases of torture, disappearances and deaths in custody have not been investigated in an independent and transparent manner.⁷⁵

The judicial system is not an effective police oversight mechanism. Courts are subject to illegitimate influence and corruption, and judicial appointments are made by the President. There have been instances where military tribunals have exercised jurisdiction over cases of civil unrest.

Cameroon has had a human rights commission since 1990. The National Commission on Human Rights and Freedoms (NCHRF) is subject to close Presidential control and as a result has not been very effective. The Commission engages in promotional activities but avoids investigating and reporting cases of human rights violations by the Government or security agencies.⁷⁶

There are a number of non-governmental organisations working in the country. Their operation is not restricted by government, but this is partly because of the nature of the issues addressed by them. There are no groups looking at police or police accountability issues.

Cape Verde

Cape Verde achieved independence in 1975 and was a one-party state until democratic elections in 1990. There have been peaceful transitions to new governments following elections.

Cape Verde's constitution has been in place since September 1992. It recognises the state as a republic based on the rule of law and recognition of human rights.⁷⁷

Cape Verde's police organisation dates back to the Public Order Police established in 1870. After independence, a council of Cape Verdean police assumed responsibility for this force taking over from Portuguese police officers.⁷⁸ Through the 1970s and 1980s, police training and equipment were developed with assistance from Cuba, East Germany and Portugal. In 1990, two special units were created – the Riot Police (*Corpo de Intervenção*) and a VIP's Personal Protection Unit (*Proteção de Entidades*).

A modernisation process in 1998 saw the inclusion of democratic values in the police mandate. It also established four police units – the Judiciary Police (*Polícia Judiciária*), Public Order Police (*Polícia de Ordem Pública*), Treasury Police (*Guarda Fiscal*) and the Maritime Police (*Polícia Marítima*). Each of the units fall under the control of the Minister of Justice and Internal Affairs, who is responsible to the Prime Minister. The Judiciary Police is 'a national body for crime prevention and investigation, assisting in the administration of criminal justice.'⁷⁹ The Public Order Police, which is headed by a General Commander assisted by Deputy-General Commanders, deals with administrative matters and conducts criminal investigations.⁸⁰ This unit is made of civilian personnel with military-style trappings regarding hierarchy, discipline, honours and salutes. The civilian Treasury Guard functions to 'prevent and repress financial and customs offences', as well for surveillance, customs, fraud and tax, drugs, weapons, explosives and smuggling duties. The Maritime Police is an armed force in charge of sea, ports, harbours and ships.⁸¹

The Constitution gives police oversight responsibility to the President, the National Assembly, the administration (led by the Prime Minister), the Courts, and auxiliary organs (including the Council of the Republic, the Ombudsman and the Economic and Social Council).

The Minister of Justice and Internal Affairs has police oversight capabilities through police policy development and implementation. The Minister has political responsibility for both the Public Order Police and the Judiciary Police.⁸²

An Ombudsman was created by constitutional amendment in 1999. It is an independent body elected by the National Assembly to protect citizen's rights and make recommendations to the administration to prevent or address illegal or unfair actions.⁸³

The Attorney General also has a direct police oversight role by considering complaints registered against a police officer for criminal, civil, administrative or disciplinary offences with the Attorney General.⁸⁴

Other possible oversight agencies include the General Auditor and General Prosecutor (both appointed by the President)⁸⁵ and the Courts.

A system of internal oversight is in place, through a complaints lodgement system at the police station level. If a complaint is a disciplinary matter, Commanders are vested with the authority to exercise disciplinary powers. For the Public Order Police, there is a Discipline Consultative Council headed by the General Commanders, who determines the disciplinary actions to be taken.⁸⁶

Central African Republic

The Central African Republic achieved independence in 1960, but its post-independence history has been marred by unstable governance and numerous attempted military coups (in 1965, 1981, 1988, 2001 and 2003).⁸⁷ It has also been subject to a series of constitutions; the 1995 Constitution adopted by referendum in 1994 was suspended by decree in 2003 following a military coup. A new Constitution was adopted by referendum in 2004, maintaining several aspects of the 1995 Constitution.⁸⁸ The President has significant power, including the authority to appoint the Prime Minister, other members of the Council of Ministers and the judiciary.⁸⁹ The Constitution refers to equality and human rights, prohibiting torture.⁹⁰

The Central African Republic's first national police force was set up in 1946.⁹¹ The police were often used as a tool of Government, and were also used to oppose military coups, leading to exchanges of gunfire between the army and the police force on a number of occasions. After military coups, the army was often favoured over the police organisation by new presidents. This led to increased military power and undermined the police.⁹² The President has authority over all the security forces, which include the navy, air force, national police, Gendarmerie, local police and the Presidential Security Unit.⁹³

The police have been charged with ineffectiveness. Unlawful killing, torture, destruction of property, pillaging, rape and abductions persist. Reportedly, the military is responsible for violent suppression of political freedom. For example, in 2007, members of the military, the Central African Armed Forces (*Forces Armées Centrafricaines*) were accused of executing suspected opposition group members. The criminal justice system broadly has been criticised for corruption.⁹⁴

Some effort has been made to ensure police are adequately trained. In 1999, the Minister for Public Security supported the United Nations Mission in the Central African Republic to increase police training. This included advanced weapons training, developing skills for non-violent management of crowds and reinforcing an anti-corruption culture.⁹⁵

The judiciary's potential police oversight role is limited by a lack of independence. Although the Constitution provides for an independent judiciary, the President selects judges and oversees the High Council of the Judiciary and the High Council of Defence.⁹⁶

Chad

Chad has experienced internal conflict and instability since independence in 1960. The country is a presidential parliamentary democracy, with an extremely strong president. Politics continues to be dominated by the military or individuals with past military service. Elections are often characterised by claims of irregularities and fraud. The current President, Idris Derby, took over in 1990 through a military takeover (he has subsequently won the position by election).

The police force reports to the Ministry of Public Security and Investigation. Decades of civil wars and armed insurrections have shaped the ruthless nature of the country's security forces in Chad. The Government's human rights record is very poor and political opposition is repressed. There have been cases of politically motivated disappearances recorded.⁹⁷ Security forces in the country have been accused of rape and assault of detainees and violence against opposition and human rights activists.⁹⁸ Security forces 'routinely ignore constitutional protection regarding search, seizure and detention.'⁹⁹

The judiciary is not an effective police oversight agency. Although it is guaranteed independence by the Constitution, it is heavily influenced by the Government and it has 'remained ineffective, underfunded, overburdened, vulnerable to acts of violence, and subject to executive interference'.¹⁰⁰ Government rarely prosecutes security personnel who perpetrate abuse.

A human rights commission – the *Commission Nationales des Droits de l'Homme* (CNDH) was established in 1993. On first look, the Commission has wide powers and enjoys relative independence. Membership of the Commission is drawn from Government and civil society. Significantly, the Commission is empowered to determine issues to be investigated, publish reports of its investigations and issue opinions on practices of the police, torture, inhuman and degrading treatment, secret detention centres, secret transfers and forced disappearances. However, the Commission has capitulated to Government pressure. As a result, it avoids investigation of human rights violations by the Government and its security officials.¹⁰¹

The media is also restricted and has little opportunity to operate as an oversight mechanism. Amnesty International reported that journalists were arbitrarily arrested, threatened and beaten by police in 2004.¹⁰²

Comoros

The Union of the Comoros (*l'Union des Comores*) is a parliamentary democracy of three semi-autonomous islands.¹⁰³ There is a constitution governing the union, although each island also has its own constitution. The islands declared independence from France in 1975. A fourth island in the archipelago, Mayotte, remains under French control.¹⁰⁴ The country has experienced at least twenty further coup attempts since the first in 1976.¹⁰⁵ Between 1990 and 2001 the islands were typically under the control of military government. The current constitution dates to a 2001 referendum.¹⁰⁶

Each of the islands has its own local police force (for example, on one island, Grande Comore, there is a local police force largely focused on immigration issues).¹⁰⁷ There is also a national paramilitary police force (the *Gendarmerie*) distributed over each of the three islands. This national force has significant level of power under a mixture of French and Muslim laws and is influenced heavily by the military, but has not been accused of human rights violations.¹⁰⁸ Police training is centralised and includes teaching in both military tactics and human rights.¹⁰⁹

Comoros has a small army that includes a military contingency from France.¹¹⁰ The Union President has power over a Presidential Guard (this used to be a private army controlled by mercenaries) and the defence force, which has acted as a paramilitary unit to restore order and exercise public control.¹¹¹

Both the military and police carry firearms, although the number of weapons carried was reduced in 2000 and 2001, following a United Nations/Organisation of African Unity programme to halt firearms trafficking.¹¹²

The judiciary is a potential police oversight body, but its effectiveness is reduced by a lack of independence. Although the judiciary is nominally independent of the legislature and executive, there have been cases where the influence of the executive or Ministers has been noted in Court.¹¹³

A further possible oversight mechanism is an annual report submitted to the Union's Assembly by the President.

Democratic Republic of the Congo

The Democratic Republic of the Congo won independence from Belgium in 1960. In 1965, Colonel Joseph Mobutu seized power in a military coup, renamed the country Zaire and ruled for the next 32 years. Mobutu's reign is associated with human rights abuse, sham elections, brutal force and authoritarianism.¹¹⁴ Internal dissent and involvement in neighbouring ethnic conflicts led to a rebellion led by Laurent Kabila toppling Mobutu in 1997 and the reinstatement of the name Democratic Republic of the Congo. Laurent Kabila's son, Joseph, succeeded him as head of state following Laurent's assassination in 2001. Joseph Kabila negotiated a peace deal in 2002 and established a transitional power-sharing government.¹¹⁵ A constitutional referendum was held in 2005 and democratic elections in 2006. Joseph Kabila won the presidential elections.¹¹⁶ The new Constitution enshrines respect for human rights and the rule of law.¹¹⁷

Policing in the DRC has a long history following its establishment in 1885 and has undergone extensive reorganisation under successive regimes. Following World War I, military and policing functions were split between Garrison Troops (military) and Territorial Service Troops (police). In 1959, the Territorial Service Troops were reconstituted into *Gendarmerie Nationale*. At independence, the *Gendarmerie* were integrated into the military *Armee Nationale Congolaise*. In 1961, all police functions were merged into a centralised policing unit in the Ministry of the Interior, the *Police Nationale*. In 1972, policing functions were transferred from the *Police Nationale* to the *Gendarmerie Nationale*, under the Defence Department. This entrenched presidential control of the police – the Inspector-General reported straight to the President. A civilian police, or Civil Guard, was set up in 1984 and was used to intimidate and repress political opponents.¹¹⁸

The main current police organisation (estimated 100–140 000 members) is the *Police Nationale Congolaise* (PNC), which was formed in 1985, from the amalgamation of the *Force Publique*, *Gendarmerie*, *Police Urbaine*, and *Garde Civile*.

The other important police organisations are the judicial police or *Police de Parquets*, which are accountable to the justice system, unlike the *Police Nationale*. They are the equivalent of detectives in an Anglophone system. Current police reform proposals envisage a merger of these two types of police.

The police have been accused of unlawful killing, arbitrary arrest and detention, torture, repression of political opposition and impunity. Corruption across all levels of government and government agencies remains an issue. Indiscipline within the organisation continues to present problems. The force continues to be seen as a tool of government. For example, there have been reports from Kinshasa that members of the Presidential Guard have committed abuses against people sharing the main opposition leader's ethnic and tribal background.¹¹⁹ Parliamentarians and government appointees have also been accused of committing similar abuses.¹²⁰

The police are being rebuilt with support from the British and South African Governments and the European Commission. Information detailing donor assistance is limited. Some early aspects of reform were described in the GMRRR (Mixed Reflection Group on the Reform and Reorganisation of the PNC) 2007 Report. A Follow-up Committee on Police Reform (CSRP) is now operating to realise the police reforms first conceptualised by the CSRP. Again, the European Commission and DFID are central players in this process.

The PNC is responsible to the Ministry of Interior, Decentralisation and Security (MIDS). The MIDS is apparently considering strengthening its oversight capacity as part of the process of police reform that has recently commenced.

The PNC themselves have recently established a division for internal monitoring – the *Inspection-Generale d'Audit*. The role of this division is not yet clear.

The internal accountability (discipline) system for the PNC is delegated by the Constitution to the Armed Forces of the DRC – incidents of indiscipline by police officials are dealt with by the military justice system. This has been heavily criticised by Congolese civil society.

The judiciary's role as an overseer may be limited. The Constitution includes a provision that judicial decisions are enforced in the name of the President, which may result in illegitimate political interference into court decisions.¹²¹ Also, the President has the authority to appoint and dismiss a judge without any restriction.

There are a number of government agencies that have potential police oversight functions. These include the National Electoral Commission (but only during election times), the High Authority of the Media and Communication (also largely during elections) and the offices of the Public Prosecutors.¹²²

The Assembly and Senate Committees on Defence and Security also have oversight powers. These were exercised early in 2008 – the Inspector-General of the PNC was called to appear before Parliament after police shootings in the province of Bas-Congo. The inquiry was broadcast on television.

Local (Congolese) and international (such as Global Rights, Human Rights Watch) non-government organisations and research groups play a role in providing independent, civil society scrutiny over the behavior of the police.

Republic of the Congo

The Republic of the Congo attained independence from France in 1960. Independence was followed by presidential elections in 1961, but a military coup replaced democratic rule with a one party Marxist-Leninist state in 1964. A period of political instability, coups, counter-coups and political assassinations followed. In 1992, elections completed a transition to multi-party democracy, but political tension ahead of 1997 elections led to conflict and the collapse of democracy. Elections were held in 2002 but were widely considered to be flawed.

The Constitution was put in place in 2002 and separates the executive, legislative and judicial arms of government. It guarantees rights and enshrines the rule of law.

The police have been associated with human rights abuses, including arbitrary detention.¹²³ For example, Colonel Serge André Mpassi has been held, with 11 others, without trial or charge since 2005.¹²⁴

At independence, the security sector was made up of the army and police forces. Under one-party rule, the National Popular Army was set up, and the police were absorbed into this military agency in 1972. This meant that police activities were militarised. In 1990, as part of the transition to democracy, the National Popular Army was dismantled. A National Police Force was set up, with the express intention that it was to be divorced from politics. The force included the Congolese Army, the *Gendarmerie* (state police) and the *Police Nationale* (national police). The *Police Nationale* was a civilian force, but continued to be influenced by a military approach. The National Police Force was restructured in 2003.¹²⁵

A system of internal police accountability is in place. The General Inspection of the Police Agencies assists the Minister in the 'general control of... police personnel' and for the upholding of rules and statutes related to the police.¹²⁶ This body also exercises control over administration, discipline and human/financial resources, while conducting investigations into police misconduct (aiming to enhance administration of the police and financial accountability).¹²⁷ Other internal oversight mechanisms include the General Management of the National Police (internal safety), the General Direction of the Surveillance of the Territory, (intelligence) the General Management of Public Safety (public safety) and the Special Units Command (control of special units).¹²⁸

The President oversees the police through the Ministry of Security and Public Order. The Minister of Security and Public Order may be dismissed by the President for incompetence.

The Constitution creates the office of the Mediator of the Republic and is given responsibility for government-community relations, including dealing with internal complaints within government agencies, including the police.¹²⁹

An Audit Office is mandated with oversight over public funds and agencies. This means that it has the power to hold the police responsible for its finances.¹³⁰

The Supreme Court is the highest judicial authority and can exercise oversight where police conduct is illegal. Other courts that have a role in police oversight include the Court of Appeal, County Courts, Administrative Courts, Commerce Courts, Magistrates Courts and Labour Courts. Under the Constitution, the courts are expected to proactively oversee the police.¹³¹ However, the justice system is considered to be repressive and antiquated,¹³² limiting scope for effective oversight.

Further police oversight agencies in the Republic of the Congo include the Economic and Social Council, the Council for Freedom of Communications and the Human Rights Commission.¹³³

Cote d'Ivoire

Cote d'Ivoire operates a presidential parliamentary system. The country has been engulfed by civil war since 2002 and political rivalry between the Government and opposition groups has characterised the country's politics since independence in 1960. Since the outbreak of war in 2002, human rights violations, in some cases by police, have become widespread.

The police force is under the control of the Ministry of Interior. The effective operation of the force is undermined by internal divisions along ethnic lines. Security forces, including the police, have been involved in extra-judicial killings to suppress opposition, politically motivated disappearances, arbitrary arrest and detention, corruption and brutality and the use of lethal force to suppress demonstrators.¹³⁴

The police organisation is not subject to effective oversight or accountability, and the culture of impunity is pervasive.

The judiciary does not operate as an oversight mechanism. Judges are not independent and 'appointed without tenure and are highly susceptible to external interference'.¹³⁵ In areas under rebel control, there is no judicial system or mechanism to hold combatants accountable for their abuses.¹³⁶

Djibouti

Djibouti is a semi-presidential republic. The country has experienced instability since independence in 1977, generally as a result of religious or political divisions. However, the current Government has been described as 'relatively stable' and has been in power since a coup attempt orchestrated by the police organisation failed in 2000.¹³⁷ In the same year, the Government signed a peace accord with a major opposition group.¹³⁸ The People's Rally for Progress party is currently in power and dominates politics.¹³⁹

Djibouti has a National Police Force.

A referendum in Djibouti in September 1992 resulted in the approval of a multi-party Constitution. The Constitution outlines human rights and freedoms protected by the state, including equality before the law, the right to life, freedom, safety and integrity and the right to just treatment before the law,¹⁴⁰ as well as the right to freedom of opinion and expression.¹⁴¹ Article 16 of the Constitution states that no person should be subjected to torture, maltreatment, inhuman, cruel, degrading or humiliating treatment. It further stipulates that individuals, Government officials or any public authority guilty of such acts, either through their own volition or by instruction, are guilty of an offence.

Despite constitutional and legislative provisions aimed at ensuring accountability of the police, as well as some measure of civilian control, there have been reports of human rights abuse by the police.¹⁴² Reports claim arbitrary and lengthy detention, mistreatment of detainees and street-level police corruption.¹⁴³

An ombudsman is in place, known as the Mediator of the Republic. The office aims to 'better guarantee the transparency [of] public services',¹⁴⁴ receives complaints related to the functioning of public services including the police and armed forces, and makes proposals on legislative reforms.¹⁴⁵ It performs a mediatory role in instances of conflict between the public and public administration, after which recommendations can be made to the administration being investigated or the Minister concerned.¹⁴⁶ The Mediator is also responsible for mediating between the Government and non-government organisations, although this function has not been successfully exercised.¹⁴⁷

The judiciary is not independent, which has led to a failure to prosecute human rights violations.

Djibouti has a National Human Rights Committee for the Promotion and Protection of Human Rights, but this committee has remained inactive over the past year.¹⁴⁸ The government has also made attempts to improve human rights legislation through a national forum – opposition groups refused to participate in this forum due to the Government's failure to respond to human rights violations and the lack of international human rights groups' involvement in the forum.¹⁴⁹

Djiboutian human rights groups, such as the Djiboutian Human Rights League (LDDH) and other non-government organisations conduct investigations into human rights violations and police activity with little restriction from the Government. Their recommendations, however, are not usually accepted by the Government. The media is restricted.

Equatorial Guinea

Equatorial Guinea gained independence from Spain in 1968.¹⁵⁰ The first post-independence President adopted a policy of a life term for the presidency and was overthrown in a coup in 1979 by Teodoro Obiang Nguema Mbasago. Mbasago remains the President, having been re-elected in 1989, 1996 and 2002. The 1996 and 2002 elections have been criticised.¹⁵¹ The President has significant power, including policy implementation and law making by presidential decree and vetoing draft laws passed by Parliament.¹⁵² The President can dissolve Parliament and appoint or dismiss military officials and the Council of Ministers (which includes the Prime Minister, Cabinet Ministers and Deputy Ministers).¹⁵³

The country's Constitution is aligned with the Universal Declaration of Human Rights and other relevant international agreements. However, the human rights reality is very different. The police have been accused of unlawful arrest, detention and torture. Examples of abuse include the arrest and beating of 16 children between the ages of 5 and 16 by police, following direction by the Vice-Minister of Agriculture and Forestry, who suspected them of stealing his personal belongings.¹⁵⁴ There have also been reports that security and police officials arrested and harassed political opposition figures.¹⁵⁵

Little information is available on the police organisation. There is an established military service, composed of army, navy, air force and paramilitary forces. The paramilitary force received specialised training from the French military.¹⁵⁶ Morocco and Spain have also assisted with military advice.¹⁵⁷

The judiciary is limited in its oversight role as key players, including the Attorney-General and judges of the Constitutional Court are all appointed by the President.¹⁵⁸

Government agencies that have a potential oversight role are also limited by presidential control. For example, the Ministry of the Economy, Trade and Business Development oversees the financial institution that manages state funds. This means that it could provide oversight over police budgets and performance. However, tight presidential control of the Ministry means that this power is not exercised.

The media is extremely restricted. The government limits media freedom – the United States Committee to Protect Journalists ranked the country in the top five most censored countries in 2006.¹⁵⁹

Eritrea

Eritrea, with its history of annexation, struggle for autonomy and border disputes with Ethiopia, achieved independence in 1993. A transitional Government ratified the country's Constitution in May 1997. Implementation, however, had not taken place at the time of writing.¹⁶⁰ Historical differences and border disputes contributed to a war between Ethiopia and Eritrea from May 1998 to June 2000, culminating in the signing of a final peace agreement – the Algiers Peace Accord – in December 2000.¹⁶¹ Despite the signing of the Peace Accord, since then, both countries have failed to engage in dialogue and there exists what has been described as a 'cold peace' between the two countries.¹⁶²

Eritrea's Constitution provides for the protection of a number of rights, stipulates that defence and security forces are accountable to the law and are expected to be competent, productive and respectful.¹⁶³ Article 14 of the Constitution protects the equality of individuals and Article 16 contains provisions protecting the dignity of individuals and the right not to be subject to torture, cruel, inhuman or degrading treatment or punishment. Article 17 is key as it protects the rights of detained persons, requiring that they be informed of the reasons for their arrest and be brought before the court within 48 hours, failing which the detainee must be released.

However, as the Constitution has not yet been implemented, these provisions are not enforced. For instance, despite the Constitution guaranteeing freedom of religion, it seems that the police are largely preoccupied with the enforcement of compulsory military conscription. Members of many religious groups are arrested and allegedly mistreated, tortured, or detained incommunicado as punishment for religious activities or objections to military service and consequent refusal to enlist.¹⁶⁴

The Claims Commission – a body set up under the Peace Accord – found that the Eritrean police (as well as military officials) were involved in cases of torture and violence against Ethiopians during the conflict. The Eritrean Government was found guilty of 'detaining Ethiopians in Eritrean police stations, prisons and jails without justification and without minimum procedural rights, including the detention of several thousand Ethiopian civilians during and after May 2000 without legal justification'.¹⁶⁵ Based on these accusations it remains to be seen how effectively the police force respond to democratic principles of accountability. Also, in 2003, the re-organisation and the placing of military officers in charge of police divisions led to the granting of powers of arrest to the military, resulting in the part-militarisation of the police force and a further move to control of security forces by the one-party government.¹⁶⁶

The state of conflict and failure to implement the Constitution has resulted in continued violations of fundamental human rights. This has included banning private media, a lack of law reform, continued arbitrary arrest and detention, unlawful killing and torture of detainees, prohibition of criticism of Government and prevention of human rights groups working in the country.¹⁶⁷

Police oversight is limited. There is an Office of the Auditor-General, provided for in the Constitution. The Office was established in 1992 and is accountable to Parliament. It conducts audits of the Government and in theory could hold all government departments financially accountable.¹⁶⁸ Eritrea also has an Attorney-General who may also directly or indirectly hold the police accountable for their actions. Judicial independence – and the capacity of the judiciary to act as an oversight mechanism – is limited.

The only human rights organisation given permission to operate is Citizens for Peace in Eritrea, and it is limited to supporting war victims.

Egypt

Egypt gained independence in 1954. Egypt is a democratic socialist state with a presidential system. Parliament consists of two Councils, one elected and the other made up of elected members and presidential appointees. The President appoints the Prime Minister who, in turn, appoints the Cabinet. Political opposition is restricted and a State of Emergency has been in place since 1981. The State of Emergency is renewable every three years – the last renewal was in 2006. Parliamentary elections have been marred by violence – including police shooting of voters.¹⁶⁹

The Constitution stresses the right to equality before the law. It maintains the right to litigation and personal freedom, requires the treatment of detainees in a manner that respects their dignity and prohibits the infliction of bodily or moral harm. It also guarantees respect for the right to privacy, freedom of expression and peaceful assembly. The Constitution underlines the rule of law.

The modern Egyptian police force emerged in 1952 with the fall of the monarchy. Initially, the police largely served the interests of the wealthy classes and relations with the general population were characterised by fear and distrust. Subsequent reforms eased more draconian police powers.¹⁷⁰ However, cases of police brutality, partiality and impunity continue to be regularly reported.¹⁷¹ Thousands of people arrested for political demonstration remain in detention – some for years – without trial, while torture and deaths in custody are regularly reported.¹⁷² Police officers are poorly paid and corruption is rife. In 1986 the army broke a police demonstration against low pay.¹⁷³

The force has around 122 000 members. There are also 60 000 security officers and a paramilitary security force of 300 000 officers. The police are organised under the Ministry of Interior and are directly accountable to the President. Article 184 of the Constitution sets up the police as:

an organised civic body and that the President of the Republic is its Supreme President. The police perform its duties as to serve the people and ensure their peace and security. Also, the police shall maintain order, public security and morals, and implement their duties in accordance with the law.¹⁷⁴

The Police Law (No. 109 of 1971) implements the constitutional framework. It states that the 'police undertake their mandate under the presidency and the leadership of the Minister of Interior, who issues orders that organise all affairs of the police and their working systems.' The police are responsible for maintaining security, public order and morals, and the protection of lives, honour, property and money. In particular, the police are tasked with the prevention and control of crime, as well as providing peace and security to all people in all aspects. The police are required to perform their duties in accordance with the law.¹⁷⁵

The public experience of policing is at odds with this framework. Egyptian law deems peaceful strikes and demonstrations as criminal offences and officers can apply this law brutally. Torture is a crime – and there have been successful convictions of people accused of torture – but there is no systematic or robust enforcement of anti-torture law.¹⁷⁶ The United Nations Committee Against Torture has expressed concern over the continuing torture and ill-treatment of detainees by police. Human rights organisations have criticised the Ministry of Interior for not working to take robust action against torture perpetrators. The police have – and use – considerable detention powers under the State of Emergency¹⁷⁷ (these detention powers have been strengthened by anti-terror laws). Excessive use of force is a serious concern. For example, in December 2005, police and security units forcefully ended a peaceful demonstration of 3000 Sudanese refugees. This resulted in 20 deaths, dozens of injuries and 1800 arrests (and detention of those arrested in security camps).

Internal oversight of the police lies with Governors (policing is structured in geographic provinces headed by a Governor) and the Director of Police. These positions are responsible for the implementation of Ministry of Interior policies and operate as a central command. A Supreme Police Council is tasked with devising rules and procedures for police.

There are a number of mechanisms for human rights monitoring. There is a General Directorate for Human Rights within the Ministry of Justice and a Human Rights Directorate within the Ministry of Interior. There are also a number of councils that monitor particular human rights, including the National Council for Maternity and Infancy and the National Council for Women.

The most important human rights monitoring mechanism is the National Council for Human Rights, which

was established in 2003. The Council aims to promote human rights and ensure consistency of Egyptian law with international standards. For example, the Council recommended the amendments of articles of the Penal Code and Criminal Procedure Act to bring the law into line with international principles. Other Council activities include compiling regular human rights reports, visiting and reporting on prison conditions, administering a system of complaints handling and setting up cross-government committees for human rights dialogue (including a joint committee comprising of the Ministry of Interior, offices of the General-Prosecutor and the Foreign Minister). The Council's complaint-handling process received 4850 complaints until 2004 and 6000 complaints in 2007. According to the Council, key police-related ministries, including the Interior, Justice and Attorney-General departments, are slow to respond to human rights complaints, demonstrating that these agencies do not place sufficient importance of issues raised – and recommendations made – by the Council.

There are 40 non-governmental organisations active in the human rights monitoring. Examples include the Arab Organisation for Human Rights, the Egyptian Organisation for Human Rights, the Cairo Centre for Human Rights Studies and the Al Nadeem Centre for the Psychological Treatment and Rehabilitation of Victims of Torture. The activities of these organisations are restricted and applications for registration of organisations have been turned down, preventing their operation.

The media is an important police oversight tool, particularly in emerging media. For example, video of police torturing detainees released on several websites prompted the prosecution and imprisonment of several of the officers involved. A film, *It's Chaos*, which addresses issues of police torture, received wide acclaim and uses actual footage of police using excessive force against demonstrators in 2005.

Ethiopia

Ethiopia's political landscape has undergone significant change in recent history. 17 years of military and communist rule ended in 1991, followed by a period of transitional government, implementation of a new Constitution in 1994, parliamentary elections in 1995 and presidential elections in 2000.¹⁷⁸ Border disputes with Eritrea have threatened stability.

The 1994 Constitution protects the freedom and human and democratic rights of its citizens.¹⁷⁹ This includes a prohibition of arbitrary arrest, cruel, inhuman or degrading treatment and forced confession.¹⁸⁰ It also states that government affairs should be transparent and public officials should be held accountable for failing to fulfill their duties.¹⁸¹ Under the Constitution, elected representatives are accountable to the people and the Constitution and have the power to legislate and set up a national police force. Particularly, the Constitution sets out that 'if the conduct of these forces infringes upon human rights and the nation's security, it [Parliament] shall carry out investigations and take necessary measures.'¹⁸²

Policing in Ethiopia is complex. Along with federal and local police, there are local militias that also operate as local security forces.¹⁸³ The army is also involved in internal security through its border control role. The federal police operates under the Federal Police Commission (headed by a Police Commissioner) that is answerable to the Ministry of Federal Affairs. The Ministry is answerable to Parliament.¹⁸⁴ The federal police has acknowledged its own limitations, and recently established a reform process aimed at professionalising the force.¹⁸⁵

There have been reports of serious human rights abuse by security forces in Ethiopia, including unlawful killing, torture and mistreatment of detainees, arbitrary arrest and detention, violation of privacy and criminal activity.¹⁸⁶

The Constitution sets up an Auditor-General to 'audit and inspect the accounts of ministries and other agencies of the Federal Government to ensure that expenditures are properly made'.¹⁸⁷ In practice it seems that the Auditor-General is committed to this mandate and the Auditor has said that 'it is incumbent on business and the public sector authorities to exercise regulatory oversight'. He went on to outline principles of good governance, such as accountability, transparency and social responsibility.¹⁸⁸ It is clear that there is the potential for the Auditor to oversee the financial operation of the police.

A National Human Rights Commission and Ombudsman's Office were established by law in 2000, but have not been set up.¹⁸⁹

Parliamentary commissions are a possible future oversight mechanism. A commission was recently established to investigate ethnic violence and the results, which implicated the military in violence, were made public. This demonstrates the possible role parliament could play in holding police organisation directly accountable for its actions.¹⁹⁰

There are signs that the law-making process is becoming more open, encouraging the principles of accountability, transparency and public consultation. For example, a draft media law that would have restricted press freedom was recently opened up to public debate and workshops were on the law were attended by government officials, private media and international consultants.¹⁹¹ This is an encouraging sign of increased public sector accountability.

Non-governmental organisations monitor police, justice sector and human rights activity. For example, the Ethiopian Human Rights Council monitors and reports on human rights abuses.¹⁹² The International Committee of the Red Cross is active in monitoring prisons and police stations and has assisted with human rights training of police and military officials (at the Government's request).¹⁹³

Gabon

Gabon became independent from France in 1960. Albert Bernard Bongo came to power in 1967 and a one-party state was declared in 1968. A transitional constitution in 1990 legalised multi-party elections. This election, and the series of elections that have followed, re-elected the ruling party and President, and have been marred by claims of fraud.¹⁹⁴

The Constitution makes direct reference to a wide range of international human rights declarations and treaties, including the Universal Declaration of Human Rights and the 1789 French Declaration of the Rights of Man and the Citizen.

Information on the police force is not readily available.¹⁹⁵ The security sector includes an army, air force, navy and paramilitary troops. France maintains a small troop of soldiers in the country.¹⁹⁶ The President appoints all the officials of the military and police and is the final authority for national security and the armed forces.¹⁹⁷

The police force is not viewed positively, and is associated with unlawful arrest and the torture of detainees.¹⁹⁸

The judiciary is independent and includes a number of police oversight mechanisms established by the Constitution, including the Judicial Court (penal, social, commercial and civil matters) and the Administrative Court (administration and law-making procedures).¹⁹⁹ The Constitutional Court is the highest judicial authority and hears applications from any citizen on laws that may be unconstitutional (by infringing on fundamental rights).²⁰⁰ A Court of Accounts is the final authority over public finances, and so has a potential police budget oversight role.²⁰¹

The media's police oversight role is restricted by government control.²⁰²

Gambia

Gambia is governed by a presidential parliamentary system that vests enormous power in the President. Elections in 2001 were judged to be relatively free.

The police force reports to the Secretary of State for the Interior. There has been criticism that the police have engaged in harassment, arbitrary arrest, solitary confinement of suspects, protracted detention and corruption. There have been examples of this conduct going unpunished, encouraging impunity.²⁰³ The National Intelligence Agency has the power to 'search, arrest or detain any person, or seize, impound, or search any vessel, equipment, plant or property without a warrant'.²⁰⁴

The police has a human rights and complaints office based at its Banjul headquarters. No information is available on the effectiveness of this internal accountability mechanism.

Judicial independence is guaranteed in the Constitution. A number of judges are appointed from other African countries, including Nigeria and Ghana. The judiciary has been judged to 'operate fairly and vigorously'.²⁰⁵

The office of the Ombudsman has an arrangement with the Inspector-General of the Police that allows the Ombudsman to act as effective an oversight mechanism. Complaints made to the Ombudsman involving the police are compiled, adjudicated and the decision is communicated to the Inspector-General. However, this process has no relationship to internal accountability processes, and the majority of the complaints considered by the Ombudsman relate to delays at the Attorney-General's office (such as delays issuing advice, delays getting post-mortem reports from government hospitals).

The country hosts some regional human rights organisations. These organisations do not serve as oversight bodies, but do fulfill a watchdog role against police abuse. Non-governmental organisations operate relatively freely.

Ghana

Ghana gained independence in 1957. It has had periods of military rule, but has demonstrated peaceful transition of power following democratic elections. The three elections held since 1996 have been considered reasonably free.

The police in Ghana have been accused of substantial human rights violations, including the use of excessive force, engaging in extra-judicial killings, torture of detainees, arbitrary arrest and detention.²⁰⁶ Widespread corruption has also been reported.

Ghana's police are guided in their conduct by Police Service Instructions, which are developed by the Inspector-General of Police under the Constitution and the Police Service Act. The instructions set out different sets of conduct guidelines for senior and junior officers. However, the instructions are extremely focused on internal conduct. This means that they are generally used by senior officers to punish more junior officers, rather than assisting members of the public with a complaint. The Police Service Act also sets out general conduct requirements.²⁰⁷

The instructions and legislative conduct requirements feed into internal disciplinary processes. An internal disciplinary process begins with either a complaint from a police officer or the Police Intelligence and Professional Standards Bureau (this external body is discussed later). The proceedings take place under the Police Service (Disciplinary Proceedings) Regulations. There are two different processes depending on the severity of the alleged offence – a simple summary process based on a written form or a more formal process before one of a number of disciplinary bodies – a Regional Disciplinary Body, Central Disciplinary Body, the Inspector-General or the President. Disciplinary processes are generally handed by one of the disciplinary bodies, with appeals going to the Inspector-General.²⁰⁸

Different processes have been used by the Ghanaian police to deal with complaints against the police since the early 1970s, when suggestion boxes were put into police stations to collect public and internal complaints and suggestions. In the late 1970s, this system was replaced by a Public Complaints Unit, based in police headquarters. The Unit was mandated to receive public complaints, conduct investigations and penalise officers for misconduct. This morphed into a Special Police Command Unit (from the early 1980s to 2001), a Monitoring and Inspection Unit between 2001 and 2005 and the current Police Intelligence and Professional Standards Bureau. This mechanism 'has proved to be more active and engaged than its predecessor bodies'.²⁰⁹ It has dealt with a high volume of cases – in the period from January to November 2005, it handled 356 complaints. 80 of these were dealt with inside the Bureau, 32 were referred out within the police organisation, 86 cases were sent to the Inspector-General, while 156 remained under investigation at the end of the period.²¹⁰

The first of Ghana's web of external oversight mechanisms is the Police Council. The Council is a constitutional body tasked with advising the President on policing policy, with a focus on recruitment. It advises on the appointment of officers, hears appeals from internal disciplinary processes and a range of general policing issues. The Council has been in place in one form or another since 1953, when it was set up in response to recommendations of a 1951 inquiry into policing in Ghana. It was enshrined in the Constitution in 1969, but has been disbanded for periods of military rule and spent a period of time in 2005 and 2006 dormant, after the President failed to appoint its members. Over its history, the Council has been considered ineffective as an oversight mechanism.²¹¹

The Police Council is underpinned by a network of Regional Police Committees. These Committees are tasked with supporting the Police Council with regional advice. They are constituted by the local Minister of State, the two most senior police officers in the region and a representative for each of the Attorney-General, regional House of Chiefs and a local lawyer.²¹²

Ghana has a human rights commission, the Commission for Human Rights and Administrative Justice. This constitutional body is mandated to look into human rights complaints, injustice, corruption or unfair treatment by a public official. It can also look into administrative complaints regarding the way state agencies, including the police, are working. The Commission can call for parties in a conflict to negotiate, report on a junior officer's conduct to a more senior officer, apply for an injunction or challenge unconstitutional laws. The Commission has been in place since 1993. It is the main independent body dealing with police complaints (between 1995 and 1998 it received 1000 police-related complaints from the public). The Commission has been hampered by the recommendatory nature of its powers and a lack of police co-operation. It is also tasked with a broad range of other roles outside policing.²¹³

Executive government plays a police oversight role. The Ministry of Interior is responsible for maintaining Ghana's internal security. In practice, it has performed an oversight function by appointing high-level Committees of Inquiry into deaths related to police misconduct and the nexus between illegal drugs and the police. The Ministry of National Security is a relatively new body (it was established in May 2006) and co-ordinates Ghana's national security approach. It has the power to investigate complaints of police misconduct. Finally, the Attorney-General's department has a role as part of its responsibility for bringing charges for serious offences, and for empowering the police to bring charges for less serious offences.²¹⁴

Question time in Parliament has been used as a police oversight mechanism, although this has mainly focused on police resourcing issues. Parliament can also play a role in police oversight through the Parliamentary Select Committee on Defence and Interior. This is a group of 18 members mandated to look into defence and internal affairs issues. The Committee exercises oversight in a number of ways, including calling for investigations into police malpractice, bringing the Inspector-General before the Committee to respond to questions, reviewing the police annual report and promoting public education around policing. In practice, the Committee falls short of these responsibilities (for example, it reviewed the annual report for the first time in 2006 – in previous years, it had not even questioned the police organisation's failure to table the report).²¹⁵

The effectiveness and impartiality of Ghana's judiciary has been questioned, compromising its role as a police oversight mechanism. The Chief Justice is appointed by the President, acting in consultation with the Council of State and the approval of Parliament, while other judges are appointed by the President acting on the advice of the Judicial Council (in consultation with the Council of State and with Parliament's agreement). Judges have been associated with corruption scandals, sometimes also involving the police. The court system also hears appeals from internal police disciplinary processes.²¹⁶

Under the Constitution, the President may appoint a Committee of Inquiry to consider matters of public interest, including policing matters (the Council of State can recommend a Committee and Parliament can also request that one is put together). A Committee is usually given terms of reference and time frame and asked to provide a report and recommendations to the President. The President must respond formally to a Committee report.²¹⁷

Civil society in Ghana is active in monitoring police conduct. For example, the Legal Resources Centre runs a legal aid clinic for victims of human rights abuse – half of the cases reported to the centre involve police misconduct. There are also a number of civil society organisations involved in systemic reform of the police, including the Commonwealth Human Rights Initiative, Africa Security Dialogue and Research, the Centre for Democratic Development, the Legal Resource Centre and the Media Foundation for West Africa.²¹⁸

Ghana's media, and particularly its news and radio outlets, highlight police misconduct. Despite constitutional protection of freedom of expression, the media has to deal with defamation claims, arrest and detention, property damage and censorship, which all threaten its police accountability role.²¹⁹

Guinea

Guinea is governed by a single political party dominated by the military. There are concerns that the constitutional guarantee of free and fair elections have been violated in previous elections that were characterised by intimidation and fraud.

The police force reports to the Ministry of Security. Freedom House has criticised the Government's human rights record as poor.²²⁰ Police conduct has born out this concern, with reports of extrajudicial killing, brutality, corruption, impunity, arbitrary arrest and impunity.²²¹

There is no effective police accountability framework. The judiciary is 'infected by corruption, nepotism, ethnic bias, and political interference, and lacks resources and training'.²²² The media is restricted by Government control. There are several non-governmental organisations operating in the country, despite restrictions.

Guinea-Bissau

Guinea-Bissau gained independence from Portugal in 1974. It has experienced military rule, periods of civil war and political instability since this time. The current President was brought to power following elections in 2003.²²³ The Constitution enshrines democracy, the rule of law and human rights.

The long period of political instability has left the police without the skills to interrogate suspects. This has resulted in the use of brute force and coercion to collect evidence. The police are also associated with human rights abuses, arbitrary exercise of their powers, illegal search and detention without charge.²²⁴ The country is used as a transit point for the illegal drug trade and allegations have been made that high-level security staff are involved. This level of corruption would make effective internal police oversight next to impossible.²²⁵

The police are under the direction of the Ministry of Interior and are responsible for the maintenance of internal peace and security. There is little institutional confidence or legitimacy, which has been compounded by the presence of United Nations and West African peacekeepers who have carried out policing functions, particularly quelling unrest. Private security agencies are often better equipped and trained than the police.²²⁶

The Constitution provides for a number of organs that may serve as oversight organs, including the presidency, the Council of State, the Prime Minister, the National Assembly and the judiciary.²²⁷

Kenya

Kenya gained independence in 1963. Its political history is a mixture of autocratic, multi-party and single-party rule. Multi-party politics has been in place since 1992²²⁸ and the 2002 elections saw a peaceful transition of power from the Government to the then opposition. The contested 2007 election saw widespread violence and accusations of election rigging, before peace was brokered between the government and opposition. A government of national unity was introduced and a truth and reconciliation process begun. During the 2007 election period 1200 Kenyans were killed and 300 000 displaced.

Kenya has two distinct policing agencies. Both of the branches of the police – the national force and the administration police (a legacy of a separation of policing into urban colonial areas and rural tribal areas who now also operate in urban Kenya) – along with other security forces, fall under the Ministry for National Security and Provincial Administration, which is in the Office of the President.²²⁹ Under section 5 of the Police Act, the police force resides under the command of the Commissioner of Police, who exercises this command by issuing Force Standing Orders. The Administration Police Commandant is responsible for the Administration Police. The Commissioner of Police answers to the President. The Act also sets out the force's functions, organisation and discipline.²³⁰

There are reports of significant levels of police misconduct. Reported misconduct includes torture and mistreatment of detainees and corruption. A public survey revealed that the police are perceived as the most corrupt agency in the country.²³¹ Prosecution of police officials for abuse of power is rare and complaints procedures against police involve the investigation of incidents by police themselves.²³² To counter police corruption, the Government has substantially increased police salaries and has arrested and charged a number of police officials for various criminal offences.²³³

There are two mechanisms of internal oversight of police in Kenya. Complaints procedures are set out in the Force Standing Orders and Police Manual. Complaints are considered by fellow police officers. Conviction can result in removal from the force, but is not mandatory.²³⁴ A special internal Court of Inquiry may be established.²³⁵ This Court is made up of two or more officers and reports to the Commissioner. The limitations of the internal system are illustrated by low levels of conviction or action – in 2005, just 5% of officers who faced capital offences were punished, while those who committed other forms of human rights violations were either transferred to other stations or retired.²³⁶

The Commissioner of Police also has the power to conduct internal investigations into alleged police misconduct. The Commissioner has exercised this power. For example, the Commissioner investigated a case where police allegedly used live ammunition to fire on a group of demonstrators. However, this investigation has been criticised for not considering the actions of a number of police officers allegedly involved in the conduct.²³⁷

A key external police oversight body is the Kenya National Commission of Human Rights. The Commission is created by legislation and is described as the 'Government's human rights watchdog agency'.²³⁸ The Commission is considered to be more independent and better resourced than previous attempts at a government human rights oversight agency. It is mandated to protect and promote human rights. Its functions include investigating complaints, advising the Government on issues related to victim compensation and conducting prison and police station visits (more often than not, the police have prevented access to police stations).²³⁹

In September 2008, the Government of Kenya established a Police Oversight Board to receive and evaluate complaints from public and the police officers against their colleagues and recommend appropriate action.²⁴⁰

The Attorney-General also has a role to play in police oversight. The Attorney-General is empowered to order inquests into unlawful killings by police. It has been reported that, of 45 reported incidents of unlawful killing in 2004, only 3 were subject to an inquest.²⁴¹ There have also been complaints by a local non-governmental organisation that the Attorney-General has not responded to its requests.²⁴²

The Auditor-General's functions include conducting annual audits of all public accounts of the Government and all accounts of officers and authorities of the Government. In theory, this means that the Auditor-General should ensure the financial accountability of all Government departments, including the police. It is not clear how effective this power has been in practice.²⁴³

Parliament has the power to oversee the police. This is undertaken both through the use of parliamentary

questions as well as the committee system, and in particular the Departmental Committee on Administration, National Security, and Local Authorities and the Departmental Committee on Legal Affairs and Administration of Justice. The Public Accounts Committee scrutinises budget allocations and annual reports. It is recognised that the Kenya Parliament's oversight capacity in respect of policing has not been developed and accordingly it has played a limited role in this area.²⁴⁴

Non-governmental and human rights organisations are a critical part of Kenya's oversight framework. For example, the non-governmental Kenya Human Rights Commission aims to achieve the 'monitoring, documenting and publicising' of human rights violations,²⁴⁵ including monitoring police conduct and receiving complaints against the police.²⁴⁶ Another organisation working on human rights issues is the Independent Medico Legal Unit, which conducts investigations into the deaths of individuals in police custody or as a result of police action and allegations of torture. The group investigates a number of potential police misconduct cases each year.²⁴⁷

Other police oversight mechanisms in Kenya include the media and church groups. Journalists have been subject to intimidation and arrest and the country is witnessing the increased use of libel laws to silence the media.²⁴⁸

Lesotho

Lesotho is a parliamentary constitutional monarchy that gained independence in 1966. Under the Constitution, the King is a ceremonial head of state with no executive power or political power. The country has experienced significant levels of instability, with coups and violent protests culminating in an intervention by South African and Botswana armed forces operating under the aegis of the Southern African Development Community in 1998. Constitutional reforms have since restored political stability.

Lesotho's Constitution protects a number of fundamental rights and freedoms including the right to life,²⁴⁹ personal liberty²⁵⁰ and freedom from torture or inhuman or degrading treatment or punishment.²⁵¹ It also contains a requirement that arrested persons be brought before court within 48 hours of their arrest.²⁵² Section 22 affords aggrieved individuals the opportunity to approach the High Court for redress in the event that their rights have been violated or are under threat and the High Court is empowered to make 'such orders, issue such process and give such directions as it may consider appropriate' for the purpose of enforcing or securing the enforcement of the rights under threat. Chapters XII and XIII of the Constitution concerning the Ombudsman and the police force, respectively, also contain provisions that have implications for police accountability.

Responsibility for the maintenance of law and order lies with the Lesotho Mounted Police Service (LMPS), which is established under the Constitution²⁵³ and falls under the authority of the Ministry of Home Affairs and Public Safety. The Commissioner of Police has overall command of the LMPS. The country is divided into three regional police districts, each of which is headed by an assistant commissioner of police.

Since 1998, the Government has undertaken a number of police reform initiatives. These have included the introduction of independent policing oversight mechanisms, revision of the police training syllabus to include human rights, and training new police recruits on the UN Convention Against Torture. The service is currently being restructured to improve its effectiveness. However, in its country report on Lesotho for 2005, the US Department of State observed that while the Government generally observed human rights, there were reports of violations of human rights by the security forces, including torture and excessive use of force against detained persons.²⁵⁴ The service is constrained by a significant shortage of resources.

The Lesotho Mounted Police Service Act of 1988 (Police Act) provides for a number of oversight mechanisms including an Inspector of Police, an independent Police Complaints Authority and a civilian Directorate of Policing. Section 21 of the Police Act establishes an Inspector of Police that has responsibility to monitor the effective and efficient functioning of the police force. The Inspector also makes recommendations to the Minister responsible for the police in regard to the performance of the police service. The Act also provides for a civilian Directorate of Policing that is tasked with overseeing the police and incorporating a standards control component. It serves as a link between the office of the Inspector of Police and the Minister. The Police Service Amendment Bill 2003 amended the Police Act to ensure that all organs of state assist the Authority in its duties. The Ombudsman Act of 1966 governs the terms of office of the Ombudsman, as provided by article 134 of the Constitution. It defines the powers of the Ombudsman and the procedures for filing a complaint with the Ombudsman.

The Police Act sets out processes for discipline of police officers. A Complaints and Discipline Section receives and investigates complaints concerning police abuses of power. In 2005, the Section received a total of 11 complaints of physical abuse and neglect of duty by members of the LMPS.²⁵⁵ While 2 of these complaints were found to be without substance, it is unclear what action has been taken with regard to the remainder.

The Criminal Procedure and Evidence Act of 1981 provides for the correct procedures concerning arrests, use of search warrants and seizure of property. The law requires the police to obtain a warrant prior to making an arrest. Suspects must be informed of the charges against them within 48 hours of arrest and their families must be notified of their detention. In practice, however, the police do not always comply with these requirements.²⁵⁶

The Police Complaints Authority is an independent oversight body that monitors questionable police conduct and addresses grievances against the police. It was established in 2003 and became fully operational in 2005.²⁵⁷ The Authority is empowered to investigate complaints of police misconduct and make recommendations of disciplinary action to the Commissioner of Police and for prosecution to the Director of Public Prosecutions.²⁵⁸ However, the Authority has expressed concern that the Police Act limits the functions of the Authority because it does not give the Authority powers of search and seizure or the

power to summon police officers.²⁵⁹ The Police Complaints Authority may further be limited by the fact that it cannot receive complaints directly from the public, since complaints from the public are referred to it from the police.²⁶⁰ The Police Amendment Bill 2003 contains conferred more powers on the Authority by obliging all organs of state to co-operate with it. In 2005, the Authority received 48 complaints and, at the end of the year made recommendations concerning disciplinary action to the Minister of Home Affairs and Public Safety.²⁶¹ No action appears to have been taken with regard to these recommendations.

The Office of the Ombudsman, which is established by section 134 of the Constitution and reports to Parliament, investigates violations of the rights of citizens by public and private sector agencies. The powers and functions of the Ombudsman (including entry and inspection of premises) are defined in the Ombudsman Act of 1996. The main function of the Ombudsman is to receive and investigate allegations of injustice from aggrieved persons against government agencies and statutory corporations or officials and employees of such organisations, and to recommend remedial action where he or she finds that a complaint has been proven.²⁶² In the event of non-compliance, the Ombudsman is required to make a Special Report to Parliament. The Ombudsman also submits annual reports to Parliament. It should be noted, however, that the Ombudsman's work is limited by a shortage of resources.²⁶³

The Defence Commission, which is provided for in the Constitution, has responsibility for the appointment, discipline and removal of members of the Defence Force, members of the Police Force and members of the Prison Service.²⁶⁴ The Commission decides on the appointment of the Commissioner of Police and the latter is responsible for the administration and discipline of the police 'subject to any direction of the Defence Commission.'²⁶⁵ In this way, the Commission may hold the police accountable.

A Directorate on Corruption and Economic Offences was established in 1999. Under the Act, the functions of the Directorate are to investigate complaints, prosecute corruption (subject to the direction of the Directorate of Public Prosecutions), prevent corruption and perform a public education role. The Directorate is empowered to investigate any complaint of corruption against a public body, including the police service.

The Ministry of Justice, Human Rights and Rehabilitation has a Human Rights Unit whose functions include disseminating information on human rights for law enforcement agencies and other interested groups, providing human rights training for law enforcement agencies and other interested groups and monitoring domestic legislation to ensure its compatibility with international human rights instruments.²⁶⁶

The courts and the constitutional offices of the Attorney-General and Auditor-General can also hold the police to account. Under the Constitution, the courts are empowered to decide cases including those involving violations of constitutional rights and to make appropriate orders for the enforcement of such rights.

The Attorney-General heads the Directorate of Public Prosecutions and is required to 'take necessary legal measures for the protection and upholding of [the] Constitution and other laws of Lesotho'.²⁶⁷ The Constitution gives the Director of Public Prosecutions the responsibility of instituting and undertaking criminal proceedings against any person, including errant police officials. The Auditor-General conducts annual audits of public accounts.²⁶⁸ This is important financial and performance oversight of the police.

A number of non-governmental organisations also act as accountability mechanisms. These organisations include the Transformation Resource Centre (TRC), Women and Law in Southern Africa (WLSA), and the Lesotho Council of NGOs (Lecongo). The TRC advocates for, amongst other things, reform of the police service in order to reduce incidents of police brutality and abuse of power.

Liberia

Liberia is a republic with a presidential parliamentary system of government. The country has been ravaged by a civil war that erupted in 1989 and has experienced periods of both democratic and repressive autocratic rule. A transitional government, supported by significant international assistance, successfully conducted elections in 2005 and the country is being rebuilt.

The periods of civil war destroyed Liberia's police force. Under successive brutal regimes in the 1980s and 1990s, the police were used by governments to repress opposition. During the civil war, media and human rights groups were subject to surveillance and harassment by security forces. In August 2003, public confidence and respect for the police and security services had deteriorated to its lowest level.²⁶⁹ Since the end of the war, a new police organisation has been established by the United Nations Civilian Police (UNICIVPOL) programme. In 2004, 15 000 peacekeepers and 1000 civilian police were deployed as part of the international assistance package and this led to a decline in human rights abuses by police. However, the current force is associated with numerous atrocities. This has been blamed on 'inadequate police and civil authorities; striking deficiencies within the national judicial system'.²⁷⁰

The Liberian judicial system does not provide effective police oversight. It is considered to be 'subject to executive influence, corruption, and intimidation by security forces'.²⁷¹

The Liberia National Law Enforcement Association serves as watchdog and offers recommendations with regards to the evolution of professional police.

Libya

Libya has been governed as a Jamahiriya (People's Republic) since a coup in 1977. The country is a direct democracy, governed by a series of local congresses and committees and a national General People's Congress.

Libya's Constitution, the Green Document, upholds human rights and guarantees freedom of movement, freedom of expression and the right to litigate.²⁷² Rights are also established under Law Number 20 of 1991 on the Consolidation of Freedom. This act promises equality before the law and the rights to bodily integrity, privacy, movement and litigation. The act also prohibits torture and violation of dignity.

Libyan police and other security forces are governed by legislation (Law Number 10 of 1992) (Police Law) and regulations issued by the General People's Committee for Justice. The General People's Committee for Justice determines the structures and mandates of the police. Under the Police Law, the functions of the police are to maintain state security, public order and protect the lives and honour of citizens. The Police Law also sets out that security is the responsibility of all citizens, places responsibility for reporting crime on members of the community and empowers the police to use force.

There is a strong emphasis on volunteer and citizen involvement in policing, based on a document known as the Guide on People's Security. Part-time volunteers authorised to carry weapons are used to maintain security and public order. A system known as Local Self Security is in place, where local residents contribute to policing duties on a volunteer basis. Tasks include guard duties and patrolling. This system is managed within local communities by a Local Self Security Co-ordinator who is responsible for the local programme, in accordance with policy set by the General People's Committee for Justice and the Local People's Security of the Congress. This role is often taken on by retired military or police officers.

A related security agency is the People's Security which operates under the Office of Security and Information of the General People's Committee. The mandate of the office is to co-ordinate security and information, provide a daily compilation of relevant events for the Secretary and investigate and report on issues as required.

Libya's criminal justice system is characterised by repressive and brutal practices. Police agencies have been accused of employing torture and long periods of detention.²⁷³

Police officers are subject to internal oversight. Under the Police Law, officers are tried by their immediate superior. The Law also grants the General People's Committee for Justice the right to set up a Tribunal to consider police misconduct.

Police are also explicitly subject to judicial oversight under the Police Law.²⁷⁴ The Law also sets out a series of penalties for misconduct, including warning and dismissal. Legislation states that the judiciary is independent.²⁷⁵ The President of the High Court is elected by the General People's Congress. As well as the courts performing an operational oversight role, in 1994, the High Court was granted a mandate of legislative judicial review.

In 1989, the Government established the Libyan Arab Committee for Human Rights. The government has also established committees to look into particular cases of alleged misconduct. For example, in April 2006 a committee was established to investigate the death and disappearance of prisoners at a Tripoli prison in 1996.

Civil society is extremely restricted. The state controls the activities of civil society and restricts freedom of expression.²⁷⁶ There have been some issues raised by groups, despite these restrictions. For example, in 2003, a number of non-governmental organisations raised issues of torture and violations of the freedoms of prisoners. In particular, the Al-Gathaffi Charity Institution criticised the security apparatus and called for investigation into deaths in custody. This may have contributed to the Government committee set up in 1996 to investigate the Tripoli prison matter.

Madagascar

Madagascar achieved independence in 1960. Its independence history has been marked by periods of instability and autocratic rule. The signing of the Panorama Convention in 1991 was followed by a new Constitution in 1992 and the country officially became a multi-party democracy in 1993.²⁷⁷ However, Madagascar's politics are largely dominated by the President and his party, Tiako-I-Madagasikara (TIM, or 'I love Madagascar').²⁷⁸

The Constitution includes basic rights provisions but there is no enforcement of sections related to arbitrary arrest or the use of torture.²⁷⁹ There have been attempts to remedy this, in particular a 1997 amendment of the Criminal Procedure Act to safeguard suspects against police brutality and torture.²⁸⁰

There are two police agencies. The National Police are responsible for urban areas and the Gendarmerie Nationale are responsible for policing outside urban areas.²⁸¹ The National Police falls under the Ministry for Public Security, whereas the Gendarmerie falls under the Ministry of National Defence. The army is involved in supporting policing operations.²⁸² The National Police has been described as 'capable and professional', notwithstanding the limited resources available to it and the prevalence of corruption.

Police accountability is a problematic issue. There are a number of mechanisms, but they are largely inoperative or ineffective. Judicial oversight is rendered ineffective by a lack of evidence or corruption of the judiciary.²⁸³ The National Commission for Human Rights has been inactive since 2002 due to non-replacement of members whose term has ended (it is the responsibility of the Government to replace members).²⁸⁴

Madagascar has an Ombudsman or Office of the Mediator. The Constitution provides for an 'independent agency' to promote and protect human rights, but it was a decision by the National Assembly in 1994 which resulted in this role being assigned to the Office of the Mediator. The Mediator is responsible for submitting annual reports and has distributed brochures to inform the public of their human rights. However, it seems that the Office of the Mediator's effectiveness may be limited as it relies on moral persuasion rather than direct action.²⁸⁵

There is an Office of the Attorney-General that, in theory, is free to act independently.²⁸⁶ Also, the audit office is tasked with, amongst other things, supervising 'the accounts and management of public enterprises' and therefore could hold the police accountable on financial and performance grounds.²⁸⁷

An anti-corruption strategy was launched in 2004 that has implications for the widespread corruption within the police. The strategy included the creation of an Independent Anti-Corruption Bureau, an anti-corruption tribunal and a system for receiving public complaints of corruption.²⁸⁸

The government has permitted the independent monitoring of detention centres by the International Committee of the Red Cross (ICRC). It has also allowed the operation of local international human rights organisations that have the potential to play a valuable police oversight role.²⁸⁹

Media freedom has been threatened by the government. Journalists have reported being threatened for criticising government action or policy, reducing the potential of the press to operate as a police oversight mechanism.

Malawi

Malawi obtained independence in 1964. Three decades of authoritarian single-party rule ended with multi-party elections in 1994 under a provisional Constitution that came into full force in 1995. The period of single-party rule was characterised by state-sponsored violence, repressive policing and human rights violations.²⁹⁰

The current Constitution includes a comprehensive bill of rights and restricts police powers in a number of respects. The Constitution protects the right to life, personal liberty, human dignity and prohibits torture, cruel, inhuman or degrading punishment, corporal punishment and arbitrary detention. Police are also prohibited from compelling a person to make a confession that may be used in evidence against them. While the Constitution provides for the incorporation of international human rights standards into national law,²⁹¹ parliamentary practice has spawned uncertainty concerning how international agreements are to enter into force.²⁹²

The primary responsibility for law enforcement and maintenance of order lies with the National Police Force, which is established under the Constitution and falls under the authority of the Ministry of Home Affairs and Internal Security. The police force is headed by an Inspector-General of Police appointed by the President and confirmed by the National Assembly. The Constitution provides that the police 'shall be an independent organ of the executive' whose function is the protection of public safety and the rights of persons in Malawi according to the prescriptions of this Constitution and any other law'. The police force enjoys only such powers as are necessary for the protection of the rights guaranteed in the Constitution and the maintenance of public safety and public order in accordance with the stipulations of the Constitution and the law.²⁹³ The Constitution also provides that members of the police force are subject to the 'direction of the courts and shall be bound by the orders of such courts'. The police force is regulated by the Police Act of 1946, which provides for its organisation, discipline, powers and functions.

It has been observed that the police force is generally inefficient and poorly trained due to insufficient funding.²⁹⁴ Other problems negatively impacting on the effective functioning of the police force are corruption and impunity.²⁹⁵ There has been considerable reporting on human rights abuse by police. In 2001, the Special Rapporteur on Prisons of the African Commission on Human and Peoples' Rights reported claims of police beatings and ill-treatment of suspects.²⁹⁶ In 2004, the US Department of State observed that while the government generally respected human rights, there were reports of human rights violations including the use of excessive force by the police and arbitrary arrest and detention.²⁹⁷ Similarly, Amnesty International reported incidents of torture and ill-treatment of suspects in police custody and some cases of deaths in police custody or as a consequence of the use of excessive force by the police.²⁹⁸

In recent years, the government has engaged in extensive training of police officers in human rights and public order management to improve accountability.²⁹⁹ For example, the government-supported Staff Development Institute offers a training programme for police officers that includes a component on human rights and constitutional law.³⁰⁰ Other notable reforms include efforts to repeal or amend oppressive legislation and to introduce civilian oversight of the police. An example of this is the Police Bill proposed by the Malawi Law Commission in 2003, which provides for independence of internal police disciplinary bodies and establishment of various civilian oversight mechanisms, including an independent Police Complaints Commission.³⁰¹ The Bill also includes a provision to the effect that the protection of fundamental rights and freedoms should be one of the general functions of the police service.³⁰²

The Constitution provides for a number of mechanisms that may be used to hold the police accountable. For example, Chapter X provides for an office of the Ombudsman with power to investigate 'any and all cases' of injustice, while Chapter XI establishes a Human Rights Commission to address human rights violations and to promote human rights. Chapter XII provides for an independent Law Commission with the power to review and makes recommendations on legislation. The Constitution also provides for a Police Service Commission with responsibility for police appointments, discipline and dismissals.

The Police Act was enacted during the colonial era and is outdated and inconsistent with the Constitution. Consequently, the Law Reform Commission has recommended the adoption of a Police Bill that provides for a lay visitor scheme and an independent Police Complaints Commission with power to investigate complaints against the police and to investigate deaths or injuries in police custody. The Ombudsman Act elaborates on the powers, duties and functions of the Ombudsman.

The Criminal Procedure and Evidence Code sets out procedures for arrest, search and seizure of

property. The Code gives accused persons the right to challenge the legality of detention, access to legal representation and to be released on bail or to be informed of charges against them within 48 hours. However, these rights are seldom respected in practice. The Code also deals with the question of confessions made by detained persons. Section 176 of the Code provides that any confession is admissible in evidence provided it was made by the accused person and that it is materially true. It is notable that the High Court has found that this provision is inconsistent with the Constitution. Under the Constitution, the Minister responsible for the police 'shall ensure that the discipline and conduct of the Malawi Police Force accords with the prescriptions of (the) Constitution and any other law'. However, matters of police discipline are detailed in Part V of the Police Act, which is effectively a code of conduct. The Act includes a list of disciplinary offences that a police officer may be charged with. In particular, it provides that any police officer who uses unwarranted violence on any person in custody shall be deemed to have committed an offence and that the offence may be investigated and tried and the offender punished. This provision effectively requires compliance with the prohibition on torture or cruel, inhuman or degrading treatment or punishment. Penalties include arrest, reprimand, dismissal or reduction in rank. The Act further provides that any complaints concerning police misconduct must be submitted to the police leadership for investigation. In a study published in 2002, Amnesty International stated that the internal processes that investigate complaints against police officers and take disciplinary action against them are 'neither independent nor transparent'.³⁰³ In 2005, however, an inspection of a police station by the Inspector-General of Police led to the arrest, trial and imprisonment of two police officers who were found to have abused detainees.³⁰⁴

The Human Rights Commission was created as part of the transition to a multi-party democratic system.³⁰⁵ The Constitution establishes the Commission with powers to monitor, audit and promote human rights guaranteed in the Constitution.³⁰⁶ The Commission also has the power to investigate human rights violations, including violations by the police, and to litigate on behalf of victims of police abuse. The powers and functions of the Commission are provided for in the Human Rights Commission Act of 1998. The Act provides that 'the Commission shall be competent in every respect to protect and promote human rights in Malawi in the broadest sense possible and to investigate violations of human rights on its own motion or upon complaints received by any person, class of person or body'. The Commission is given broad powers to hear and obtain any necessary evidence, to conduct searches (with a warrant issued by a magistrate) and to exercise 'unhindered authority' to visit detention centres 'with or without notice'. The Commission is accountable to Parliament. However, the functioning of the Commission is adversely affected by severe financial and human resource constraints that have created a backlog of cases, delayed production of reports and failure to enhance human rights monitoring.³⁰⁷

The Constitution also establishes the office of the Ombudsman, which is 'completely independent of the interference or direction of any other person or authority'.³⁰⁸ The Ombudsman is mandated to investigate 'any and all cases where it is alleged that a person has suffered injustice and it does not appear that there is any remedy reasonably available by way of proceedings in a court or by way of appeal from a court or where there is no other practicable remedy'.³⁰⁹ The Ombudsman is empowered to direct that 'appropriate administrative action' to redress grievances be taken or to recommend to the Director of Public Prosecutions the prosecution of government officials responsible for infringements of human rights and other abuses.³¹⁰ The powers and functions of the Ombudsman are elaborated in the Ombudsman Act. However, the powers of the Ombudsman are circumscribed by legislation that requires a warrant and a three-day waiting period to gain access to government records. Further, the activities of the Ombudsman are subject to judicial review.³¹¹ In practice, while the Ombudsman has been vigilant in attempting to prosecute police officers who abuse their powers and to provide compensation for victims of police abuses, the police often frustrate the work of the Ombudsman, especially in regard to investigations into police torture and brutality.

The Anti-Corruption Bureau, which commenced operation in 1998, aims to prevent and control corruption. The Bureau is headed by a Director and falls under the policy direction of the Minister of Justice, although it reports to Parliament annually. Under the Corrupt Practices Act, the Bureau has power to take necessary measures for the prevention of corruption in public and private bodies. Members of the public service – including the police – may be investigated and prosecuted by the Bureau. However, there has been a failure to prosecute public officials accused of corrupt practices. This failure has been largely attributed to the 'competing powers of the Anti-Corruption Bureau (ACB) and the DPP'.³¹² In particular, the requirement that

the ACB obtain the consent of the prosecutor before a case can be sent for prosecution has occasioned 'delays and impunity'.³¹³

The Constitution provides for a Police Service Commission with responsibility for police appointments, discipline and dismissals.³¹⁴ The Commission is empowered to appoint persons to hold offices in the police force (other than the Inspector-General of Police). The Commission also has powers to exercise disciplinary control over officers, including removal of officers from duty. The Commission is made up of a Justice of Appeal or Judge nominated by the Judicial Service Commission, a member of the Civil Service Commission, the Inspector-General of Police or a senior police officer nominated by the Inspector-General, the Ombudsman and a legal practitioner nominated by the President.³¹⁵

Civil suits can be instituted against the police and damages awarded by the courts in appropriate cases.³¹⁶ The courts may also hold the police accountable by refusing to admit into evidence confessions shown to have been procured through torture. However, the Malawian judicial system is generally inefficient and suffers from problems that include poor record-keeping, a shortage of trained personnel, heavy case loads and lack of resources.³¹⁷ The problem is further compounded by a lack of access to the courts by the majority of the population due to poverty and the prohibitive costs of legal services.³¹⁸

Parliament also plays an important oversight role during budget debates and ministerial question time as well as through its Committee on Defence and Security. Through these processes, Parliament may be able to influence policing strategies and use of police resources.

Since 1999, Community Policing Forums (CPFs), where members of the community and the police work together to combat crime have been established in most sub-districts. However, the impact of CPFs as an oversight mechanism is weakened because their role is not defined in law. Further, there is no provision for members of the community to visit police stations to check conditions of detention. The new Police Bill addresses these shortcomings to some extent. For instance, it provides for the establishment of an Independent Police Complaints Commission, a Lay Visitors Scheme and Community Policing Forums. All of these mechanisms may play an important role in holding the Malawian police accountable for their actions.

The Law Commission, an independent institution established under chapter XII of the Constitution, may also hold the police accountable indirectly. The Commission is empowered to review and make recommendations relating to the repeal and amendment of laws for conformity with the Constitution and applicable international law. In this regard, the Commission has undertaken a comprehensive review of the police legislation and prepared a draft Police Bill (discussed above).

Civil society organisations can play a crucial role in policing oversight by providing training workshops for members of the police and generally raising public awareness of human rights issues. In particular, non-governmental organisations have played a significant role in the Malawi Police Organisational Development Project – a donor-funded police reform initiative focusing on providing technical assistance to and building capacity for the police – through public awareness campaigns and law reform advocacy. Civil society activities are co-ordinated by the Council for Non-Governmental Organisations in Malawi (CONGOMA) and the Human Rights Consultative Committee, a network of 40 Malawian civil society organisations. Leading human rights organisations include the Centre for Human Rights and Rehabilitation (CHRR) whose mission is 'to contribute towards the protection, promotion and consolidation of good governance by empowering rural and urban communities in Malawi to increase awareness of and exercise of their rights',³¹⁹ the Centre for Advice, Research and Education on Rights (CARER) which monitors human rights abuses and provides legal advice concerning arbitrary arrest and police brutality and the Civil Liberties Committee (CiLiC) which undertakes lobbying, advocacy and litigation activities.

Mali

Mali has been independent since 1960. It operates under a presidential parliamentary system of government and is moving towards full democracy. Until 1990, the country was under dictatorial rule, but since 1992 elections have been held and described as substantially free and fair. The Government's human rights record is considered to be good, although cases of police brutality have been reported.³²⁰

The Malian security system is made up of the army, air force, gendarmerie, National Guard and the police. The police and the gendarmerie are supervised by the Ministry of Internal Security and Civil Protection. The police and gendarmerie share responsibility for internal security, but the police are responsible for urban security. The police is organised into a number of divisions under effective civilian oversight. Each district police unit is supervised by a commissioner who is accountable to a regional director at national headquarters.

The justice sector in general, including the police, is plagued by corruption, under-resourcing and executive interference.

The judiciary is not free and is therefore compromised as a potential police oversight mechanism. Of particular concern is the Ministry of Justice's power to suspend judges.³²¹ However, at times the courts have delivered bold judgments, even against the Government.

The Government established a human rights commission, the *Commission Nationale Consultative de Droits de l'Homme*, in 1996. The law that established the Commission provides that membership should be drawn from across civil society – from human rights organisations, unions, religious communities, legal organisations and medical institutions – and also include human rights experts. As at 2000, the Commission had not been formed.³²²

Media is vibrant and free and non-governmental organisations operate freely. There are several active human rights non-governmental organisations in the country, including the Malian Association of Women Lawyers.

Mauritania

The Islamic Republic of Mauritania obtained independence from France in 1960. From 1984 to 2005, the country was subject to repressive rule. A coup in 2005 led to a 2007 election that is considered to be the fairest conducted in Mauritania's history. Ethnic tension between the country's black, white and black Moorish populations is an ongoing issue.³²³ The country is faced with political uncertainty, border issues, racial division, human rights abuse, slavery and low levels of economic development.

The 1991 Constitution establishes the country as an Islamic republic, with Islam the religion of the state and citizens. The President is afforded significant levels of power under the Constitution, including the power to appoint the judiciary. Fundamental rights are guaranteed, except where Islamic (Sharia) Law is applied.³²⁴ In practice, Sharia Law has become the main law, with a western-law approach at the President's convenience.

Mauritania's police are modeled on the French system, with an armed force, a *Gendarmerie*, a National Guard and a National Police. The *Gendarmerie* falls under the supervision of the Defence Ministry and functions as an internal security system, applying both military and civilian laws. It was separated from the military in 1987, but is still answerable to the head of the military and maintains military ranks.³²⁵ The National Guard is 'responsible for working with other police forces and security agencies, and maintaining and restoring public order'.³²⁶ The National Police is responsible for general policing, public order maintenance and 'preparing routine reports on legal infractions, providing security intelligence, frontier surveillance, control of arms and munitions, and enforcing rules concerning meetings and public gatherings'.³²⁷ The National Police hierarchy consists of Agent, Inspector and Commissioner. There have been allegations that the hierarchy is biased against black Mauritians and Toucouleur descendants.³²⁸

The police are associated with substantial levels of abuse, including torture of detainees and excessive force. In 1993, an internal police disciplinary committee held officers culpable for a number of deaths in 1991 and 1992. The officers were subsequently pardoned.³²⁹ An allegation of excessive use of force followed a police attempt to control a student protest that resulted in the fatal shooting of a protestor.³³⁰

Effective police oversight is prevented by the level of presidential control of both the police and government agencies (including the courts, Parliament and the High Islamic Council). The Minister responsible for policing takes direct instructions from the President and all police policies require the President's blessing.

Mauritius

Mauritius gained independence in 1968. It is a parliamentary democracy headed by a Prime Minister, Council of Ministers and a National Assembly. There is currently a power-sharing arrangement between two coalition parties – the Mauritian Socialist Movement (MSM) and the Militant Mauritian Movement (MMM). Mauritian politics have been described as open and vigorous.³³¹

The Constitution has basic provisions protecting that human rights and freedoms and provisions to restrict police powers.³³²

The Mauritius Police Force is accountable to a police commissioner and falls under the Minister of Internal Security.³³³ The police force also has its own policing charter and a code of ethics.³³⁴ The Police Act of 1974 addresses police powers. The Act is outdated lacks the necessary provisions to ensure a democratic police force. A Code of Ethics emphasises the duty to uphold human rights, use only minimal force and ‘accept personal accountability’ for actions and omissions.

Police violence is endemic. Commentators have noted that ‘police brutality it would seem forms part of the Mauritian culture and it is very often believed that it is the only successful way to advance an inquiry.’³³⁵ Police brutality, particularly to gain confessions from detainees, continues to be a problem, partly due to the lack of legal aid provided to individuals upon arrest.³³⁶

Complaints against the police are dealt with internally through the Police Complaints Investigation Bureau (CIB), which was created in 1999.³³⁷ This process is overseen by the National Human Rights Commission (NHRC) in that complaints received must be reported to the Commission by the CIB and the outcome of CIB investigations are submitted to the Director of Public Prosecutions.³³⁸ However, the public are required to lay complaints at a police station, and the investigation is still conducted by the CIB. This means that the investigation does not take place independently from the police organisation as police members may monitor and enquire on the progress of the investigation.³³⁹ Also the success rate of the CIB is low since only a very small percentage of complaints reach the courts for prosecution of police members (of the 119 complaints received between 1999 and 2000 only 6 were referred to the courts).³⁴⁰

The National Human Rights Commission was set up by the Protection of Human Rights Act of 1998 and began operating in April 2001.³⁴¹ The Act stipulates that the Commission may investigate complaints made against the police, unless already being investigated by the Ombudsman, the Director of Public Prosecutions, the Public Service Commission or the Disciplined Forces Services Commission (a commission created by the Police Act mandated to liaise with the President on disciplinary and other such issues).³⁴² The Human Rights Commission may also conduct investigations on its own volition and is required to attempt the resolution of complaints through a conciliatory process. Criminal cases that do not achieve successful conciliation may be forwarded to the Director of Public Prosecutions.³⁴³ The Commission has been actively investigating complaints related to human rights violations, visiting detention centres and making recommendations. It received 150 complaints through November 2004, of which 24 were complaints against police brutality and 6 complaints were made against police use of force to extract confessions.³⁴⁴ However, the Commission has limited powers, cannot compensate victims of police abuse and relies on the Ministry of the Interior or the Police Commissioner to facilitate the investigation.³⁴⁵

The Constitution also provides for an Ombudsman. The Ombudsman is appointed by the President and its functions include the investigation of maladministration and fraud – including of the police – and has investigatory powers, including the power to subpoena.³⁴⁶ However, the Ombudsman may only make recommendations that are submitted to the relevant government agency and the Prime Minister.³⁴⁷

The District and Intermediate Courts Act stipulates that a death in police custody must be followed by a judicial inquiry organised by the Magistrate of the District in which the death took place, the findings of which are then to be sent to the Director of Public Prosecution for review.³⁴⁸

Mauritius has a Government Audit Office, provided for by the Constitution, which has jurisdiction over federal, provincial and local governments, statutory bodies and local government authorities. Although the Audit Office may requisition records its powers are limited in many ways as it is not empowered to search and seize documents, seek testimonials or ‘take punitive action and/or impose surcharges’.³⁴⁹ It is also financially dependent on the National Assembly. These factors may hamper its efficacy as an oversight tool to ensure financial accountability of the police and other departments.

The Constitution also provides for an Attorney-General. In theory, the Attorney-General could play some

role in ensuring convictions of corrupt officials (including the police), although in practice it is not clear to what extent this potential power is exercised.

The Independent Commission against Corruption may also hold the police accountable through its investigations of corrupt practices.³⁵⁰

The media serves an oversight role as it is independent, considered to be active and expressive and is generally allowed to operate without restriction.³⁵¹

Morocco

Morocco is a democratic constitutional monarchy, with power divided between the King and Parliament. The King appoints the Prime Minister and a Cabinet (the Cabinet is appointed on the advice of the Prime Minister). The King also has the right to relieve the Cabinet and Council of Parliament, issue decrees to implement laws, appoint senior military and civil service officials and ratify international agreements. Parliament is elected.

The Constitution has been substantially amended since independence in 1956. The last amendment, in 1996, established a Constitutional Council, Prosecution Investigation Committees and a two-council legislative body.³⁵² The Constitutional Council is a 12-member body, with a Chair appointed by the King, that decides whether law is compatible with the Constitution. The Constitution protects the rule of law, equality before the law, gender equality, freedom of movement and expression and the rights to peaceful assembly and privacy.³⁵³ Torture is a crime.³⁵⁴

The security apparatus includes several overlapping police and paramilitary organisations. The National Police is made up of 55 000 personnel and is part of the Ministry of Interior. It includes the National Brigade, the main federal investigative body, which is responsible for investigating violations of the criminal code. The National Police also includes border and immigration services. The National Intelligence Service and Auxiliary Forces are also departments in the Ministry of Interior. The Intelligence Service has 8 500 personnel and the Auxiliary Forces 25 000 personnel. The Royal Gendarmerie is a paramilitary force of 29 000 personnel reporting to the Ministry of Defence that is responsible for law enforcement in rural regions.

Under the Constitution, the judiciary is independent. Judges are appointed by the King on recommendations of the High Judiciary Council.³⁵⁵ The King also chairs the High Judiciary Council, which is the body that has administrative power over the judiciary. Generally, oversight of the judiciary is the responsibility of the Ministry of Justice.

A Consultative Council for Human Rights was established in 1990. It is mandated to promote human rights principles and compile reports on the human rights situation in Morocco. It also has the power to visit prisons and detention centres. In 2004, the Council visited 9 prisons, 10 administrative detention centres and 10 infancy protection centres.³⁵⁶ The Council set up a Bureau for Grievances and a Committee for Redress and Reconciliation to look into human rights violation between 1956 and 1999. Some human rights organisations have expressed reservations about the Council on the basis of government and monarch control.

A Ministry for Human Rights was established in 2004.

There are a number of human rights organisations active in the human rights field in Morocco. Notable organisations include the Moroccan Association for Human Rights (established in 1979) and the Arab Organisation for Human Rights (established in 1988).

Mozambique

Mozambique attained independence in 1975. Its independence history has been dominated by a civil war between the ruling Front for the Liberation of Mozambique party and the rebel Mozambique National Resistant Movement. The civil war ended with the signing of UN-brokered peace agreements in 1992.³⁵⁷ The end of the civil war also marked the beginning of a period of political transformation and constitutional reform.

Mozambique's Constitution reinforces the fundamental rights provisions of the 1990 Constitution. It declares that the country is governed by the rule of law and fundamental rights and freedoms.³⁵⁸ The Constitution protects the rights to life, physical and moral integrity,³⁵⁹ personal liberty and security.³⁶⁰ It prohibits torture and other cruel, inhuman or degrading treatment³⁶¹ and the use of evidence obtained through coercion. The state is liable for damages caused by illegal acts of its agents (including police officers) and citizens have the right to complain to government authorities for the restitution of their rights (or in the public interest). The Constitution incorporates international agreements³⁶² and norms of international law into the national law³⁶³ and requires that constitutional principles concerning fundamental rights should be interpreted and incorporated in accordance with both the African Charter on Human and Peoples' Rights and the Universal Declaration of Human Rights.

During the country's civil war, the police force did not operate in many parts of the country. In the places where it did, it was a fighting arm of the Government.³⁶⁴ The police have been radically reformed since this time. Under the Constitution, the police are tasked with guaranteeing law and order, safeguarding the security of persons and property, ensuring respect for the democratic rule of law and strictly observing fundamental rights and freedoms of citizens. The police have responsibility for law and report to the Ministry of the Interior. The police organisation is made up of three main branches. The first is the main police force responsible for public order and security (*Ordem e Seguranca Publica*), the second is the Criminal Investigative Police (*Policia de Investigacao Criminal*, or PIC) and the third is the Special Forces (*Forcas Especiais*). The Special Forces are sub-divided into a number of specialised units, including the Rapid Reaction Force (*Forca de Intervencao Rapida*, or FIR), the Forces Responsible for Protection (*Forca de Proteccao de Responsaveis*), the Border Guards (*Forca de Guarda Fronteira*) and special task forces dealing with various crimes.³⁶⁵ The police are regulated by the Statute of the Police and are headed by the Commander-General (*Commandante General*). Police powers and responsibilities are set out in the Statute of the Police, Criminal Procedure Code 1929 (*Codigo de Processo Penal*) and the Penal Process Code 1852.

It is important to note that a number of problems prevent the police from effectively discharging its responsibilities. These include insufficient staff, lack of resources, poor remuneration, corruption, extortion and a culture of impunity.³⁶⁶

Human rights abuse by the police has been reported. Agencies singled out for criticism include the Rapid Reaction Force, the public order police and municipal police officers.³⁶⁷ In 2005, there were reports of deaths in police custody, excessive use of force against public protestors, harassment and arbitrary detention of journalists.³⁶⁸

In recent years, the Ministry of the Interior has taken steps to improve police performance through training. In 2000, the Academy of Police Sciences (*Academia de Ciencias Policiais*, or ACIPOL) was established to provide 'intensive technical and professional degree-level training to selected high cadre officers.'³⁶⁹ The ACIPOL syllabus includes modules on law and human rights.

The police organisation exercises internal oversight. The 1999 police regulations provide for a disciplinary body located within the central leadership of the police.³⁷⁰ According to the Ministry of Interior, nearly 750 police officers were disciplined (including 260 dismissals) in 2005.³⁷¹

The police service has established a system of Public Complaints Books, where complaint books are kept police stations and posts to enable members of the public to lodge complaints against police misconduct.³⁷² However, according to the Mozambican League for Human Rights (LDH), very few complaints have been submitted to the Public Prosecution Service.³⁷³ The reasons for this are unclear.

Under the Constitution, the Attorney-General has responsibility for protecting and promoting human rights and is required to 'supervise and defend the established legal order' and to 'promote compliance with the law'. In practice, however, the Attorney-General's office is alleged to be incompetent, prone to corruption

and negligent in its duties.³⁷⁴ In particular, there are very few prosecutions of police officers that abuse their powers.

The potential oversight role of the judiciary is weakened by serious understaffing – with slightly over 1000 officials including 184 judges, serving a population of approximately 19 million.³⁷⁵ Further, most Mozambicans are unable to access the courts due to ‘financial and physical barriers’.³⁷⁶

The Procurator-General is empowered to initiate a complaints process against a member of the police and to carry out investigations. This is a form of external oversight. For example, in 2005, investigations by the Procurator of Manica Province led to the arrest and charging of 14 police officers with various offences including assault, extra-judicial execution of suspects, extortion and theft.³⁷⁷ An important oversight role is performed by magistrates attached to the Procurator-General’s Office who are empowered to review and confirm detentions within 48 hours of arrest.

The Constitution provides for an independent ombudsman elected by two-thirds majority of Parliament.³⁷⁸ The main function of the Ombudsman would be to protect rights and safeguard fairness and compliance with the law in public administration. The Ombudsman would review cases submitted and make non-binding recommendations to relevant bodies with a view to correcting illegal or unjust acts or omissions of the public powers or to improving services.³⁷⁹ The Ombudsman would also note defects in the law or suggest amendment or revocation of legislation. Under the Constitution, all public departments and officials would be obliged to collaborate with the Ombudsman. In April 2006, the Assembly began debating a bill establishing the office of the Ombudsman.³⁸⁰ It is unclear whether this bill has been passed into law.

Prior to 2005, the police included an independent Anti-Corruption Unit. The Unit effectively investigated and prosecuted a number of high profile cases.³⁸¹ In September 2005, the Unit was upgraded to a Central Office for Combating Corruption with increased staffing and resource.³⁸²

An important external policing oversight mechanism is the Legal Affairs and Human Rights Committee of the National Assembly, which has investigated police corruption in the past.

Mozambique does not have a large number of non-governmental organisations dealing with police abuses of power. However, some organisations have played a notable police oversight role through human rights awareness campaigns, reporting on police abuse of power or provision of legal aid services. These organisations include the Mozambican Human Rights League (*Liga Mocambicana dos Direitos Humanos*, or LDH), Human Rights and Development (*Direitos Humanos e Desenvolvimento*, or DHD), the Mozambican Association for Women Lawyers (*Associação Mozambicana das Mulheres de Carreira Jurídica*, or AMMCJ), the Women’s Association for Law and Development (*Associação Mulhre Lei e Desenvolvimento*, or MULEIDE), Women and Law in Southern Africa (WLSA) and the Rural Organisation for Mutual Assistance (*Organização Rural de Ajuda Mutua*, or ORAM). The LDH conducts visits to police detention facilities around the country and reports annually on police abuses. The objectives of DHD include promotion, protection, creation and development of public awareness of the protection of human rights. The organisation undertakes human rights research, training and education and provides support and counseling to victims of crime and human rights violations.

The media has also played a critical oversight role through exposure of abuses of power by public officials. For example, in 1995, the Minister of the Interior was removed from office largely as a consequence of media pressure.³⁸³

Namibia

Namibia has been independent since 1990, after a period of being administered as a territory of South Africa. During South African rule, apartheid laws were applied. After independence, many members of the apartheid-era police force remained in the police force of the newly independent state.

The Constitution acknowledges that the 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is indispensable for freedom, justice and peace' and guarantees a number of internationally recognised human rights standards.³⁸⁴ It protects the rights to life, liberty and human dignity, and prohibits torture and other cruel, inhuman or degrading treatment or punishment³⁸⁵ as well as arbitrary arrest and detention. It also provides that arrested persons must be brought before a court of law within 48 hours³⁸⁶ and affords individuals whose rights have been violated the opportunity to seek legal redress.³⁸⁷ The Constitution further establishes a number of police accountability mechanisms including the Security Commission, the Ombudsman, the Prosecutor-General, and the Auditor-General.

The Constitution provides for the establishment of a Namibian Police Force to ensure the maintenance of internal security and law and order. The duties of the police are defined in the Police Act of 1990. The Police Act provides for the establishment, organisation, administration, powers and duties of the police. It also regulates the appointment, promotion, discipline and discharge of members of the force. The police organisation is headed by an Inspector-General of Police who is accountable to the Minister of Home Affairs and Immigration. Under the Police Act, the Inspector-General has the power to discharge members of the force, institute disciplinary proceedings against members and increase penalties for certain offences under the Act. A 1999 amendment of the Act provides for the removal of the Inspector-General and a process for disciplinary proceedings against members of the police force. The police includes a paramilitary wing, the Special Field Forces.

Each of Namibia's police regions has a Complaints and Discipline Unit that is empowered to investigate complaints against members of the police force. These Units may also initiate legal or internal disciplinary proceedings against members of the police force for abuse of power or misconduct.

The police mission statement includes a reference to 'due consideration for fundamental rights and freedoms'.³⁸⁸ However, the police have been accused of perpetrating human rights violations. In 2005, reports of police abuse included use of excessive force, detention that resulted in death or injury, arbitrary arrest and the imposition of length per-trial detention periods.³⁸⁹ It is unclear whether police officers were prosecuted or disciplined for these offences. As of December 2005, police officers alleged to have tortured suspects during a 1999 separatist uprising had not been formally disciplined or charged.³⁹⁰

Attempts at police culture change have been made. For example, a human rights training course and manual developed by the Legal Assistance Centre have been used in police training.

An Office of the Ombudsman is established by the Constitution. Independence of the Ombudsman is guaranteed. The Ombudsman is appointed by the President and reports annually to Parliament. The Ombudsman Act sets out the functions and powers of the office. Functions include receiving and investigating complaints concerning human rights violations, abuses of power and corruption by public officials.³⁹¹ Powers include the power to access information, issue subpoenas and impose penalties for failure to assist with investigations.³⁹² At conclusion of an investigation, the Ombudsman may report its findings to senior officials, facilitate a negotiated settlement, refer the matter to the Prosecutor-General or institute legal proceedings. Concerns have been raised over a lack independence of the Ombudsman reflected in a process of preliminary investigations resulting in complaints being referred to internal police discipline units.

An Anti-Corruption Commission is set up by legislation and has the potential to act as a police oversight mechanism. The enabling legislation, the Anti-Corruption Act, establishes the commission, defines corruption offences and sets out measures for the prevention of corruption. The Commission is mandated to investigate and prevent corruption. The Commission began operating in 2006. It has powers of arrest but is required to report offences to the Prosecutor-General where it appears that an offence has occurred. The Prosecutor-General then determines whether or not to prosecute. The Commission also has an advisory and public education role.

A Security Commission is contemplated by the Constitution and set up by the Security Commission Act. The Security Commission has an oversight role in its function of making recommendations to the President on the appointment of the Inspector-General of Police.

A further oversight mechanism is the Auditor-General. The Auditor-General is established under the terms of the Constitution. The office holder is appointed by the President on the recommendation of the Public Service Commission and with the approval of the National Assembly. The functions and powers of the position are set out in the State Finance Act of 1991 and includes holding the police accountable through financial and performance audits.³⁹³ The Auditor-General is required to report annually to the National Assembly.

The judiciary is another potential oversight avenue. The Court has made decisions that have held the police accountable for rights violations. For example, in *Dresselhaus Transport cc v Government of the Republic of Namibia*,³⁹⁴ the Supreme Court stressed that, as an organ or agency of government, the police is constitutionally obligated to respect and uphold constitutional rights.

Under the Commissions Act of 1947, the President is empowered to appoint commissions to investigate matters of public interest. This may include concerns around policing.

National non-governmental organisations concerned with police abuses of power include the Human Rights and Documentation Centre (HRDC), the Law Society of Namibia – Committee on Human Rights, the Legal Assistance Centre (LAC), the National Society for Human Rights (NSHR) and the Council of Churches of Namibia.³⁹⁵ The HRDC and the NSHR have been involved in human rights training.

Niger

Niger gained independence from France in 1960. Until 1993, it was governed by one-party or military regimes. Some measure of political liberalisation has taken place.

The police force is controlled by the Ministry of Interior and is responsible for law enforcement in urban areas. Human rights abuses have been reported – particularly related to corruption. There are related reports of police ineffectiveness due to a lack of resources.³⁹⁶

The judiciary lacks independence, adequate training and resources and does not operate as an effective police oversight mechanism.

Non-governmental organisations in the country operate openly. However, harassment of journalists was reported in 2004.³⁹⁷

Nigeria

Nigeria is a federal constitutional republic. It has been independent since 1960.

The police force is set up by the Constitution. In the late 1990s, the President directed that the size of the police organisation be increased by 40 000 recruits annually. Between 1999 and 2004, the force grew from 165 000 officers to nearly 310 000. This rapid increase occurred with a corresponding expansion in training capacity and has posed serious problems as reports of police corruption and brutality have increased. Issues associated with the Nigerian police include brutality, extra-judicial killing, arbitrary arrest and detention, impunity and unwarranted use of lethal force.³⁹⁸

Nigeria's Constitution sets out elaborate provisions for police oversight. The first layer of oversight is the Police Council, which is made up of the President, the Governor of each state in Nigeria, the Chair of the Police Service Commission and the Inspector-General of Police. The Council is mandated to oversee the organisation and administration of the police (not operational or staffing matters), generally supervise the police and advise the President on the appointment of the Inspector-General of Police.

The second layer of oversight is the Police Service Commission. The Commission is made up of a Chair and between 7 and 9 members as set out in legislation. Under the relevant act, these members must be drawn from a cross section of the community and include a retired judge, a retired senior police officer and representatives of each of the chamber of industry and commerce, media, women and human rights organisations. The Constitution empowers the Commission to appoint police officers (except for the Inspector-General – this power sits with the Police Council) and dismiss and exercise disciplinary control over the police. The Commission's scope to play a key police oversight role is significant.

Nigeria also has a National Human Rights Commission. The Commission has the power to investigate human rights violations. It was established under a military regime noted for severe repressive actions. Despite resource and political constraints, the Commission has occasionally made strong statements critical of government conduct.³⁹⁹ However, the Commission's findings are only advisory and it does not possess any prosecutorial or quasi-judicial powers.

Nigeria has a strong non-government sector that includes human rights organisations fulfilling a police watchdog role. Organisations include the CLEEN Foundation, Constitutional Rights Project and Human Rights Monitor.

Rwanda

Rwanda gained independence in 1962. Decades of instability, one-party rule and violent conflict, both within and across its borders, culminated in genocide in 1994. One-party rule was again imposed following the genocide, but a transition to democracy began with multi-party elections and a constitutional referendum in 2003.⁴⁰⁰ The Constitution adopted the same year contains potentially conflicting provisions limiting civil and political rights (particularly regarding political organisation).⁴⁰¹ It is also been noted that 'although the Government led by the Rwanda Patriotic Front has achieved rapid institutional reconstruction and relatively good bureaucratic governance... it has also conducted a fundamentally flawed 'democratisation' process...'⁴⁰²

In 2000, during the transition to democracy, a new civilian-based, national police force was created. Making a break from previous military influence over the police, the force is under the authority of the Minister of Internal Security, while national defence is the responsibility of the Minister of Defence.⁴⁰³ A Commissioner-General and two Deputy Commissioners head up the police force.

The new police organisation was created to work in partnership with communities and be 'accountable to them [and] for safeguarding the Human Rights of all people in Rwanda.'⁴⁰⁴ The functions of the police, outlined in the Constitution, are 'safeguarding the fundamental rights guaranteed by the Constitution and the law', accountability to the community, developing harmonious collaboration with the community and community-focused performance reporting.⁴⁰⁵

Aspects of police conduct have been criticised, while other aspects have been supported. Amnesty International has reported concerns including unlawful or arbitrary arrests and detentions, abuse and torture of suspects and detainees and intimidation, harassment and physical abuse of journalists, political opposition and non-government organisations.⁴⁰⁶ Amnesty International also reported that up to one third of all arrests and detentions were unlawful and in violation of the Code of Criminal Procedure.⁴⁰⁷ Positive reports are also made. Amnesty noted that in 2004 'there was little problem with corruption or discipline within the police force due to national pride, strict training, and close monitoring. This could be related to the Government's commitment to root out corrupt police officials, through identification and dismissal of corrupt police officers.'⁴⁰⁸

The United Nations Development Programme has developed a programme to assist police training, supported by foreign donors. The police have been given human rights training, including the use of non-lethal force and professionalisation.⁴⁰⁹

In terms of external oversight mechanisms, Rwanda has a Constitutionally mandated Auditor-General. Under the Constitution, the Auditor-General's functions include auditing state, local government, public enterprise and government owned organisations to ensure that they conform to the law and demonstrate sound management.⁴¹⁰ Article 183 specifically states that the Office is 'an independent national institution' with 'financial and administrative autonomy'. The Auditor-General is answerable to Parliament and is required to submit an annual report. Audited agencies are 'obliged to implement its recommendations by taking appropriate measures in respect of the irregularities and other shortcomings which were disclosed.'⁴¹¹ In practice, it is not clear to what extent the Auditor-General performs these duties, particularly regarding the police.

Rwanda has a National Commission for Human Rights. The Commission is provided for in the Constitution as a national, independent institution. Its duties consist of promoting and educating around human rights issues and investigating human rights violations committed by the state, public officials, organisations and individuals. The Commission is also responsible for filing complaints on abuses in court and submitting annual reports on the state of human rights in Rwanda.⁴¹²

Rwanda also has an Office of the Ombudsman. The Office is provided for in the Constitution and is operative. Its functions include acting as a link between citizens and institutions, preventing corruption and injustice, preventing offences in administration, receiving complaints of misconduct and mobilising relevant officials to solve complaints.⁴¹³

Rwanda also has an Attorney-General. It is not clear to what extent the Attorney-General is involved in police matters.

The potential for non-governmental organisations to act as police oversight mechanisms is mixed. The free operation of non-governmental organisations has been hampered by the Government's decision to

dismantle independent human rights groups and limit the activities of other organisations. The government is generally suspicious of non-government agencies.⁴¹⁴ For example, groups including the Rwandan League for the Promotion and Defence of Human Rights were accused by a Commission of Genocide Ideology report for propagating a particular ideology around the genocide. The report called for a number of civil society organisations to be dissolved and members prosecuted. This led to the dismantling of groups.⁴¹⁵ Three years of negotiations between the Government and international organisations around a proposed civil society law ended with the Government passing a law that ignored agreements reached during negotiation.⁴¹⁶ This has been regarded as an attack on international non-governmental organisations.⁴¹⁷

São Tomé and Príncipe

São Tomé and Príncipe achieved independence from Portugal in 1975 and embarked on one-party rule. The Constitution was revised in 1990 to allow multi-party elections.⁴¹⁸ Despite unsuccessful coup attempts in 1995 and 2003, in 2001 there was a second democratic presidential election and in 2003 amendments were made to the Constitution reducing the power of the President and empowering Parliament.⁴¹⁹

The national policing system is dispersed over eight districts. It is under the authority of the Minister of National Defence, Security and Internal Order (who reports to the President).⁴²⁰ The force is extremely under-funded. Police training is now conducted in co-operation with the Angolan National Police. In 2004, a paramilitary group trained by the Angolan Government was introduced into the country.⁴²¹ Other law enforcement units include the Coast Guard of São Tomé and Príncipe (or *Guarda Costeira de Sao Tome e Principe*, GCSTP) and the Presidential Guard.⁴²²

Reports have noted that the country's security forces have beaten and abused detainees and used violence to disperse peaceful demonstrations.⁴²³ Members of the police force have been found guilty and sentenced for human rights abuses in courts. The Government, with international support, is attempting to increase salaries, improve training and ensure adequate standards of living to prevent corruption.⁴²⁴

The judicial system is flawed and does not provide effective police oversight. Poverty, a lack of facilities and a shortage of trained lawyers and judges prevent the fair and efficient administration of justice.⁴²⁵ However, the judiciary has ruled against the President in the past. This is despite claims that it is politically manipulated (particularly via wage threats, which are set by the executive government).⁴²⁶

The media is not censored and free airtime is provided to opposition political parties.

Senegal

Senegal gained independence from France in 1960. It is a functioning democracy and has seen peaceful transition of power over the past decade. The country operates a presidential parliamentary system. Senegal has a mixed record of human rights protection.⁴²⁷ Positive reports contrast with criticism of police for human rights violations. For example, a report by Freedom House indicates that law enforcement and security authorities often beat suspects during questioning and pre-trial detention, despite constitutional prohibition.⁴²⁸

Policing is provided for under Public Act 66-03 of 1966 and is structured under two branches – the administrative police and the judicial police. Both fall under the Minister of the Interior. There are currently moves to restructure the administration police into the general police.

The Administrative Police are responsible for the borders, the general intelligence, and immigration and reside under the authority of the Surety National. Oversight of the Administration Police is carried out by the Directorate of Inspection Services. The Directorate investigates and reports to the police disciplinary authority on allegations of misbehaviour and brutality by the police. The Interior Minister is responsible for sanctioning an officer following the outcome of investigations.

The Judicial Police resides under the office of Prosecutor-General. The Judicial Police works with tribunals and the courts to investigate crime, make arrests and bring alleged perpetrators before the courts. Oversight of the Judicial Police is carried out by the Prosecutor-General. Breaches by police officers are reported to the court, which has a range of sanctions available to it, including dismissal.

The judiciary's capacity to operate as a police oversight mechanism is limited due to a lack of independence. It has been reported that the judiciary is vulnerable to interference by political and economic elites as a result of low pay and an absence of secure tenure.

An office of the Ombudsman was established in 1991. The Ombudsman is an independent authority appointed by the President for six years (not renewable). It receives and acts on complaints from the public against all sectors of the public service including the police.

A human rights commission, the *Comite Senegalais des Droits de l'Hommes*, was established by legislation in 1997 as an independent institution of human rights. Today, the majority of its 24 members are appointed from civil society. The Commission is mandated to investigate and report on human rights violations, and make appropriate recommendations.⁴²⁹

Seychelles

Seychelles achieved independence in 1976. Constitutional reform led to elections in 1993, replacing the previous system of one-party socialist rule. Despite some trappings of democracy (in 2004, the Presidency transferred from the then-President to his Vice-President), there has been no shift of power between political parties. Reportedly, the current President and his party dominate 'through a pervasive system of political patronage, control over government jobs, contracts, and resources.'⁴³⁰

All security forces, including the police, are under the portfolio of the President, as set out in by the Constitution.⁴³¹ Police re-structuring and reform processes took place in 2004 based around centralising the organisation, with an increased focus on community policing. Police are unarmed.

The military and police are closely linked. The Police Commissioner is ultimately accountable to the President, but reports to the Defence Force Chief of Staff, who commands both the police and an armed paramilitary unit, the Police Mobile Unit.⁴³² The subsequent militarisation of the police is concerning as it impedes police independence and impartiality and has a potentially significant impact on accountability.

Police brutality, particularly police beatings, are reported. It appears that complaints are made to the police and are predominantly dealt with internally. Extreme cases may reach the level of a court proceeding.⁴³³

The Seychelles has an Ombudsman that is mandated to investigate and report on activities of 'public authority or the President, Minister, officer or member of a public authority' and may investigate allegations of fraud or corruption.⁴³⁴ The Constitution sets out the functions and duties of the Ombudsman and emphasises its independence. Constitutional powers include the power to investigate 'a complaint from a person or body alleging that the complainant has suffered a violation of the complainant's fundamental rights or freedoms under the Charter, or an injustice, in consequence of a fault in the administration of a public authority or has been treated harshly or oppressively by the authority or the President or a Minister, officer or member of the authority in the exercise of the administrative functions of the authority.'⁴³⁵ The Constitution also prohibits some investigations, including complaints that are frivolous or without reasonable cause, as well as complaints concerning the 'performance of a judicial function' or 'taken with respect to orders or directions to a disciplinary force or a member of the force.'⁴³⁶ The Ombudsman has the same power as a Judge of the Supreme Court.⁴³⁷ However, in practice it is not clear to what extent the Ombudsman intervenes in cases of police abuse of power.

The Constitution also sets up an Auditor-General. The Auditor-General is independent and is empowered and mandated to audit 'the accounts of the cabinet office, the National Assembly, all government departments and offices, all courts...'⁴³⁸ The Auditor-General is responsible for submitting an annual report to the Finance and Public Accounts Committee of the National Assembly.⁴³⁹

The Attorney-General is part of the Department of Legal Affairs. The Attorney-General undertakes 'criminal prosecution, civil litigation involving the Government' and deals with 'Constitutional and fundamental rights applications filed against the government and judicial review applications filed against administrative authorities.'⁴⁴⁰

In terms of oversight by human rights organisations and non-governmental organisations, activities have been largely unrestricted and have received the co-operation of the government. The Centre for Rights and Development (CEFRAD) has developed networks with local and international groups and a 5-year action plan to promote human rights in the country. The African Commission on Human and People's Rights evaluated the country and found that human rights conditions were generally respected. The National Humanitarian Affairs Committee, run by the government, has developed networks with government and civil organisations and is advised by the International Committee of the Red Cross (ICRC).⁴⁴¹

The media is partly restricted by the Constitution, which allows speech and press freedom to be restricted if 'the reputation, rights and freedoms of private lives of persons' is jeopardised or 'in the interest of defense, public safety, public order, public morality, or public health.' Such restrictions may be open to abuse. The government controls most of the media, including the sole television station, all radio stations and the only daily newspaper. The media reflects the government agenda. The opposition newspaper, produced weekly, has been sued for libel many times by the government.⁴⁴²

Sierra Leone

Sierra Leone achieved independence in 1961. Civil war engulfed the country between 1991 and 2002. Following the end of the war, there has been rapid progress towards consolidation of civilian government and electoral competition, with three successful election rounds. The country is a constitutional republic, with a directly elected president and single house of parliament.

Sierra Leone's political landscape is still shaped by the civil war, due in part to the legacy of war and in part to occasional rebel activity. The Sierra Leonean Police is plagued by a lack of accountability traceable to the lack of governance during the war. Security forces have been accused of being involved in human rights abuse, including rape, arbitrary arrest and detention.⁴⁴³ Cases of police abuse are declining following the deployment of a peacekeeping force and increasing internal police capacity to manage personnel.⁴⁴⁴

The United Nations has established a special court for the country to deal with violations of rights during the civil war and to bring the perpetrators to justice. A Truth and Reconciliation Commission was created in 2002 in accordance with the peace accord, to put together an impartial account of the conflict, to promote reconciliation and to make recommendations to prevent the reoccurrence of civil conflict.⁴⁴⁵

The judiciary is not an effective police oversight mechanism. Prior to the conflict, the judiciary had been relatively independent. However, war has left the judiciary plagued by insufficient judicial officers, a lack of infrastructure, poor salaries, corruption, a heavy case load and delay.⁴⁴⁶

A National Commission for Democracy was formed in 1994 by the country's then military government. It had no explicit mandate for human rights promotion and investigation. However, it was later transformed into the National Commission for Democracy and Human Rights, with human rights protection as a major function.⁴⁴⁷ This body has some potential to act as a police oversight mechanism.

Somalia

Somalia has a long history of conflict and faction fighting, fraught with casualties and human rights violations. Independence was gained in 1960. Conflict in the early 1990s and the resulting deaths of around 35 000 people led to United Nations intervention in an attempt to restore law and order. This included the creation of a police force. The intervention forces withdrew in 1995 'leaving Somalia in a state of chaos'.⁴⁴⁸ Subsequent attempts to restore peace have failed.⁴⁴⁹ Currently Somalia is divided into three political groupings, the south, Puntland and Somaliland. It has not had a national police force, defence force, justice system or a functioning national government (its Transitional National government is in exile) since 1991.⁴⁵⁰

In the absence of a central government and any constitutional or legal framework (although the country nominally has a Constitution, it is not in force), attempts at establishing a national police force have to date been largely unsuccessful. The remnants of previous police organisations have been criticised for human rights abuse, corruption and political partiality. Members of the media and civil society are reportedly vulnerable to arbitrary arrest and detention, harassment, abuse and even illegal killing by the police.⁴⁵¹

Efforts are being made to rebuild government. It is too early to speculate on how this process will impact on the creation and oversight of a police organisation.⁴⁵²

There are some structures in place that may play a police oversight role in the future. There is an Auditor-General, but it is not clear whether there is an Attorney-General or Ombudsman.

The Somali Human Rights Commission was established in 1993. It is a national, non-government organisation that is based in Canada. It works on the ground on Somalia, monitoring and spreading information on human rights violations. It aims to 'foster understanding and recognition of basic human rights among the general public and the various clans in Somalia, and to monitor all reconciliation meetings to ensure that all segments of Somali society are fairly represented'.⁴⁵³

Other human rights groups that operate in Somalia include the Dr Ismael Jumale Human Rights Centre (DIJHRC), Isha Baidoa Human Rights Organisation and Kisima Peace and Development Organisation.⁴⁵⁴

South Africa

South Africa is a parliamentary democracy. Between 1948 and 1990, the ruling National Party implemented a policy of apartheid (separation) that segregated ethnic groups and limited the rights of non-Caucasians.⁴⁵⁵ Political and community opposition to this policy was suppressed by the legal system (from 1961 the Constitution banned liberation movements) and the Government and its agencies (for example, in 1976, armed forces violently suppressed a student demonstration calling for the right to be taught in their mother tongue, killing many of the demonstrators).⁴⁵⁶ Apartheid was abandoned in 1990 and a negotiated political process led to a transitional constitution and democratic elections in 1994.⁴⁵⁷

The transitional Constitution introduced a bicameral parliament (collectively the Constitutional Assembly) that adopted a permanent Constitution in 1996.⁴⁵⁸ The Constitution enshrines human rights and the rule of law. It also emphasises accountability of the Government and its agencies.

The police organisation was rebuilt following the end of Apartheid. Under Apartheid, the police force had been a brutal political tool of the ruling government. There were ten police agencies for the country's ten homelands and a national force.⁴⁵⁹ Homelands were abolished in 1994 and the separate agencies were replaced by one national police organisation, the South African Police Service (SAPS).⁴⁶⁰ South Africa also has a system of municipal policing operating in five major metropolitan areas.

Ministerial responsibility for policing sits with the Minister for Safety and Security, who sets policing policy and establishes provisions for civilian oversight.⁴⁶¹ The Service is headed by a National Commissioner (appointed by the President), supported by Deputy National Commissioners who have responsibility for particular portfolios. There are Provincial Commissioners for each province, and Divisional Commissioner for each division.⁴⁶² The Service is mandated to 'prevent, combat, and investigate crime; to maintain public order; to protect and secure the inhabitants of the country and their property; and to uphold and enforce the law.'⁴⁶³

The Constitution creates a plethora of police oversight mechanisms. However, there is a gap between the accountability framework on paper and the reality on the ground. Police abuse of power remains a problem.⁴⁶⁴

Internal discipline is the responsibility of the senior police hierarchy, including the National Commissioner, Deputy National Commissioners and Provincial and District Commissioners. Under the police disciplinary regulations, the police organisation can deal internally with a complaint made by a member of the public.

The premier police oversight body is the Independent Complaints Directorate (ICD). The ICD oversees both the SAPS and the metropolitan police. It investigates deaths that take place in police custody or as a result of police action, police misconduct and criminal cases brought against the police. The ICD reports annually to Parliament.

The National Secretariat for Safety and Security works closely with the Ministry for Safety and Security and advises on police policy, as well as implementation of policy.⁴⁶⁵ The Secretariat, replicated at provincial level, has a role (among others) to monitor police activity at provincial level.⁴⁶⁶

The National Assembly Parliamentary Portfolio Committee on Safety and Security and the National Council of Provinces Select Committee on Security and Constitutional Affairs are responsible for overseeing the work of the executive and making laws. Much of their monitoring and oversight work is undertaken in the context of approving the annual budget of the SAPS, as well as reviewing the SAPS's annual reports.⁴⁶⁷

The Provincial Legislatures' police oversight role is primarily to assess the quality of service delivered and to ensure that good relationships with local communities are maintained. They can establish commissions of inquiry into specified matters.

Community Police Forums are in place to foster partnership between police and local communities.⁴⁶⁸ The Forums are intended to assist the sharing of information and joint determination of the way communities are policed. This partnership model achieves an oversight function, albeit limited, by giving communities a voice around police conduct.⁴⁶⁹

Local Municipal Oversight Committees have oversight over the metropolitan police, who are also overseen by the ICD.

The Public Prosecutor, headed by a National Director of Public Prosecutions, has a police oversight role through its duties to prosecute, supervise prosecutions, engage in civil litigation and monitor the operation

of the courts.⁴⁷⁰ The office reports to the Minister of Justice and Constitutional Development.

A Public Protector is vested with the authority to investigate improper conduct in public administration, including police conduct. The Protector's functions are similar to those of an Ombudsman. It receives complaints of misconduct and illegal practices of public agencies and can conduct investigations where required.

A Commission for Gender Equality is responsible for promoting and sustaining gender equality. This includes overseeing the conduct of police regarding gender through monitoring, informing, educating and fostering gender parity in public life.

The South African Human Rights Commission was established to promote and monitor human rights. It is empowered to ensure that police conduct complies with the Constitution. The Human Rights Commission can make recommendations on standards and set guidelines for improved practices.⁴⁷¹

The Auditor-General's office is responsible for the financial and managerial oversight of state institutions, through audits of financial statements and related documents. This includes assessing the financial probity of police activities. The Auditor-General has the power to issue recommendations based on its findings.

The Public Service Commission investigates, monitors and assesses the effectiveness, resourcefulness and competence of public servants, including the police. The Commission measures performance in terms ethics, principles and output in a free, fair and transparent manner. It receives complaints from the public and reports from public servants.

Other oversight mechanisms include non-government organisations, the media and lobby groups. Many of these groups engage with monitoring, researching and advocacy around police conduct.⁴⁷²

Sudan

Sudan has been in a state of intermittent war for the past five decades. This is the result of conflict between the Government, two major anti-government groups and internal divisions between political factions and religious groups.⁴⁷³ The country's authoritarian Government, in power since 1989, has placed members of its political party in key positions of power and controls the security forces, the judiciary and the media. The Government, along with pro-government militias, have been accused of committing genocide in Darfur as recently as September 2004.⁴⁷⁴

Sudan's Constitution, which came into force in mid-1998, protects the right to liberty. It also prohibits arbitrary arrest and establishes a right of access to a Constitution Court in cases of violation.⁴⁷⁵

Sudan has regular police units, a Popular Police Force (PPF) and a Public Order Police (POP), now known as the Security of the Community Police. PPF officers are paid a higher salary than the regular police and have been described as a 'parallel pro-government force'. The Security of the Community Police are responsible for enforcing Islamic law specifically related to acceptable social behaviour and proper dress.⁴⁷⁶

The Police Act of 2003, which repeals the previous New Sudan Police Act of 1994, provides for the disciplining of officers who have breached the law or 'assault[ed] a member of the public or grossly neglect[ed] his duty' [sic].⁴⁷⁷ The Police Act also states that officers who have committed an offence may be tried by a magistrate and imprisoned. Further sections of the Act refer to Police Courts, which appear to operate like regular courts, but are solely for the trial of police officers.⁴⁷⁸

The police are reported to engage in widespread human rights abuse. Claims include corruption, arbitrary arrest and detention and excessive use of force (particularly to quell student demonstrations). Police arresting, beating and torturing of political opponents and intimidation of human rights activists and the media occurs with impunity.⁴⁷⁹

In 2002, changes made to the Criminal Code Procedures and the National Security Act increased police power and allowed longer periods of detention without charge. These changes have encouraged police abuse of power.⁴⁸⁰ The National Security Act allows for detention for up to three months without charge, which can be extended for another three months by the Director of Security.⁴⁸¹

There are a number of mechanisms that can potentially contribute to police oversight.

Sudan also has an Auditor-General and an Attorney-General. It appears that the Attorney-General may receive complaints related to torture, however it is not clear to what extent these complaints are addressed.⁴⁸²

Sudan also has a Public Grievances and Correction Board that functions like an ombudsman, in that it 'shall work to clear grievances, ensure efficiency and purity in the practice of the State and also impart justice after the final decision of the institution of justice without prejudice to the judgement concerned.' It is not clear to what extent this mandate is exercised in practice or whether the Board deals with grievances against the police.⁴⁸³

Sudan's human rights commission is the Governmental Advisory Council for Human Rights. The Council is tasked with the duty of investigating human rights complaints and advises the state, liaises with the international community and monitors detention centres.⁴⁸⁴ The National Assembly has its own human rights committee, which is responsible for investigating and reporting to the National Assembly on human rights abuses.⁴⁸⁵

The Constitution also establishes an Ombudsman that is mandated to 'address grievances' and 'ensure justice is done after the decisions of the Judicial Authority.'⁴⁸⁶

There is an active civil society that works on policing and oversight issues. Examples include the Khartoum Centre for Human Rights and Environmental Development, which has been operating since mid-2001 and placed human rights on the political agenda through monitoring and publicising information about human rights and involving itself in training and advocacy.⁴⁸⁷ Other examples are the Organisation against Torture, the Centre for the Rehabilitation of Victims of Physical and Mental Trauma and various other organisations of the human rights movement.⁴⁸⁸ A notable human rights group, the Sudan Human Rights Organisation, has been vocal in its condemnation of police brutality. An example of its work occurred after an alleged police assault on a university campus in 2002; the organisation called for the resignation of those involved (including the Chancellor of the University, the Ministers of Interior of High Education and the Police Commissioner), an investigation, compensation for victims and repeal or revision of the police law.⁴⁸⁹ The

activities of the organisation may have directly influenced the development of an improved police law.⁴⁹⁰ It has been observed that civil society activity is pressuring the Government to improve respect for human rights.⁴⁹¹ The United Nations has visited the country on occasion to investigate its human rights conditions, especially those related to the genocide which occurred in Darfur.⁴⁹²

Swaziland

The Kingdom of Swaziland is a modified traditional monarchy that gained independence in 1968, with King Sobhuza II's Imbokodvo National Movement (INM) assuming power. In 1973, the King repealed the Constitution and proclaimed a state of emergency. He also proscribed all political parties and established the *tinkhundla* system of rule. On 25 April 1986, King Mswati III ascended to the throne. On 26 July 2005, King Mswati assented to a new Constitution that entered into force in 2006.⁴⁹³

The Constitution is the supreme law of Swaziland.⁴⁹⁴ It protects a number of fundamental rights and freedoms including the right to life⁴⁹⁵ and personal liberty,⁴⁹⁶ freedom from torture or inhuman or degrading treatment or punishment⁴⁹⁷ and freedom from arbitrary search and entry. It also provides that arrested persons should be brought before a court within 'a reasonable time'⁴⁹⁸ and affords persons who have been unlawfully arrested or detained the opportunity to seek redress in the High Court.⁴⁹⁹

The Royal Swaziland Police Service is under the authority of the Prime Minister and responsible for internal security. It is headed by a Police Commissioner who has responsibility for administration and discipline. The King is the Commissioner-in-Chief of the police and the Police Act provides its regulatory framework.

The police have a poor human rights record. Reports of torture, excessive use of force and extra-judicial executions by police, arbitrary arrest and lengthy pre-trial detention and police impunity are common.⁵⁰⁰ Generally, no action appears to be taken against police officers accused of abuse. However, the Government has undertaken some reforms such as the inclusion of human rights in police training, reporting of complaints received against the police and conduct of public opinion surveys to assess attitudes and concerns regarding the police.⁵⁰¹

The Constitution includes a chapter on 'Directive Principles of State Policy and Duties of the Citizen'. The chapter requires police to respect and protect human dignity and uphold human rights. It prohibits law enforcement officials inflicting, instigating or tolerating torture or cruel, inhuman or degrading conduct (or invoking orders or exceptions to justify this conduct).⁵⁰² Further, law enforcement officials may not invoke superior orders or exceptional circumstances to justify the infliction of torture or other cruel, inhuman or degrading treatment or punishment. It is unclear whether this chapter imposes legally binding obligations.

An internal complaints and discipline unit investigates reports of human rights abuses by police but does not release the results of its investigations to the public.

The Constitution provides for the establishment of a Commission on Human Rights and Public Administration within a year of the first meeting of Parliament after the commencement of the Constitution.⁵⁰³ The Commission is mandated to investigate complaints of constitutional rights violations, injustice, corruption, abuse of power and unfair treatment by public officials, and corruption and misappropriation of public funds.⁵⁰⁴ The Commission must take appropriate action to address complaints by publishing its findings and recommendations, negotiating between the parties, reporting to the senior of the person or institution under investigation, referring the matter to the Attorney-General or the Director of Public Prosecutions or challenging legislation or regulations used to justify the conduct under investigation.⁵⁰⁵ The Commission is empowered to issue subpoenas, question persons and gather information.⁵⁰⁶ However, it is prohibited from investigating matters that are before court and matters relating to the exercise of any royal prerogative by the Crown. The Commission is accountable to Parliament through the obligation to submit annual reports.

The Commission on Human Rights and Public Administration also functions as the Integrity Commission.⁵⁰⁷ The Integrity Commission upholds the Leadership Code of Conduct, which requires transparency and accountability of public leaders (including the Commissioner and Deputy Commissioner of Police), commitment to the rule of law, and adherence to principles of service.

The Constitution provides for an independent Director of Public Prosecutions, appointed by the King on the advice of the Judicial Service Commission. The Director of Public Prosecutions is empowered to institute and undertake criminal proceedings against any person in respect of any alleged offence against the laws of Swaziland⁵⁰⁸ and is required to do so with regard to the public interest, the interest of the administration of justice and the need to prevent abuse of the legal process.⁵⁰⁹ Consequently, the Director of Public Prosecutions may prosecute police officers who abuse their powers.

The courts also have a potential police oversight role. The High Court has jurisdiction to enforce the

fundamental rights and freedoms provisions of the Constitution. However, the deliberate failure of the Government to respect judicial decisions is a matter of concern. For example, in 2002, the then Prime Minister, Barnabas Dlamini, declared that the Government would not respect two rulings of the Court of Appeal. This announcement led to the resignation of the judges of the Court in protest. However, in September 2004, his successor, Themba Dlamini, publicly withdrew the announcement and the judges who had resigned resumed their duties.⁵¹⁰

Courts have also conducted coronial inquests. For example, in a coronial inquest into the death of a suspect in police custody, the coroner concluded that he had been tortured by police and recommended that police officers responsible be investigated for possible prosecution.⁵¹¹ The coroner also recommended that measures be taken to improve professionalism of the police. It is unclear whether these recommendations have been implemented.

The office of the Auditor-General has responsibility for auditing and reporting on the public accounts of Swaziland and all government offices, courts and so has a financial and performance monitoring role over the police.⁵¹²

The police Service Charter includes a commitment to community policing and developing partnerships with the community for police accountability.⁵¹³ This means that community engagement in policing can play an oversight role. In practice, however, community police have been accused of high-handedness in the discharge of their functions.

A number of non-governmental organisations have been active in addressing human rights violations. They include the Human Rights Association of Swaziland (HUMARAS), the Swaziland Action Group Against Abuse (SWAGAA), Lawyers for Human Rights – Swaziland (LHR-S), the Council of Swaziland Churches, and Women and Law in Southern Africa – Swaziland. The Justice, Peace and Reconciliation Department of the Council of Churches occasionally receives complaints of police abuses but does not directly address these. Instead, it refers the victims to legal practitioners for appropriate action. In 2005, civil society was reported to have generally operated without government restriction.⁵¹⁴

Tanzania

The merging of Tanganyika and Zanzibar into Tanzania in 1964 took place just after independence. Single-party rule ensued until 1992. During this period the police was brought into the machinery of the one-party state.⁵¹⁵ In 1992, provision was made for multi-party rule.⁵¹⁶ Constitutional amendments followed in 1993 whereby Parliament regained the power to impeach the President and a role in the appointment of the Prime Minister. The Zanzibar archipelago is semi-autonomous in that it is part of the country's political structure but it has its own President and Parliament.⁵¹⁷

The Tanzanian police force falls under the Ministry of Public Security and Safety and is headed by an Inspector General of Police. An auxiliary police force is tasked with maintaining order and protecting property in designated areas. The auxiliary police is established by the Commander in Chief of the Armed Forces but supervised by the Inspector-General of Police.⁵¹⁸

Despite constitutional protection of human rights and freedoms, there are reports of police abuse of power and use of excessive force, arbitrary arrests and detention, torture and mistreatment of detainees and a failure to prosecute for human rights violations. The Inspector-General of Police has indicated the need for the police to develop a respect for the Constitution and the Government improved the human rights training of new police in 2004.⁵¹⁹

Externally the police account to two parliamentary committees, the Defence and Security Committee and the Public Accounts committee.

Previously, the police resided under the Ministry of Home Affairs and were overseen by a Police Force and Prison Services Commission. The Commission was wound down when the police were moved to the Ministry of Public Security and Safety. At the time of research, a replacement body had not yet been established.⁵²⁰

Internally, police discipline is governed by the Police Force Service Regulations 1995 and the Police General Orders. Senior officers are disciplined by the Principal Secretary of the Ministry of Public Security and Safety. Officers above the rank of Assistant Inspector are disciplined by the Inspector-General. Junior officers are disciplined through a tribunal with charges being heard by senior officers or commanding officer.⁵²¹ Senior officers are required to undertake monthly performance monitoring visits to police stations. Members of the public can lay complaints against police officers in writing to a police station or senior police officer. Despite these mechanisms, internal accountability is not considered effective. Issues of lack of transparency and a disincentive to lay complaints have been cited.⁵²²

The police can be held accountable through the courts. The Police Force and Auxiliary Services Act (2002) is a lengthy document that refers to the organisation, discipline, powers and duties of the regular police force and also to the police reserve, the auxiliary police force and special police officers. The Act requires that police officials release arrested persons within 24 hours if not charged, unless the offence is reasonably considered to be serious⁵²³ and that if a confession is made by a suspect correct procedures are followed (such as recording of the confession, cautioning of the person making a confession and granting the right of an accused to review a confession).⁵²⁴ Although there is an extensive list of disciplinary offences, none (except accepting bribes)⁵²⁵ are related to respecting the human rights of civilians.

A Public Leadership Code of Ethics Act was enacted in May 1995⁵²⁶ that applies to public leaders, including the Presidents of both regions, the Prime Minister, the Attorney-General, members of Parliament, the Controller and Auditor-General, and the Inspector-General of Police. The Act requires public leaders to foster and adopt ethical standards of practice. It requires them to 'act with honesty, compassion, sobriety, continence, and temperance, and uphold the highest possible ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of Government are conserved and enhanced.'⁵²⁷

The Public Leadership Code of Ethics Act also tackles corruption. It requires the declaration and registration of property and assets of public leaders. An Ethics Commissioner and Secretariat are empowered to facilitate a public register and inquire into allegations of breach.⁵²⁸ Additionally, the Prevention of Corruption Bureau is a government agency directly under the Office of the President and is mandated to investigate, and refer to the Deputy Public Prosecutor, cases of corruption.⁵²⁹

An Ombudsman or Permanent Commission of Enquiry was established in 1965. It was the first Ombudsman's institution in Africa.⁵³⁰ Its main duty consists of conducting enquiries into public official abuse of power

(including the police) and subsequently makes recommendations to the President.⁵³¹ The Constitution further outlines the jurisdiction of the Permanent Commission of Enquiry as including investigation into public service members in the Tanzanian and Zanzibar governments, members of commissions, and any public authorities, excluding the President and any decision made in that office.

Tanzania's human rights commission is the Commission for Human Rights and Good Governance (CHRAGG). CHRAGG was created by Parliament in 2001 and is responsible for investigating human rights abuses (including police brutality, corruption and breaches of women's rights), and maladministration. It may issue summons, interview witnesses, gather information from persons and inspect premises to this end.⁵³² However, it can only make recommendations and at most involve the judiciary. Despite the CHRAGG's lack of independence from government, its lack of resources and overwhelming caseload, it has been noted that it is considered to perform valuable work by civil society.⁵³³ For instance, it has been active in visiting detention centres throughout the country, organised public hearings in 2003 and has been involved in the human rights training of high-level police officials (specifically with regards to the extraction of confessions).⁵³⁴ The Good Governance Co-ordination Unit (GGCU) is particularly geared towards managing corruption through the implementation of anti-corruption legislation, the gathering of data from the various ministries and the publishing of reports describing the National Anti-Corruption Strategy and Action Plan.

Tanzania has an Attorney-General and Auditor-General. The Auditor-General audits the accounts of government and has the right to examine records and accounts.⁵³⁵

The Media Law Reform Project (consisting of journalists and non-government organisations) and other media groups have been active in lobbying against draconian laws that prevent the media from reporting on arrests on the basis that such reporting is an obstruction of police activity under the Police Act. The media are controlled by a number of laws besides the Police Act, such as the Newspaper Registration Act, the National Security Act, the Regional Commissioner's Act and libel law.⁵³⁶

Organisations involved in the oversight of the police or the protection of human rights include the Legal and Human Rights Centre (an non-governmental organisation that provides human rights training to the police), the Centre for Human Rights Promotion, Tanzania Media Women's Association (TAMWA) and the Tanzania Women Lawyers' Association.⁵³⁷

Togo

Togo's political history is dominated by a single party defended by military and security forces. Independence was gained in 1960. President Eyadema ruled the country from 1967 until his death in early 2005. His son succeeded him without an election. Protest and the intervention of the Economic Community of West Africa (ECOWAS) forced an election. Eyadema Junior won the election and continues in power. There is widespread concern that the election was not free and fair. This was possible in part because of the composition of Togo's security forces.

The police organisation has a poor human rights record and is seen to be a tool of government for repressing political opposition. The police are associated with widespread corruption and the brutalisation of opposition supporters and suspects. Death in custody is common and is not adequately investigated.⁵³⁸ The police – and the security forces in general – are not representative of the population. Nearly three quarters of the police are part of the same ethnic group as the President.

The judiciary does not provide a police oversight function as it is subject to presidential interference.

Togo has a national human rights commission, the *Commission Nationale des Droits de l'Homme*. The Commission has substantial legal independence and wide powers. The Commission was active early in its life and served as a rallying point for the democracy advocacy movement. However, Government pressure from 1992 onwards meant that the Commission has become less active investigating human rights violations and advocating for human rights protection. It is now dominated by Government supporters.⁵³⁹

The media is not free and independent journalists are harassed and intimidated.⁵⁴⁰

International pressure to improve human rights protection has not been effective.⁵⁴¹

Tunisia

Tunisia achieved independence from France in 1956. The country is a presidential republic dominated by a single political party. The current President has been in power since a coup in 1987. The President has significant powers, including the power to appoint the Prime Minister, declare an emergency⁵⁴² and ratify international treaties. The President also appoints (and can dismiss) the Cabinet on the Prime Minister's advice and senior military and civil officials on government recommendations. He is also the Chief in Command of the Army. The Constitution has been changed twice to allow the current President to stay in power (initially to increase allowed presidential terms from two to three terms, and then from three to five).

There is a level of human rights rhetoric apparent in Tunisia's founding documents. The Constitution calls for national unity with human dignity, justice and freedom. It also guarantees freedom of the individual, freedom of belief, equality in rights and duties, freedom of expression, press and peaceful assembly, as well as respect for the rights of movement and privacy.⁵⁴³ Republican rule was chosen as a system that guaranteed protection of human rights and equality.⁵⁴⁴

The police share responsibility for internal security with the National Guard and other state security forces. The police operate in the capital city and in a small number of other cities. In outlying areas, policing duties are shared with, or ceded to, the National Guard. The majority of internal security forces are under the control of the Minister of Interior. The police are seen to be an arm of government, and considered to abuse human rights, committing arbitrary arrest, illegal detention and torture with impunity.

The major police oversight mechanism is the High Consultative Council for Human Rights and Public Freedoms. The Council was established in 1991 and is responsible for the promotion and protection of human rights principles, through reporting on human rights and disseminating human rights information. The Council also undertakes visits to prisons.

There are also human rights units in government departments, including the Foreign, Interior and Justice ministries.

Despite constitutional provision for judicial independence,⁵⁴⁵ the judiciary is subject to presidential interference. Judges are appointed by the President on the advice of the High Judiciary Council (which includes senior judges and is chaired by the President). The judiciary is overseen by the Ministry of Justice. Contentious court cases, such as trial of political opponents, usually take place before military courts, with fewer procedural rules and no acknowledgment of international judicial standards.

Conditions are restrictive for civil society. For example, in 2006 the European Union issued a statement raising concerns about restriction of civil society participation in Tunisia at the World Summit on the Information Society.⁵⁴⁶ Some non-governmental organisations do work on human rights issues, however, the Tunisian Association for Human Rights (established in 1977), the Arab Institute for Human Rights (established in 1989) and the Association of Democratic Women.

Uganda

Uganda achieved independence in 1962. Its history has been fraught by dictatorships, coups, rebel and government conflict and mass ethnic killings.⁵⁴⁷ Presently, Uganda is led by President Yoweri Museveni. The President's Movement political organisation 'function[s] both as a political party and a state institution' and is the dominant political force in the country.⁵⁴⁸ In March 2003, Uganda's Constitutional Court found that certain sections of the Political Parties and Organisations Act 2002 were unconstitutional. The finding allowed for more political freedom, although political organisations remained banned unless they registered with the Registrar-General.⁵⁴⁹ Recent internal conflict in Uganda has been dominated by the Lord's Resistance Army (LRA) in the north and the Allied Democratic Front in the southwest.⁵⁵⁰ Currently a peace process is underway.

The Uganda Police Force is established by the Constitution of Uganda (1995) to protect and serve the people. The Police Act of 2005 provides guidelines for the day to day operation of the police.⁵⁵¹ The Uganda Police Force is led by an Inspector-General of Police and falls under the Ministry of Internal Affairs.⁵⁵²

Various other security forces operate in Uganda, predominantly the Uganda People's Defence Force (UPDF), and there are examples of military involvement in policing duties. The Internal Security Organisation (ISO) is described as an 'intelligence-gathering body' but may also detain individuals, while the Chieftaincy of Military Intelligence (CMI) (under UPDF control) may also detain individuals specifically for rebel and terrorist activity.

Corruption is a major issue. A survey conducted by the Uganda Bureau of Statistics found that the police ranked as the highest public service providers for corruption and bribery.⁵⁵³ A July-December 2003 Inspectorate of Government report to Parliament found that among government institutions, police ranked fourth for complaints. Complaints ranged from victimisation by the police, mishandling of cases, abuse of power, bribery, extortion to service delivery delays.⁵⁵⁴ The police have also been reported as engaging in torture, unlawful killing, detaining people incommunicado and arbitrary arrest.⁵⁵⁵

Internal accountability mechanisms of the Uganda Police Force include a code of conduct for police officials, police disciplinary courts, a police complaints system and a human rights and complaints desk⁵⁵⁶ that receives complaints of police abuse and attempts to resolve these complaints, although very rarely through prosecution of offending parties.⁵⁵⁷ The Police Authority consists of the Attorney-General, the Inspector-General of Police (and their Deputies), an administrative member of the police and three presidential appointments. The functions of the Authority include advising the Government and the President on police related matters (such as management, administration, and the appointment of the Inspector-General and police promotions) and setting conditions of service.⁵⁵⁸ These internal mechanisms are not without their challenges. The Police Authority and related Police Council were criticised by the Sebutinde Commission (discussed below) in that their composition prevented them from discharging their duties in free and impartial manner. The Commission also noted the serious laxity in enforcing the Code of Conduct while the complaints handling mechanism was criticised in that written complaints needed to be made at the offending police station, deterring people from using this facility. In July 2007, a new unit, the Professional Standards Unit, operating under the IGP was established. This unit receives complaints, investigates and reports findings to the IGP. The unit receives an average of 500 cases a month.⁵⁵⁹

The Uganda Human Rights Commission is a constitutional body responsible for investigating complaints and initiating investigations on human rights violations.⁵⁶⁰ It is also empowered to visit and inspect detention centres and prisons and make recommendations to Parliament on victim compensation and human rights issues.⁵⁶¹ It is mandated to create public awareness of the human rights aspects of the Constitution and to ensure that the Government adheres to international human rights treaties and conventions.⁵⁶² The Commission has the powers of a court and includes a judge of the Uganda High Court in its organisation.⁵⁶³ The Constitution provides for the organisational and financial independence of the Commission.⁵⁶⁴ In practice, the Commission has conducted surprise police station visits, reduced the number of police-instigated docket disappearances at court and has been active in receiving complaints of mistreatment (numbering 2249 in 2004, of which 179 were related to complaints of torture). Its Tribunal, which deals with cases of torture, has ordered the Government to pay victim compensation.⁵⁶⁵ It has also actively targeted those guilty of committing human rights violations in all levels of government and in the military.⁵⁶⁶ The Commission has also developed and implemented training for senior and middle police management in human rights.⁵⁶⁷

Commissions of inquiry have also been used as an accountability tool in Uganda. For example, in 2000 a Judicial Commission of Inquiry into Corruption in the Uganda Police Force released a report that detailed widespread corruption in the police. The Commission was headed by High Court Justice Julie Sebutinde and is known as the Sebutinde Commission. The report outlines 'institutionalised corruption in the police force...widespread and flagrant indiscipline...and...a culture of impunity.' In response to the report, the Government replaced a number of high-ranking police officials.⁵⁶⁸

Uganda has an Ombudsman or Inspectorate of Government headed by the Inspector-General of Government (IGG). According to the Constitution and IGG reports, the IGG deals with both corruption and abuse of authority. For instance, its reports to Parliament have outlined investigations into mismanagement of cases by the police. Also, the IGG must 'promote fair, efficient and good governance in public offices', stimulate public awareness of Constitutional values and 'investigate any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies...'⁵⁶⁹The Inspectorate's powers include the power to investigate, arrest and prosecute and enter and inspect premises.⁵⁷⁰ In practice, it seems that the IGG has some role to play in terms of rooting out police corruption. According to a 2002 newspaper report, the IGG followed on from the Sebutinde Commission at the direction of the Minister of Internal Affairs. The IGG ruled that a number of high ranking officers were to be held accountable for corruption that included 'abusing their offices, conniving with criminals and denying justice to the public.'⁵⁷¹ In fact it has been noted that since the Sebutinde Commission, disciplinary issues within the police have improved.⁵⁷²

The Auditor-General is empowered 'to audit and report to the public and thereby make an effective contribution to improving public accountability' by the Constitution.⁵⁷³ The Auditor-General is independent and is responsible for monitoring public funds, evaluating internal controls and improving governance, undertaking investigations, determining compliance of public sector agencies and assisting Parliament and the Public Accounts Committee (of Parliament) in support of oversight.⁵⁷⁴ The Auditor-General appears to take an active role in dealing with suspected misappropriation of funds. The Public Accounts Committee reviews the Auditor-General's reports, and may investigate fund misappropriation. However, it only has the power to make recommendations to Government, not demand action, which undermines the efficacy of the entire financial accountability structure.⁵⁷⁵

The Directorate of Public Prosecutions (DPP) is empowered by the Prevention of Corruption Act to investigate and prosecute cases of corruption and bribery and 'search, seize, arrest and interrogate suspects'.⁵⁷⁶ This gives the Directorate significant power to battle police corruption.

The Attorney-General acts as a conduit for civil proceedings against or by the Government.⁵⁷⁷

Despite constitutional protection of the freedom of the media, the Government restricts media activity. Reportedly, the police have been involved in intimidation and harassment of the media, reducing the potential value of its role as an independent overseer of the police.

A number of human rights organisations function in Uganda, including the independent Foundation for Human Rights Initiative (FHRI), HURINET-Uganda which acts as a secretariat for a number of non-governmental organisations interested in police reform, the International Federation of Women Lawyers-Uganda (FIDA-U), Human Rights Focus, the National Association of Women's Organisations of Uganda, the International Federation of Human Rights and the Human Rights and Peace Centre of Makerere University. There seems to be a good relationship between the Government and non-governmental organisations.⁵⁷⁸

Zambia

Zambia is a republic governed by a president and a unicameral parliament. It attained independence in 1964. A constitution adopted in December 1972 designated the United National Independence Party (UNIP) the sole legal political party and proscribed all other political parties. However, in response to popular demands for political reform, a new Constitution providing for a multi-party political system was adopted in 1991. In the same year, the UNIP Government was defeated in the country's first multi-party elections for 23 years by the Movement for Multi-Party Democracy (MMD). In 2001, Levy Mwanawasa of the MMD was elected president. He was re-elected in September 2006 for a further five-year term.

Zambia's Constitution guarantees the right to life,⁵⁷⁹ personal liberty and security of the person,⁵⁸⁰ and freedom from torture⁵⁸¹ and arbitrary arrest. It also provides that arrested persons must be brought before court within 24 hours of arrest. However, the Constitution permits the killing of a person during arrest or to prevent the escape of a detainee. The Constitution gives victims of rights violations access to redress in the High Court.⁵⁸²

The Zambia Police Service is established by the Constitution.⁵⁸³ It consists of regular and paramilitary units under the direction of the Ministry of Home Affairs and has primary responsibility for maintaining law and order. It is headed by an Inspector-General of Police who is appointed by and answerable to the President. It is regulated by a Police Act that provides for the organisational structure, recruitment and discipline.

Zambia's human rights record, particularly as it relates to the police, is poor. Amnesty International has reported incidents of torture of suspects in police custody, excessive use of force by the police and illegal detention of persons to secure the recovery of debts owed to third parties.⁵⁸⁴ In its 2005 country report on human rights practices in Zambia, the US Department of State observed that, during the year, 'police frequently used excessive force when apprehending, interrogating and detaining criminal suspects or illegal immigrants, and there were reports of torture.'⁵⁸⁵ Other reported police abuses include the arbitrary detention of family members of criminal suspects and sexual assaults against female suspects.⁵⁸⁶

Police face a number of serious problems, including a lack of professionalism, investigatory skills and discipline.⁵⁸⁷ Although some police officers have undergone human rights training, use of excessive force and corruption remain key problems⁵⁸⁸. Poor remuneration, substandard government housing and poor working conditions exacerbate police corruption and abuse of power.

Some effort has been made to introduce change. Under the Zambia Police Service Reforms, the Police Act was amended to provide for an independent civilian oversight mechanism – the Police Public Complaints Authority. Other key reforms include revision of the training curriculum of the Police Training College to include human rights law and the creation of a Police Professional Standards Unit within the Police Service in 2003.

The Police Act sets out internal disciplinary and accountability processes. It contains detailed provisions on the disciplining of police officers and also provides for a Police Public Complaints Authority, with powers to investigate complaints against police and injury or deaths in police custody. The Act also contains provisions on community policing related to police accountability. The Criminal Procedure Code contains several provisions which are intended to minimise the incidence of police abuses. The Code requires that police obtain a warrant before arrest, that suspects be informed of their rights (including the right to counsel), and that suspects be brought before a magistrate within 24 hours of their arrest.

The Police Act sets out internal disciplinary and accountability processes. Under the Act, every police officer 'shall exercise such powers and perform such duties as are by law conferred or imposed upon a police officer'.⁵⁸⁹ Discipline of senior officers takes place under Constitutional provisions, while discipline of junior officers takes place under provisions of the Act.⁵⁹⁰ Offences under the Act include unlawful or unnecessary arrest or violence, and uncivil behaviour. The Act gives the Inspector-General the power to reduce rank or dismiss any police officer below Assistant Superintendent who has been sentenced to imprisonment, irrespective of whether the sentence has been suspended or has the option of a fine.⁵⁹¹ Disciplinary trials can be held by a tribunal made up of the Inspector-General or a police officer not below the rank of Assistant Commissioner (or senior officer) authorised by the Inspector-General.⁵⁹² The tribunal has the power to impose penalties by rank, including reprimand, fines, reduction in rank, dismissal or discharge. Some punishment is subject to approval of the Inspector-General. Appeals lie to a Police Advisory Board.

One of the most important reforms undertaken by the police in recent years has been the establishment

of a Police Professional Standards Unit in 2003. The unit is mandated to investigate corruption, arbitrary arrests and detention and other unprofessional conduct within the police service.⁵⁹³ The unit, which is under the direct authority of the Senior Prosecutions Officer, has the power to recommend action against any member of the police service implicated in relevant misconduct.

A Police Public Complaints Authority is also in place. The functions of the Authority include receiving police related complaints and investigating complaints that resulted in death or serious injury. Complaints may be submitted by victims, agents of victims or organisations representing victims' interests. The Authority submits findings, recommendations and directions to a range of agencies – to the Director of Public Prosecutions (for criminal prosecution), the Inspector-General of Police (for disciplinary or administrative action) and to the Anti-Corruption Commission (in cases of corruption).⁵⁹⁴ The Authority's findings are only recommendatory and it cannot specify penalties.⁵⁹⁵ In 2005, the Authority received 367 complaints concerning police misconduct.⁵⁹⁶ However, a lack of funds has contributed to delays in disposing of complaints.

The Constitution establishes an autonomous Human Rights Commission.⁵⁹⁷ The functions and powers of the Commission are set out in the Human Rights Commission Act of 1996 and include investigating human rights violations and any maladministration of justice, proposing effective measures to prevent human rights abuses, visiting places of detention and conducting human rights research and education.⁵⁹⁸ The Commission is empowered to investigate any human rights abuses on receipt of a complaint or on its own initiative.⁵⁹⁹

A Commission for Investigations was first established under the 1973 one-party Constitution. The Commission is headed by an Investigator-General who is appointed by the President. The functions and powers of the Commission are set out in the Commission for Investigations Act of 1991. The Commission's function is to inquire into allegations of maladministration or abuse of power by public officials 'whenever so directed by the President' and 'unless the President otherwise directs, in any case in which it considers that an allegation of maladministration or abuse of office or authority' ought to be investigated.⁶⁰⁰ The Commission is required to submit its findings to the President. These provisions arguably weaken the Commission as an independent oversight mechanism.

The office of the Director of Public Prosecutions (DPP) is established by the Constitution and falls under the Ministry of Legal Affairs. The DPP is responsible for criminal prosecutions. However, prosecutions in subordinate courts are undertaken by police prosecutors who fall under the Ministry of Home Affairs. This makes it difficult to prosecute police officers accused of human rights violations and to supervise prosecutors not under the DPP's jurisdiction.

The Anti-Corruption Commission (ACC) was established under the Anti-Corruption Commission Act of 1996. It is an independent body mandated with the investigation and prosecution of cases of corruption by public officials, including members of the police service. The ACC's three main functions are to prevent corruption, investigate and prosecute offenders, and educate the public about corrupt practices. The Commission has received and investigated cases of police corruption.⁶⁰¹ However, there is no information available indicating whether there have been any prosecutions.

Individuals whose constitutionally guaranteed rights have been infringed by the police can institute proceedings against the state in the High Court.⁶⁰² This gives the High Court a potentially powerful police oversight role. The High Court is empowered to make orders to enforce or secure rights. In several cases, the High Court has found the state liable for violations of rights, including torture, and has awarded damages.

Courts in Zambia are also able to conduct an inquiry as part of a trial, where an allegation is made that a confession was extracted through torture. Where the court finds that the confession was obtained through coercion, it excludes the confession. However, the accused cannot rely on this finding to institute civil proceedings against the police, as criminal proceedings cannot be used as evidence in civil proceedings.

Under the Inquiries Act of 1967, the President may constitute a commission of inquiry to look into matters of public interest. Thus, for instance, in 1993, an ad hoc commission of inquiry (the Munyama Human Rights Commission) was appointed to investigate prison conditions, allegations of torture and human rights violations. The Commission heard testimony from victims of police abuse and visited police stations. It found evidence of torture by law enforcement agencies and subsequently recommended the

establishment of a Police Complaints Authority. In 1998, the President appointed a special commission to investigate and report on allegations of torture, abuse or human rights violations by members of law enforcement agencies during an October 1997 coup attempt.⁶⁰³ The Commission recommended the payment of compensation to victims of state torture.⁶⁰⁴

There are a number of human rights non-governmental organisations that provide some form of policing oversight through civic education, human rights training or litigation. These include the Legal Resources Foundation (LRF), Law Association of Zambia (LAZ), the Foundation for Democratic Process (FODEP), Zambia Civic Education Association (ZCEA), National Women's Lobby Group (NWLG), and Women for Change. The LRF offers legal aid services and litigates on public interest matters.

Zimbabwe

Zimbabwe is a constitutional democracy. It achieved independence in 1980, following a long war of liberation. Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) party won the majority of seats in a parliament that had 20 seats reserved for the white minority. Following constitutional change in 1987, Mugabe became the Executive President. In 1992, the Government began a land distribution exercise previously prevented by transitional constitutional provisions. This exercise has precipitated an economic and political crisis. Following a closely contested election in 2008 and a parliamentary victory by the opposition Movement for Democratic Change (MDC), a power-sharing agreement between rival political parties is being negotiated.

The Constitution is the supreme law of Zimbabwe. It protects the right to life,⁶⁰⁵ the right to personal liberty,⁶⁰⁶ and freedom from torture and inhuman or degrading punishment or treatment.⁶⁰⁷ It also prohibits arbitrary arrest and detention⁶⁰⁸ and affords aggrieved individuals the right to seek redress for violations of their constitutional rights by way of application to the Supreme Court.⁶⁰⁹ The Supreme Court has the power to make a variety of orders, including compensation.⁶¹⁰ The Constitution requires police officers to exercise powers lawfully and with regard to the individual rights and freedoms.

The Zimbabwe Republic Police (ZRP) is established by the Constitution.⁶¹¹ The police has responsibility for internal security and law and order. It falls under the authority of the Ministry of Home Affairs and consists of a regular force, a constabulary and ancillary members.⁶¹² It is commanded by a Commissioner-General of Police, appointed by the President after consultation with a board consisting of the chairman of the Police Service Commission, the retiring Commissioner and one other member appointed by the President. The functions of the police force are set out in chapter 11:10 of the Zimbabwe Police Act.

The Commissioner-General of Police is empowered to command and control the police force, appoint members of the force and promote, suspend, reduce in rank or discharge members of the police force other than officers.⁶¹³ The Commissioner-General must comply with any directives issued by the Attorney-General concerning investigation or reporting.⁶¹⁴ The Commissioner-General is also responsible for issuing Standing Orders concerning discipline and regulation of the police force.⁶¹⁵

The Zimbabwean Government's human rights record is poor. In particular, the police have been implicated in numerous human rights violations, including arbitrary arrest and detention, assault, ill treatment of persons in custody and excessive use of force.⁶¹⁶ In its 2005 country report on Zimbabwe, the US Department of State observed use of excessive force by police in apprehending and detaining suspects and torture and ill treatment of members of the political opposition and human rights groups.⁶¹⁷ Amnesty International⁶¹⁸ and Human Rights Watch⁶¹⁹ have made similar observations. Other concerns included police involvement in the Government's Operation Murambatsvina, (a programme of mass forced evictions and demolition of homes and informal businesses) and repression of civil society activity.⁶²⁰ Reports of human rights violations by police are common, while officers are rarely held accountable for their actions.

A lack of resources, politicisation, poor conditions of service and corruption all impact negatively on police performance.⁶²¹

The police organisation has an internal investigations department that is responsible for investigating complaints against the police (where there is no threat of civil suit). Offences under the Police Act include unnecessary detention or violence and neglect or ill treatment of detainees or other people. Although there is a complaints desk at police headquarters in Harare, this is largely ineffective because of poor record keeping.⁶²² Each police station is required to maintain a complaints book. Human Rights Watch asserts that 'there are no proper internal police mechanisms for investigating cases of police and that incidents of torture and excessive use of force by the police are rarely investigated'.⁶²³ It has also been contended that police investigatory procedures are 'fraught with conflicts of conflict and a bias against anti-police testimony,' while police officers 'are often reluctant to testify against their peers'.⁶²⁴ The police has failed to put in place 'credible grievance and investigatory procedures that do not expose complainants to retaliation or victimisation'.⁶²⁵

The Police Act provides for the establishment of a Board of Officers, consisting of at least three officers of the rank of superintendent or higher. The Act also makes provision for police courts to handle disciplinary and misconduct cases. These courts are empowered to sentence police officers to confinement in a camp or demotion. Officers who are convicted by police courts have the right to appeal to the Supreme Court.

The Constitution establishes an Ombudsman with a mandate to investigate government officials, including the police.⁶²⁶ However, the Ombudsman Act of 1982 precludes the Ombudsman from investigating the actions of the police, army or prison services. As a consequence, critics have argued that the powers of the Ombudsman to investigate and monitor police abuses are limited and an ineffective mechanism for securing the independent investigation and monitoring of policing in Zimbabwe.⁶²⁷

A Police Service Commission is established by the Constitution and is empowered by legislation.⁶²⁸ An important function of the Commission is to deal with complaints (excluding disciplinary matters) made by members of the police force.⁶²⁹ The Commission can, with the consent of the Commissioner of Police, investigate police practices, require production of documents, summon witnesses and obtain evidence from police officers. The requirement that the Commission gain the Commissioner of Police's consent compromises its potential police oversight role.

The Constitution establishes an Anti-Corruption Commission to investigate corruption and abuse of power.⁶³⁰ The Commission has been criticised as a smokescreen and a 'toothless bulldog'.⁶³¹ There have also been concerns over the independence of the Commission, based on allegations that members of the Commission have been appointed on the basis of patronage.

There currently is no human rights commission in Zimbabwe. In March 2006, the Government announced that it would establish a commission to address violations of human rights in the country. However, the announcement has been met with scepticism, largely on the part of human rights activists, who have questioned whether such a commission would be able to function independently and impartially given the current political climate in the country.⁶³²

The Constitution provides for a Parliamentary Legal Committee. The Committee is tasked reporting on the consistency of proposed laws with international standards. Following the conclusion of a parliamentary reform process, which commenced in 1997, Parliament has established new portfolio committees whose functions involve reviewing and reporting to Parliament on policy objectives and administration of departments within their portfolios.⁶³³ Two of the committees – the Justice, Legal and Parliamentary Affairs Committee and the Defence and Home Affairs Committee – are relevant to policing oversight. In discharging their functions, these committees may influence police priorities and ultimately play an important policing oversight role.

If a person has had their constitutional rights violated, they can apply to the Supreme Court to have their rights enforced. The Court has the power to make orders, issue writs or give directions to ensure that rights are enforced.⁶³⁴ While civil proceedings relating to conduct regulated by the Police Act may be instituted against the police, such proceedings must be commenced within eight months of the conduct.⁶³⁵ This limits the opportunity for victims to seek redress and the Court to act as an oversight mechanism. The Criminal Procedure and Evidence Act gives a magistrate the power to investigate allegations of torture or abuse made by an accused person. For example, in 2006, a High Court judge ordered an investigation into allegations of torture and other ill-treatment made by 15 trade union officials.⁶³⁶ Courts may exclude statements that are proven to have been made involuntarily by accused persons.⁶³⁷

The Attorney-General is appointed by the President, in consultation with the Judicial Service Commission. He or she has the power to institute and take over criminal proceedings. This means that the Attorney-General has a potential oversight role.⁶³⁸ The Attorney-General is also empowered to require the Commissioner of Police to investigate any matters relating to criminal offences.⁶³⁹ The office of Comptroller and Auditor-General is charged with examining, auditing and reporting on public accounts, including those of the police force.

Civil society is routinely harassed by Government.⁶⁴⁰ Organisations working in Zimbabwe include the Centre for the Victims of Torture, Zimbabwe Human Rights NGO Forum, Zimbabwe Human Rights Association (ZimRights), the Amani Trust, Zimbabwe Lawyers for Human Rights (ZLHR), Zimbabwe Peace Project and Human Rights First: Human Rights Defenders in Zimbabwe. The Human Rights Trust of Southern Africa (SAHRIT) plays a crucial police accountability role through regional police training programmes. Law firms have also contributed to oversight through the legal process under auspices of the Law Society of Zimbabwe.

The Zimbabwean media plays an important oversight role by reporting police abuses of power that would otherwise not be exposed.⁶⁴¹

Appendix 1 – International treaties

Country	ICCPR	ICESCR	CERD	CEDAW	CRC	ACHPR	CAT
Algeria	R	R	R	A	R	R	R
Angola	A	A		A	R	R	
Benin	A	A	R	R	R	R	A
Burkina Faso	A	A	A	A	R	R	A
Botswana	R		A	A	A	R	R
Burundi	A	A	R	R	R	A	A
Cameroon	A	A	R	R	R	R	F
Central African Republic	A	A	R	A	R	R	
Cape Verde	A	A	A	A	A	R	A
Chad	A	A	A	A	R	R	A
Comoros			R	A	R	A	S
Democratic Republic of the Congo	A	A	A	R	R	S	A
Republic of the Congo	A	A	A	R	A	S	A
Cote d'Ivoire	A	A	A	R	R	A	A
Djibouti	A	A		A	R	R	A
Egypt	R	R	R	R	R	R	A
Ethiopia	A	A	R	A	A		A
Equatorial Guinea	-	-	-	-	-	-	-
Eritrea	A	A	A	A	R	A	
Gabon	A	A	R	R	R	R	R
Gambia	A	A	R	A	R	R	S
Ghana	R	R	R	R	R	A	R
Guinea	R	R	R	R	A	R	R
Guinea-Bissau	S	A	S	S	R	A	S
Kenya	A	A	A	A	R	A	A
Lesotho	A	A	A	A	R	R	A
Liberia	R	R	A	A	R	R	A
Libya	A	A	A	A	A	A	A
Madagascar	R	R	R	R	R	A	
Malawi	A	A	A	A	A	A	R
Mali	A	A	A	A	R	R	A

Country	ICCPR	ICESCR	CERD	CEDAW	CRC	ACHPR	CAT
Mauritania	A	A	R	A	R	R	A
Mauritius	A	A	A	A	A	F	A
Morocco	R	R	R	A	R		R
Mozambique	A		A	A	R	A	A
Namibia	A	A	A	A	R	A	A
Niger	A	A	R	A	R	R	A
Nigeria	A	A	A	R	R	R	R
Rwanda	A	A	A	R	R	A	
São Tomé and Príncipe	-	-	-	-	-	-	-
Senegal	R	R	R	R	R	R	R
Seychelles	A	A	A	A	A	A	A
Sierra Leone	A	A	R	R	R	R	R
Somalia	A	A	R		S	R	A
South Africa	R	S	R	R	R	R	R
Sudan	A	A	A		R	R	S
Swaziland	A	A	A	A	A	R	R
Tanzania	A	A	A	R	R	R	
Togo	A	A	A	A	R	R	R
Tunisia	R	R	R	R	R	A	R
Uganda	A	A	A	S	R	R	A
Zambia	A	A	R	R	R	R	A
Zimbabwe	A	A	A		R	R	

A – Acceded R – Ratified S – Signed F – In force - No information

ICCPR International Covenant on Civil and Political Rights
ICESCR International Covenant on Economic, Social and Cultural Rights
CERD International Convention on the Elimination of all forms of Racial Discrimination
CEDAW Convention on the Elimination of All Forms of Discrimination Against Women
CRC Convention on the Rights of the Child
ACHPR African Commission on Human and Peoples’ Rights
CAT Convention Against Torture

Appendix 2 – Contacts

Country	Organisation	Contact	Phone / fax	Address	Email / website
Angola	Antimilitaristic Angolan Initiative for Human Rights (IAADH)		Tel: +49 30 785 7281 Fax: +49 30 786 9984	c/o Anirassistische Initiative Yorkstr. 59, D-10965 Berlin, Germany	ari@pni.de
Angola	Human Rights Committee (Direitos Humanos, Pelicões, Redemçoões e sugestões dos cidadãos)		Tel: +244 233 4021 / 233 2641 Fax: +244 233 1118 / 239 0336	National Assembly (Assembleia Nacional) Caixa postal 1204, Luanda	daipr.parlamento@ebonet.net
Angola	The Justice, Peace and Democracy Association		Tel: +244 222 430 300 / 923 401 023	Avenida Comandante Valodia Predio n. 253, 2 Andar, Apt C, Luanda	ajpd@netangola.com
Botswana	Attorney General's Chambers		Tel: +267 361 3701 Fax: +267 2907141	Private Bag 009, Gaborone	agc.info@gov.bw
Botswana	Directorate on Corruption and Economic Crime		Tel: +267 314 002 / 216 666 Fax: +267 313 508 / 307 410	Private Bag 00344, Gaborone	dcec@gov.bw
Botswana	Ditshwanelo – The Botswana Centre for Human Rights		Tel: +267 306 998 Fax: +267 307 776	The Director Private Bag 00416, Gaborone, Botswana	ditshwanelo@info.bw
Botswana	Office of the Auditor-General		Tel: +267 361 7100 Fax: +267 318 8145	Private Bag 0010, Gaborone, Botswana	oag@gov.bw
Botswana	Office of the Ombudsman		Tel: +267 353 322 Fax: +267 353 559	Private Bag BR374, Gaborone, Botswana	ombudsman@gov.bw
Botswana	Parliament of Botswana		Tel: +267 373 200 Fax: +267 353 101	PO Box 240, Gaborone, Botswana	parliament@gov.bw
Botswana	Women & the Law in Southern Africa Research Trust		Tel: +267 359 699 Fax: +267 357 573	The National Co-ordinator University of Botswana Private Bag 00708, Gaborone, Botswana	
Burundi	Action by Christians against Torture (ACAT Burundi)	c/o Chantal Mutamuriza		PO Box 6687, Bujumbura, Burundi	acatur@yahoo.fr www.fiacat.org/en/spip.php?rubrique16
Burundi	Auditor General Burundi	M. Arthemon Muhitira, Inspecteur General des Finances	Tel: +257 22 64 59 Fax: +257 22 38 27	PO Box 102 Bujumbura, Burundi	jeanbutosco@yahoo.fr
Burundi	League Iteka (Burundi)		Tel: + 257 22 86 36 / 21 16 23 Tel: + 257 24 56 39 / 24 56 40		iteka@cbinf.com
Burundi	International Committee of the Red Cross		Tel: +257 222 1 28 65/2221 2908 Fax: +257 2222 9837	Route de l'Aéroport, parcelle 3513, PO Box 3257, Bujumbura, Burundi	
Cameroon	National Commission on Human Rights and Freedoms		Tel: +237 2 6117 6080 Fax: +237 22- 6082	SGBC Building, BP 203 17, Yaounde, Cameroon	cnrh@iccnnet.cm

Country	Organisation	Contact	Phone / fax	Address	Email / website
Cape Verde	Ministry of Justice	Minister of Justice: José Manuel Gomes Andrade	Tel: +238 2623257 Fax: +238 2623261	Rua Serpa Pinto, CP 205, Praia, Cape Verde	
Central African Republic		President of the Republic: Gen. François Bozizé Yangouvounda	Tel: +236 61 46 63.	Office of the President: Palais de la Renaissance, Bangui, Central African Republic	
Central African Republic		Minister of National Defence, the Restructuring of the Armed Forces, Veterans and Disarmament: Gen. François Bozizé Yangouvounda	Tel: +236 61 00 25		
Central African Republic		Minister of the Interior and Public Security: Gen. Raymond Paul Nougou	Tel: +236 61 14 77		
Central African Republic		Minister of Justice: Paul Otto	Tel: +236 61 52 11		
Comoros		Head of State (Federal President): Ahmed Abdallah Sambi	Tel: +239 74 4808 Fax +239 74 4829	Office of the Head of State: Palais de Beit Salam, BP 521, Moroni, Cameroon	presidence@comoresTelecom.km www.bet-salam.km
Comoros		Minister of Islamic Affairs, Human Rights and Information responsible for Relations with Parliament and the Island Institutions: M'had Ali		Ministry of Islamic Affairs, Human Rights and Information responsible for Relations with Parliament and the Island Institutions: Moroni, Cameroon	
Comoros		Minister of Justice, the Civil Service, Penitentiary Administration and Administrative Reforms and Keeper of Seals: Mourad Said Ibrahim	Tel: +239 4040 Fax +239 4045	Ministry of Justice, the Civil Service, Penitentiary Administration and Administrative Reforms: BP 2028, Moroni, Cameroon	
Democratic Republic of the Congo		Minister of State, in charge of the Interior, Decentralisation and Security: Denis Kalume Numbi	Tel: (12) 23171.	Ministry of the Interior, Decentralisation and Security: ave de Lemera, Kinshasa-Gombe, DRC	
Djibouti	Attorney General	Minister of Justice, Ibrahim Idriss Djibril	Fax: + 253 353840 (via Ministry of Foreign Affairs)	PO Box 12, Djibouti, Republic of Djibouti	
Djibouti	The Mediator of the Republic/Ombudsman	Hassan Farah M'iquil (Médiateur de la République)	Tel: +253 358693 Fax: +253 35 32 37	Palais Présidentielle, PO Box 6, Djibouti	mediateurdjibouti@ininet.dj
Djibouti	International Committee of the Red Cross		Tel: +253 352 611 Fax: +253 352 156	Rue Ras Mekonnen, Apt 4, PO Box 2527, Djibouti	

Country	Organisation	Contact	Phone / fax	Address	Email / website
Egypt	Al-Nadeem Centre for the Psychological Treatment and Rehabilitation of Victims of Torture.		Tel: +2025787089 Fax: +2025776792	3A Sulman Al-Halabi Street, off Ramsis Street, Cairo, Egypt	nadeem/nadeem@link.net www.hrinfo.net/egypt/
Egypt	Association for Human Rights Legal Aid		Tel: +2025770901 Fax: +2025789069	no 2 Ma'rouf Street, Tai'at Harm Junction, next to Al-Tahrir Police Station, flat 17, fourth floor, Cairo, Egypt	ahrl_99@yahoo.com Arabic website: www.ahrla.org English website: www.ahrla.org/en/index-e.htm
Egypt	Egyptian Organisation for Human Rights		Tel: +202 363 6811 Fax: +202 362 1613	8/10 Aminyal Museum Street, 10th floor, Mental Al rouda, Cairo, Egypt	info@eohr.org eohr@eohr.org Arabic website: www.eohr.org/ar/index.htm English website: www.eohr.org/en/index.htm
Egypt	Hisham Mubarak Centre for Human Rights		Tel & Fax: +202 575 8908	1 Souq Al Tawfiqia Street, 5th floor, Wasat Al Balad, Cairo, Egypt, PO Box 11111 Al Azbakya	hmrc@link.net www.hrinfo.net/Egypt/hmrc/
Egypt	Egyptian Organisation Against Torture			14 Al Kassar Street, Al Azbakya, Cairo, Egypt	eaatorture@yahoo.com www.hrinfo.net/egypt/eaat/
Egypt	Arab Program for Human Rights Activists		Tel: +202 411 6626 Fax: +202 411 6626	77 Amarat Al Siwaisri (B) Entrance (1), 10th Area, Mahatat Al Jami', 4th floor, flat 8, Egypt	rpbra@rite.com Arabic website: www.aphra.org English website: www.aphra.org/html/ehome.asp
Egypt	Cairo Centre for Human Rights Studies		Tel: 002027951112-7946065 Fax: 002027921913	Address: 9 Rustum Street, Garden City, Cairo, Egypt, Postal address: PO Box 117 (People's Council), Cairo, Egypt	info@cihrs.org Arabic website: www.cihrs.org English website: www.cihrs.org/default_en.aspx
Equatorial Guinea	President and Supreme Commander of the Armed Forces: Brig.-Gen. Teodoro Obiang Nguema Mbasogo				
Equatorial Guinea	Minister of National Security: Manuel Nguema Mba		Tel: +240 (0)934-69		
Equatorial Guinea	Minister of National Defence: Antonio Ndong Nguema Mikwe		Tel: +240 (09) 27-94		
Equatorial Guinea	Minister of Economy, Trade and Business Development: Jaime Ela Ndong		Tel: +240 (09) 31-05 Fax: +240 (09) 20-43	Ministry of Economy, Trade and Business Development, BP 404, Malabo, Equatorial Guinea	
Eritrea	Citizens for Peace in Eritrea			PO Box 4588, Asmara, Eritrea	cpe@gemel.com.er
Eritrea	Auditor General	Berhane Habtemariam	Tel: +291 (1) 15 95 95 Fax: +291 (1) 15 02 52	2nd Floor, Block A/PO Box 918, Asmara, Eritrea	oag_er@gemel.com.er

Country	Organisation	Contact	Phone / fax	Address	Email / website
Eritrea	International Committee of the Red Cross		Tel: +2911 181 164 Fax: +291 1 181 152	Area Triaxolo (Next to Expo HoTel), PO Box 1109, Asmara, Eritrea	
Ethiopia	Auditor General	Lemma Argaw	Tel: +251 (1) 12 35 55, 12 73 30 Fax: +251 (1) 55 25 94	PO Box 457, Addis Ababa, Ethiopia	ofagi@telecom.net.et
Ethiopia	Ethiopian Human Rights Council		Tel: +251 1 51 44 89/51 77 04 Fax: +251 1 51 45 39	PO Box 2432, Addis Ababa, Ethiopia	ehrc@ethionet.et www.ehrc.org/
Ethiopia	International Committee of the Red Cross		Tel: +2511 551 8366 Fax: +2511 551 3161	Woreba 15, Kebele 28, House no. 117, PO Box 5701, Addis Ababa, Ethiopia	
Gabon		President: El Hadj Omar (Albert-Bernard) Bongo Ondimba			
Gabon		Minister of State Control, Inspections, the Fight against Corruption and the Illegal Accumulation of Wealth: Pierre Amoughe Mba			
Gabon		Minister of Family Affairs, the Protection of Children and the Promotion of Women: Angélique Ngoma	Tel: +241 77 50 32 Fax: +241 76 69 29	Ministry of Family Affairs, the Protection of Children and the Promotion of Women: BP 5684, Libreville, Gabon	
Gabon		Minister of Justice, Guardian of the Seals: Martin Mbala	Tel: +241 74 66 28 Fax: +241 72 33 84	Ministry of Justice: BP 547, Libreville, Gabon	
Gabon		Minister of State for National Defence: Ali Bongo Ondimba	Tel and Fax: +241 77 86 96	Ministry of National Defence: BP 13493, Libreville	
Gabon		Minister of State for the Interior, Public Security and Immigration: André Mba Obame	Tel: +241 74- 5 06 Fax: +241 72 13 89	Ministry of the Interior, Public Security and Immigration: BP 2110, Libreville, Gabon	
Ghana	Commission on Human Rights and Administrative Justice		Tel: +233 21 668839 Fax: +233 21 660020	Old Parliament House, High Street, Accra, Ghana	chraj@ghmail.com www.chrajghana.org
Ghana	Africa Security Dialogue and Research		Tel: +233 21 510515; +233 21 513747	Plot 27, North Legon Residential Area Kofi Anan Avenue, PO Box LG 347, Legon, Ghana	
Ghana	Centre for Conflict Resolution		Tel: +233 21 767405 Fax: +233 21 767405	PO Box LG 33, Legon Accra, Ghana	conco@africaonline.com.gh
Ghana	Ghana Centre for Democratic Development		Tel: +233 21 776142; 763029; 784293-4 Fax: +233 21 763028	14 Airport West Residential Area, Accra PO Box 404, Legon, Ghana	ccd@ghana.com

Country	Organisation	Contact	Phone / fax	Address	Email / website
Guinea-Bissau		Minister of Internal Administration: Maior Baciro Dabo.	Tel: +245 203781	Ministry of Internal Administration: Av. Unidade Africana, Bissau	
Kenya	International Committee of the Red Cross		Tel: +254 20 2723 963 4 5 / 202 713 367 8 9 Fax: (+254) 20 2715 588	PO Box 73226-0200, Nairobi, Kenya	
Kenya	Auditor General	Mr David G. Njoroge, Controller and Auditor General	Tel: +254 2 34 00 99 33 57 77 Fax: +254 2 33 08 29	Kencom House, Moi Avenue, PO Box 30084, Nairobi	
Kenya	Auditor General (Corporations) Department	Mr Samuel M. Maluki	Tel: +254 2 227 383	Anniversary Towers, University Way, PO Box 49384, Nairobi	
Kenya	Constitution of Kenya Review Commission		Tel: +254 020 343601/2 Fax: +254 020 343603	Kencom House, 2nd Floor, PO Box 10526, Nairobi, Kenya	info@kenyaConstitution.org / constitution@nationalaudio.com www.kenyaconstitution.org
Kenya	Independent Medico Legal Unit (IMLU) (Kenya)		Tel: +254 020 4456048/9, 4450598, 441833 Fax: +254 020 4450598	David Osieli Rd, Off Old Waivaki Way, Westlands, PO Box 1271-0606, Sarit Centre, Nairobi, Kenya	medico@mlu.org www.mlu.org
Kenya	Kenya National Commission on Human Rights (KNCHR)	Mr Maina KIAI, Chairperson	Tel: +254 020 271 79 00 / 271 79 28 Mobile: +254 726 610199/ +254 724 256448 Fax: +254 020 271 61 60	CYS Plaza, Kasuku Rd, Off Lenanda Rd, PO Box 74359, Nairobi 00200, Kenya	haki@skyweb.co.ke / anderitu@knchr.org www.knchr.org
Kenya	Kisumu Human Rights Movement (KHRM) (Kenya)	Contact: Okech Williams or Emily Odior	Tel: +254 57 2024207	PO Box 700, Kisumu, 40100, Kenya	
Kenya	People against Torture (PAT) (Kenya)	Mr Mutahi, Executive Co-ordinator	Tel: +254 20 440442 / 446332 Fax: +254 20 448688	27 Church Road Westlands PO Box 5399 – 00100, GPO, Nairobi, Kenya	info@patkenya.org / patorture@sahanet.co.ke www.patkenya.org
Lesotho	Attorney-General		Tel: +266 2231 5983 Fax: +263 2231 0929	PO Box 33, Maseru, 100, Lesotho	
Lesotho	Human Rights Unit, Ministry of Justice, Human Rights & Rehabilitation		Tel: +266 2232 2683 Fax: +266 2231 0934	PO Box 402, Maseru, 100, Lesotho	dps@justice.gov.ls
Lesotho	Lesotho Council of NGOs (Lecongo)		Tel: +266 2231 7205 / 2232 5798 Fax: +266 2231 0412	Private Bag A445, Maseru, 100, Lesotho	lecongo@lecongo.org.ls
Lesotho	Police Complaints Authority		Tel: +266 2231 3568 Fax: +266 2231 3720		
Lesotho	Transformation Resource Centre (TRC)		Tel: +266 2231 4463	PO Box 1388, Maseru 100, Lesotho	trc@trc.org.ls

Country	Organisation	Contact	Phone / fax	Address	Email / website
Lesotho	Women & Law in Southern Africa (WLSA)		Tel: +266 2231 0361	PO Box 0961, Maseru West, 105, Lesotho	wlsales@lesotho.com
Libya	Watch Institution for Human Rights		Tel: +44 7830307035	Stock Port, PO Box 325, SK4 2WU, UK	libya-watch@libya-watch.org manager@libya-watch.org Arabic website: www.libya-watch.org/index.html English website: www.libya-watch.org/akenhp.html
Libya	The Libyan Union for Human Rights Defenders		Tel: +2630060 (173) 49+ Fax: +494 27 57 (71) 31+	PO Box 2232 2301 CE, Leiden, The Netherlands	info@libyanhumanrights.com libyanhumanrights@worldmail.nl Arabic website: www.libyanhumanrights.com
Libya	The National Front for the Salvation of Libya				nfslibya@yahoo.co.uk / info@nfs-libya.com Arabic website: www.nfs-libya.com/
Libya	Human Rights Solidarity		Tel: 89 67 380 79 41 + Fax: 62 216 93 37 41 +	Human Rights Solidarity, PO Box 2441, 1211 Geneva 2, Switzerland	www.hrs.ch hrs@hrs.ch
Libya	The Libyan Association for Human Rights				alibya@yahoo.com www.hrinto.net/libya/lhr/
Madagascar	International Committee of the Red Cross		Tel: +261 20 22 567 69	112, rue Rainandriampandry, Lot II B 16 Faravohitra, 101 - Antananarivo, Madagascar	
Madagascar	Audit Office (Madagascar)	M. Boanary Raveloarjaona President de la Chambre des Comptes	Tel: +261 20 226 31 44 Fax: +261 20 226 31 44	Ambohichay, PO Box 391, 101 Antananarivo, Madagascar	pchmada@yahoo.fr
Madagascar	Madagascar National Human Rights Commission	General Secretary Mme Honorine Rahantarinina	Tel: +261 320492903 Fax: +261 3202260764	Lot II N 184 EB Analamahitsy Antananarivo 101, Madagascar	ordhmcarrahantarinin@yahoo.fr
Madagascar	Ombudsman (Madagascar)	M. Victor Miadana Défenseur du Peuple	Tel: +261 202 22 576 Fax: +261 202 22 9651	33, rue Dr. Villette Isoraka, 101 Antananarivo PO Box 143, Madagascar	
Malawi	Anti-Corruption Bureau		Tel: +265 1 757844 / 01 75782 Fax: +265 1 751943 / 01 753359	PO Box 2437, Lilongwe, Malawi	acbl@sdrp.org.mw
Malawi	Centre for Advice, Research & Education on Rights (Malawi CAREER)		Tel: +265 1 670710 / 01 672214 Fax: +265 1 672214	PO Box 30479, Blantyre 3, Malawi	malawicarer@sdrp.org.mw
Malawi	Centre for Human Rights & Rehabilitation (CHRR)		Tel: +265 1 761122 Fax: +265 1 761700	PO Box 2340, Lilongwe, Madagascar	chrr@sdrp.org.mw
Malawi	Centre for Legal Assistance		Tel: +265 8 842385 / 09 963447 / 1 751662 Fax: +265 1 751662		pas-cela@sdrp.org.mw

Country	Organisation	Contact	Phone / fax	Address	Email / website
Malawi	Civil Liberties Committee (CiLIC)		Tel: +265 1 634063 / 08 834 138 Fax: +265 1 634 063	The Director, PO Box 2553, Blantyre, Madagascar	clitic@malawi.net
Malawi	Council for Non-Governmental Organisations in Malawi (CONGOMA)		Tel: +265 1 676 459 / 1 677 908 Fax: +265 1 676 459	PO Box 480, Blantyre, Malawi	congoma@malawi.net
Malawi	Law Commission		Tel: +265 1 772822 / 1 442841 Fax: +265 1 772532	Private Bag 373, Lilongwe, Malawi	lawcom@sdlp.org.mw
Malawi	Malawi Human Rights Commission		Tel: +265 1 750900 / 1 750958 Fax: +265 1 750943	Private Bag 378, Capital City Lilongwe 3, Malawi	mhrc@sdlp.org.mw
Mauritania		Minister of Interior: Yall Zakaria	Tel: 525-36-61 Fax 525-36-40	Ministry of Interior, Posts and Telecommunications: BP 195, Nouakchott, Mauritania	email: paddec@mauritania.mr
Mauritius	Director of Audit (Mauritius)	Mr Moussa Tajoo Director of Audit	Tel: +230 212 30 91 Fax: +230 211 08 80	14th Floor, Air Mauritius Centre, John Kennedy Street, Port Louis, Mauritius	auditdep@bow.intnet.mu
Mauritius	National Human Rights Commission (NHRC) (Mauritius) Commission Nationale des Droits de l'Homme	Mr Dheeraj Seetusingh, President/Chairperson	Tel: +230 208 28567 / 208 2857 Fax: +230 208 2858	2nd Floor, Renganaden Seeneevassen Building, Rue Jules Koenig, Port Louis, Mauritius	nhrcdbs@intnet.mu www.gov.mu/portal/site/nhrcsite
Mauritius	National Human Rights Commission (NHRC) (Mauritius) Commission Nationale des Droits de l'Homme	Mr Nimesh Ramsewak Principal Assistant Secretary	Tel: +230 208 2717 Fax: +230 208 2858		
Mauritius	Ombudsman (Mauritius)	Mr Solomon M. Hatteea	Tel: +230 208 4131 Fax: +230 211 3125	4th Floor, Barol'da Bank Bldg, Sir William Newton Street, Port Louis, Mauritius	
Morocco	Human Rights Ministry, The Consultative Council for Human Rights		Tel: 212037 73 88 51 Fax: 212 37 730 09 61	Al'Al Ben Abdullah Street, Mamar Krakoucho, Entrance (B), 4th Floor, Flat 2, Al Rabat, Morocco. PO Box 1740	Arabic website: www.amdh.org.ma/arabe/indexarb.htm French website: www.amdh.org.ma/amdh@iam.net.ma
Morocco	Moroccan organisation for Human Rights		Tel: 6000 77 Fax: 15 46 77	Rue Ouargha, Residence Volubilis, Appt 1, Agdal Rabat 10000 Morocco	Arabic website: www.omdh.org/arabe.htm omdh@mtds.com
Mozambique	Association of Human Rights & Development (DHD)		Tel: +258 1 300 116 Fax: +258 1 300 118	The President, PO Box 1607, Maputo, Mozambique	dhdmz@zebra.uen.mz
Mozambique	League of Human Rights (LDH)		Tel: +258 1 406 022 Fax: +258 1 406 022	The President, Av Maguiguana, 2219, Maputo, Mozambique	
Mozambique	Women's Association for Law & Development (MULEIDE)		Tel: +258 1 425 580 Fax: +258 1 425 714	Av Paolo Kankomba, 2150, Maputo, Mozambique	

Country	Organisation	Contact	Phone / fax	Address	Email / website
Namibia	Council of Churches of Namibia		Tel: +264 61 217521 Fax: +264 61 262786	PO Box 41, Windhoek, Namibia	cc.windhoek@iafrica.com.na
Namibia	Human Rights & Documentation Centre (HRDC)		Tel: +264 61 206 3664 Fax: +264 61 206 3293	The Co-ordinator, University of Namibia, Private Bag 13301, Windhoek, Namibia	hrdc@unam.na
Namibia	Legal Assistance Centre (LAC)		Tel: +264 61 223356 Fax: +264 61 234953	The Director, PO Box 604, Windhoek, Namibia	info@lac.org.na
Namibia	National Society for Human Rights (NSHR)		Tel: +264 61 236183 / +264 61 253447 Fax: +264 61 234286	The Executive Director, PO Box 23592, Windhoek, Namibia	nshr@nshr.org.na / nshr@iafrica.com.na
Namibia	Office of the Auditor-General		Tel: +264 61 285 0000 Fax: +264 61 224301	Private Bag 13299, Windhoek, Namibia	info@oag.gov.na
Namibia	Office of the Ombudsman		Tel: +264 61 207 3111 Fax: +264 61 226838 / 61 220550	Private Bag 13211, Windhoek, Namibia	office@ombudsman.org.na
Niger	Commission Nationale des Droits de l'Homme et des Libertés Fondamentales		Tel: +227 722654 Fax: +227 722654	1 Rue du Plateau, BP 234, Niamey, Niger	cnchif@intnet.ne
Nigeria	National Human Rights Commission,		Tel: +234 9 522 1774; 523-8656 Fax: +234 9 523 8657	Plot 800, Blantyre Street, Wise, Zone 2, Abuja, Nigeria	info@nigeriarights.org
Nigeria	Police Service Commission		Tel: +234 9-5235911; 5233396	Federal secretariat, Phase 1, Shehu Shagari Way, Abuja, Nigeria	
Nigeria	Centre for Law Enforcement Education		Tel/Fax: +234 1 4933195; 1 4935338; 1 4935339	1A Afolabi Aina Street, Off Allen Avenue Ikeja, Lagos, Nigeria	cleen@cleen.org www.cleen.org
Nigeria	Civil Liberties organisation		Tel: +234-1 4939324; 1 4939325; 1 7746694	Third Floor, 13 Soji Adepegba Close, Off Allen Avenue Ikeja Lagos. PO Box 11862, Ikeja GPO, Lagos, Nigeria	clo@clc-ng.org www.clo-ng.org
Nigeria	Human Rights Monitor			4th Floor, Suite 7 & 20, Turaki Ali House, 3 Kanta Road Kaduna, Nigeria	
Republic of the Congo	Minister of Security and Public Order: Gen. Paul Mbot		Tel: +242 81 41 73 Fax: +242 81 34 04.	Ministry of Security and Public Order: BP 2474, Republic of Congo	
Rwanda	International Committee of the Red Cross		Tel: +250 577 344; 572 781 Fax: +250 572 783	Rue de Kiyovu, PO Box 735, Kigali, Rwanda	
Rwanda	Forum for Activists against Torture (FACT)(Rwanda)		Tel: +250 51 1830, 08305707, 08305780 Fax: +250 51 1831	PO Box 4580, Kigali, Rwanda	fact@rwanda1.com / factrwa@yahoo.com / fact@fact.org.rw www.fact.org.rw

Country	Organisation	Contact	Phone / fax	Address	Email / website
Rwanda	Human Rights Commission (Rwanda) / Commission Rwandaise de Droits de l'Homme	Mrs Zainabo Sylvie KAYITESI, Chairperson	Tel: +250 504273/4 Fax: +250 504 270	District Kacyiru, Mairie de la ville de Kigali, PO Box 269, Rwanda	ordh1@rwanda1.com
Rwanda	Office of the Auditor General for State Finances (Rwanda)		Tel: +0250 512 02677 Fax: +0250 503 291	PO Box 1020, Kigali, Rwanda	secretariat@org.gov.rw www.oag.gov.rw
São Tomé and Príncipe		President and Commander-in-Chief of the Armed Forces: Fradique de Menezes			
São Tomé and Príncipe		Minister of Defence and Internal Order: Lt-Col. Oscar Aguiar Sacramento e Sousa	Tel: +239 222041	Ministry of Defence and Internal Order: Av. 12 de Julho, CP 427, São Tomé	midefesa@costome.net
São Tomé and Príncipe		Minister of Justice and Parliamentary Affairs: Justino Tavares Veiga	Tel: +239 222318 Fax: +239 222256	Ministry of Justice and Parliamentary Affairs: Av. 12 de Julho, CP 4, São Tomé	emilioma@costome.net
Senegal	Comite Senegalais des Droits de l'Homme		Tel: +221 22-823 4427 Fax: +221 22 821 4494	Immeuble Pasteur, 3rd Floor, 9, Avenue Pasteur, Dakar, Senegal	csdh@sentoo.sn
Seychelles	Attorney General of Seychelles		Tel: +248 383000 Fax: +248 225063	Department of Legal Affairs, Attorney General's Chambers PO Box 58 National House, Victoria, Mahé, Republic of Seychelles	agdepart@Seychelles.net / agoffice@seychelles.net
Seychelles	Auditor General (Seychelles)	Mr Marc James Benstrong	Tel: +248 61.03.60 Fax: +248 61.03.65	PO Box 49, Victoria, Mahe Seychelles	marc.benstrong@oag.sc / seyaudit@seychelles.net
Seychelles	Centre for Rights and Development (CEFRAD) (Seychelles)		Tel: + 248 786028 / 763782 Fax: +248 242068 / 225379	PO Box 233, Victoria, Mahe, Seychelles	cefrad@seychelles.sc
Seychelles	Ombudsman (Seychelles)	Mr Bernardin Renaud	Tel: +248 22 5147 Fax: +248 22 5737	Suite 306, Aarti Chambers Mont Fleuri, PO Box 736, Victoria, Seychelles	
Somalia	International Committee of the Red Cross		Tel: +254 202 713 367/8/9 Fax: +254 20 2713 731	Denis Pritt Road, PO Box 73226-0200, Nairobi, Kenya	
Somalia	Auditor General (Somalia)	Mr Hassine Abdullah Ali Auditor General		Jalle Hantidhawiraka-GUUD E.E. Dowladda, PO Box 1284, Mogadisho, Somalia	
Somalia	Isha Baidoa Human Rights Organisation (Somalia)	Abukar Sheikh Yusuf - Chairperson	Tel: +2521 588512	Baidoa Bay, Somalia	ihro@globalhomsom.com / ishahrsomalia@yahoo.com http://ishrsomalia.virtualactivism.net
Somalia	KISIMA Peace & Development Organisation (Somalia)	Contact: A. Isse or Abdrashid Hajj Elmi	Tel: +2523 494645	C/o PO Box 22425, Nairobi, Kenya	kisimais@yahoo.com www.kisma.net

Country	Organisation	Contact	Phone / fax	Address	Email / website
Somalia	Somali Human Rights Commission (SHRC)			PO Box 11223, Nepean ON, Canada, K2H 7T9	
South Africa	Minister of Safety and Security	Minister of Safety and Security	Tel: +27 12 3392500 Fax: +27 12 3392536	Ministry of Safety and Security, Van Ekong Building, 8th Floor, Van Ekong Arcade, 217 Pretorius St, Pretoria 0002, Private Bag X922, Pretoria 0001, South Africa	stratfordm@saps.org.za www.gov.za/sss
South Africa	International Committee of the Red Cross		Tel: +27 12 430 73 35/6/7, Fax: +27 12 430 44 71	Church St 794, PO Box 29001, Sunnyside 0132, Tshwane (Pretoria), South Africa	
South Africa	Centre for the Study of Violence and Reconciliation			P.O Box 30778, Braamfontein, JHB 20217, South Africa	info@csvr.org.za www.csvr.org.za
South Africa	Institute for Security Studies			PO Box 1787, Brooklyn Square, Tshwane (Pretoria) 0075, South Africa	iss@issafrica.org www.issafrica.org
South Africa	IDASA			PO Box 56950, Arcadia, Tshwane (Pretoria) 0007, South Africa	idasa@idasa.org.za www.idasa.org.za
South Africa	Independent Complaints Directorate			ICD House, 388 Andries Street, Tshwane (Pretoria), South Africa	www.icd.gov.za
South Africa	National Secretariat for Safety and Security			Private Bag X922, Pretoria 0001, South Africa	mathet@saps.org.za
South Africa	South African Human Rights Commission			29 Princess of Wales Terrace, Cnr York and St Andrews St, Parktown, Johannesburg, South Africa or Private Bag 2799, Houghton, Johannesburg, 2041, South Africa	www.sahrc.org.za
South Africa	South African Police Services			PO Box 94, Pretoria, South Africa	www.saps.gov.za
Sudan	International Committee of the Red Cross		Tel: +249 1 83 476 464/5/6 Fax: +249 1 83 467 709	Street No 33, House No 16, Amarat - New Extension, PO Box 1831, Khartoum	
Sudan	Advisory Council on Human Rights of the Government of Sudan		Tel: +249 11 779173	ACHR, PO Box 302, Khartoum, Sudan	http://dcregistry.com/homepages/suahrc.html
Sudan	Auditor General (Sudan)	Mr Abu Baker Abdalla Marin Auditor General	Tel: +249 11 77 15 66; 77 99 36 Fax: +249 11 77 53	General Auditing Chamber, PO Box 91, Khartoum, Sudan	
Sudan	Organisation against Torture (Sudan)		Tel: +44 0 20 7625 8055 Fax: +44 0 20 7372 2656	Argo House, Kilburn Park Road, London NW6 5LF, UK	info@soatsudan.org www.soatsudan.org
Sudan	Public Grievances and Correction Board / Ombudsman (Sudan)	Mr Mohammed Abuzeid Ahmed	Tel: +249 11 784009 Fax: +249 83785464	PO Box 6136, Khartoum, Sudan	

Country	Organisation	Contact	Phone / fax	Address	Email / website
Sudan	Sudan Human Rights Organisation Cairo Branch				Secretary General: mdeoud@shro-cairo.org Editor-in-Chief: Criticalview@yahoo.com www.shro-cairo.org
Swaziland	Anti-Corruption Commission		Tel: +268 404 0761 / 404 3179 Fax: +268 404 0758	The Director, PO Box 4842, Mbabane, Swaziland	anticorruption@realnet.co.sz
Swaziland	Attorney-General's Chambers		Tel: +268 404 6010 / 404 2806 Fax: +268 404 4796	PO Box 578 Mbabane, Swaziland	attorneygen@gov.sz
Swaziland	Council of Swaziland Churches Justice, Peace & Reconciliation Department		Tel: +268 505 6098 / 505 3628 Fax: +268 505 5841	142 Esser Street, Manzini, Swaziland	jpr@africaonline.co.sz
Swaziland	Lawyers for Human Rights – Swaziland (LHR-S)		Tel: +268 404 6750 Fax: +268 404 6750	The Secretary-General Portuguese Building Commercial Road, Mbabane, Swaziland	wlsaszd@iafrica.sz
Swaziland	Swaziland Action Group Against Abuse (SWAGAA)		Tel: +268 505 7514 / 505 2899 Fax: +268 505 2899		swagaa@realnet.co.sz
Swaziland	Women & Law in Southern Africa - Swaziland		Tel: +268 404 5006	The National Co-ordinator, Mbabane, Swaziland	wlsasd@iafrica.sz
Tanzania	International Committee of the Red Cross		Tel: +255 222 667 226 / 668 552 Fax: +255 222 667 797	Ali Hassan Mwinyi & Ruhinde Road, Plot No. 87, PO Box 23431, Dar es Salaam, Tanzania	
Tanzania	Centre for Human Rights Promotion (Tanzania)		Tel: + 255 22 2185056 Fax: + 255 22 2185056	PO Box 1854, Dar es Salaam, Tanzania	chrptz@yahoo.com
Tanzania	Commission for Human Rights and Good Governance (CHRAGG) (Tanzania)	Justice Robert KISANGA, President	Tel: +255 22 213 57 47 / 8 Fax: +255 22 211 15 33 / 211281	PO Box 2643, Dar es Salaam, Tanzania	chragg@chragg.org / mjemmas@chragg.org www.chragg.org/contact.htm
Tanzania	Legal and Human Rights Centre (Tanzania)		Tel: +255 022 277 3038, 2773048 Fax: +255 022 277 3037	Head office: Justice Lugakingira House, Kijitonyama Area, Dar es Salaam (Behind Social Welfare Institute) PO Box 75254, Dar es Salaam, Tanzania	lhrtz@humanrights.org.tz
Tanzania	Office of the Controller and Auditor General (Tanzania)		Tel: +255 22 2115157/8 Fax: +255 22 2117527/2133555	Controller and Auditor General, National Audit Office, Audit House, Samora Avenue / Ohio Street, PO Box 9080, Dar es Salaam, Tanzania	ocag@hao.go.tz www.nrao.go.tz
Tanzania	Permanent Commission of Enquiry (Tanzania)	Mr Ibrshim S.A. Kajenbo	Tel: +255 51 26181/4 Fax: +255 51 28218	PO Box 2643, Dar es Salaam, Tanzania	
Tanzania	Preparatory Secretariat for Human Rights and Good Governance (Tanzania)	Chairman: Hon. Justice (Rtd.) Robert Habesh Kisanga	Tel: +255 22 213 5747 Fax: +255 22 211 1633	8th, Luthuli Street, PO Box 2643, Dar es Salaam, Tanzania	chragg@chragg.org www.chragg.org

Country	Organisation	Contact	Phone / fax	Address	Email / website
Tanzania	Tanzania Media Women's Association (TAMWA)		Tel: +255 22 2115278 Fax: +255 22 2115278	PO Box 8981, Dar es Salaam, Tanzania	info@tamwa.or.tz www.tamwa.or.tz/
Tanzania	Tanzania Women Lawyers' Association		Tel: +255 51 110758	Avalon Cinema building Zanaki Street Plot no. 2229/41, 3rd Floor PO Box 9460, Dar es Salaam, Tanzania	tawla@raha.com www.tawla.or.tz
Togo	Commission Nationale des Droits de l'Homme		Tel: +228 21 7879; 21 1070 Fax: +228 21 2436; 21 1115	37, Rue 74 Tokoin Doumassesse, Lome, Togo	cnhtogo@yahoo.fr
Tunisia	The High Consultative Committee on Human Rights and Public Freedoms, The Tunisian Council for Freedoms		Tel: +216 1335817 Fax: +216 1335817	4 Nahj Abu Dahabi, Tunisia	contacts@cni198.org www.welcome.to/cnlt
Tunisia	The Tunisian Association for defending Human Rights		Tel: +216 71894145 Fax: +216 71892866	21 Naj Bolder, Al Oman, Tunisia	www.tdh.org
Tunisia	The Tunisian Association Against Torture				albensalem@planet.tn www.hrinfo.net/tunisia/altt
Tunisia	The International Association for Supporting Political Prisoners		Tel: +216 647 256 71 Fax: +216 984 354 71	Nahj Al Mukhtar Ativa, Tunisia	aispptunisie@yahoo.fr www.hrinfo.net/tunisia/aispp/
Tunisia	The Committee to Follow up the appeal Against Ben Ali Nomination for a Fourth Term				www.hrinfo.net/tunisia/aispp
Tunisia	Truth and Action Association		Tel: +41 797 032 611		fakhfakh@verite-action.org http://verite-action.org
Tunisia	Tunisian Association for Democratic Women				www.hrinfo.net/tunisia/tadw/
Uganda	International Committee of the Red Cross		Tel: +256 41 4230 517 / 434 1605/6 Fax: +256 41 341 298 / +256 41 434 1298	Plot 8, John Bahiha Avenue, PO Box 4442, Kampala, Uganda	www.icrc.org/
Uganda	FIDA-U (International Federation of Women Lawyers – Uganda)		Tel: +256 41 530848 Fax: +256 41 530848	PO Box 2157, Kampala, Uganda Plot 54, Bukoto Street, Kampala, Uganda	fida@fidauganda.or.ug
Uganda	Foundation for Human Rights Initiative (FHRI) (Uganda)		Tel: +256 41 510498 / 510263 Fax: +256 41 510498	PO Box 11027, Kampala, Uganda	www.fhri.or.ug
Uganda	Human Rights Focus (HURIFO) (Uganda)		Tel: +256 471 32 625 Fax: +256 471 32 402	PO Box 970, Gulu, Uganda	Executive Director: hurifo@hurifo.org www.humanrightsuganda.org
Uganda	Makerere University Human Rights and Peace Centre (Uganda)		Tel: +256 041 532 954 Fax: +256 041 543 110	Faculty of Law, Makerere University, PO Box 7062, Kampala, Uganda	info@huripec.ac.ug / webmaster@huripec.ac.ug www.huripec.ac.ug

Country	Organisation	Contact	Phone / fax	Address	Email / website
Uganda	National Association of Women's Organisations in Uganda (NAWOU)		Tel: +256 41 258 463 / 257729 Fax: +256 41 345 293	PO Box 1663, Perrymans Gardens, Plot 1 Kampala, Uganda	
Uganda	Office of the Auditor General (Uganda)	Mr John Muvungu Auditor General	Tel: +256 414 344304 Fax: +256 414 345674	Plot 2/4, Apollo Kagwa Road, Kampala, Uganda PO Box 7083, Kampala, Uganda	info@oag.go.ug
Uganda	Office of the Inspector General of Government (Uganda Ombudsman)	Mr Jotham Tumwesigye	Tel: +256 41 259738/ 253892/ 251462 Fax: +256 41 344810	Jubilee Insurance Centre, Floors 2-7 Plot 14, Parliament Avenue, Kampala, Uganda PO Box 1682 Kampala, Uganda	iggprev@gg.go.ug www.igg.go.ug/
Uganda	Uganda Human Rights Commission	Ms Margaret SEKAGGYA, Chairperson	Tel: +256 41 348 007/8/348 041 Fax: +256 41 255 261	Plot 20/22/24 Buganda Road, PO Box 4929 Kampala, Uganda	uhrc@uhrc.org / msekaggya@yahoo.com www.uhrc.org
Zambia	Anti-Corruption Commission (ACC)		Tel: +260 1 237 916 Fax: +260 1 237 828	PO Box 50456, Lusaka, Zambia	info@acc.gov.zm
Zambia	Catholic Commission or Justice & Peace (CCJP)		Tel: +260 1 227854 v	PO Box 31965, Lusaka, Zambia	zccsap@zamnet.zm
Zambia	Commission for Investigations		Tel: +260 1 228 330 / 1 228 331 Fax: +263 1 222 295	PO Box 50494, Lusaka, Zambia	
Zambia	Forum for Human Rights (FORIGHTS)		Tel: +260 1 224 347 Fax: +260 1 237 012	PO Box 37045, Lusaka, Zambia	
Zambia	Foundation for Democratic Process (FODEP)		Tel: +260 1 236 281 / 1 228 030 Fax: +260 1 236275	The Executive Director, PO Box 32387, Lusaka, Zambia	fodep@zamnet.zm
Zambia	Inter-African Network for Human Rights & Development (AFRINET)		Tel: +260 1 251 814 Fax: +260 1 251 776	The Executive Director, PO Box 31145, Lusaka, Zambia	afroenet@zamnet.zm
Zambia	Legal Resources Foundation (LRF)		Tel: +260 1 290 357 Fax: +260 1 291 662	The Executive Secretary, PO Box 35162, Lusaka, Zambia	lrf@zamnet.zm
Zambia	National Women's Lobby Group (NWLG)		Tel: +260 1 255 153 / 1 251 514 Fax: +260 1 254 450	The Executive Director, PO Box 30342, Lusaka, Zambia	nwlg@zamnet.zm
Zambia	Permanent Human Rights Commission (PHRC)		Tel: +260 1 251 357 / 1 253 919 Fax: +260 1 251 342	The Director, PO Box 33812, Lusaka, Zambia	phrc@zamnet.zm
Zambia	Police Public Complaints Authority		Tel: +260 1 252 460 / 1 263 734 Fax: +260 1 250 583	The Secretary, PO Box 33753, Lusaka, Zambia	
Zambia	Women & Law in Southern Africa Educational & Research Trust		Tel: +260 1 235 914 Fax: +260 1 235 913	The National Co-ordinator, 2nd Floor, Robert Hudson Building, Lusaka, Zambia	wlsa@zamnet.zm
Zambia	Zambia Civic Education Association (ZCEA)		Tel: +260 1 239 767	The Executive Director Private Bag 239x, Lusaka, Zambia	zcea@zamnet.zm

Country	Organisation	Contact	Phone / fax	Address	Email / website
Zimbabwe	Amani Trust		Tel: +263 4 792 222 / 4 737 509 Fax: +263 4 731 660	Suite 3, 1 Raleigh Street Kopje, Harare, Zimbabwe	amani@echo.icon.co.zw
Zimbabwe	Amnesty International Zimbabwe		Tel: +263 4 780 397 / 4 755 987 Fax: +263 4 795 944	PO Box 6376, Harare, Zimbabwe	amnesty@mwweb.co.zw
Zimbabwe	Catholic Commission for Justice & Peace		Tel: +263 4 791 053 / 4 792 380 Fax: +263 4 792 380	The National Director, PO Box CY 284, Causeway Harare, Zimbabwe	ccjzp@mango.zw
Zimbabwe	Human Rights Trust of Southern Africa (SAHRT)		Tel: +263 4 339 819 / 4 333 882 Fax: +263 4 339 818 / 4 335 278	The Executive Director, PO Box CY 2448, Causeway Harare, Zimbabwe	sahrt@sahrit.org.zw
Zimbabwe	Legal Resources Foundation (LRF)		Tel: +263 4 251 170 Fax: +263 4 728 213	PO Box 918, Harare, Zimbabwe	lrf@mwweb.co.zw
Zimbabwe	Zimbabwe Human Rights Association (ZimRights)		Tel: +263 4 707 278 / 4 705 898 Fax: +263 4 707 277	ZimRights House, Cnr 4th Street / Baines Ave, Harare, Zimbabwe	zimrights@samara.co.zw
Zimbabwe	Zimbabwe Human Rights NGO Forum		Tel: +263 4 250 511	PO Box 9077, Harare, Zimbabwe	admin@hrforum.co.zw
Zimbabwe	Zimbabwe Lawyers for Human Rights (ZLHR)		Tel: +263 4 251 468 / 4 705 370 Fax: +263 4 251 468 / 4 723 789	The Executive Director, PO Box CY 1393 Causeway Harare, Zimbabwe	zlh@icon.co.zw or zlhrlaw@mwweb.co.zw
Zimbabwe	Safer Africa: Progress with Security		Tel: +27 12 481 6200 Fax: +27 12 344 6708	173 Beckett St, Arcadia, Ishwane (Pretoria), South Africa	saferfrica@saferfrica.org. www.saferfrica.org
Zimbabwe	Secretariat of African National Human Rights Institutions (SANHRI)		Tel: +27 11 484 8300 (ext. 2205) Fax: +27 11 643 6472 (Education & Training)	5th floor, 29 Princess of Wales Terrace, Corner York and St Andrews Sts, Parktown, Johannesburg, South Africa Private Bag 2700, Houghton 2041, South Africa	Mr. Jody Kollapen, Chairperson's Office: nnoletsane@sahrc.org.za www.sahrc.org.za/

Appendix 3 – Reply form

This report draws from desktop research and is limited by the lack of information in the public domain regarding policing and accountability in Africa. APCOF would welcome your feedback, corrections and suggestions for incorporation in a revised edition. The following questions have been offered as a guide, but all comments are welcomed.

1. Country name:
2. Are there any further internal accountability mechanisms not included in this report? (Please provide details.)
3. Are there any further external accountability mechanisms not included in this report? (Please provide details.)
4. Have there been any major legislative changes or reform initiatives that are not included in this report? (Please provide details.)
5. Please provide contact details for any relevant person, group or agency relevant to police accountability in your country.
6. Please provide any general comments.

Please send all corrections, comments or additions to:

African Policing Civilian Oversight Forum

67 Roeland Square

Drury Lane Gardens

Cape Town 8001

South Africa

Emails to: audit@apcof.org.za

Appendix 4 – African Commission on Human and Peoples’ Rights Resolution on Policing (November 2006)

The African Commission on Human and Peoples Rights at its 40th Ordinary Session held in Banjul, Gambia from 15–29 November 2006.

Being aware that police forces throughout Africa play a critical role in the maintenance of law and order, the administration of justice, the respect for the rule of law and enhancing peace and the security of persons and property in every state,

Noting, that policing is increasingly recognised as a basic foundation in building democracy, promoting human and peoples’ rights and alleviating poverty without which democratic practices, economic, and social development and the promotion of human rights are constrained and even jeopardised,

Recognising, that the establishment and existence of many police forces in Africa trace their history from laws and practices which originate from the past colonial experience of our continent,

Concerned that in many of the African states, there exist no independent policing oversight mechanisms, to which members of the public may report police misconduct and abuse of their powers for redress and that where they do, they are directly under police authorities,

Recognising, that police forces in African states, which do not have oversight mechanisms require reform in order to become effective instruments of security, safety, and justice and respect for human and peoples rights across the continent,

Further recognising, that a wealth of local knowledge and experience on policing reform in Africa is available to inform emerging reform initiatives,

Noting that accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public confidence in police; to develop a culture of human rights, integrity and transparency within the police forces; and to promote a good working relationship between the police and the public at large,

Encouraged by the initiative taken in the formation of the African Policing Civilian Oversight Forum (APCOF), through the collaboration of Civil Society and State Civilian Police Oversight agencies, as an African initiative to promote police reform and with it the building and strengthening of civilian police oversight in Africa,

The African Commission on Human and People’s Rights

1. Calls on State Parties of the African Charter to take measures in terms of article 1 and 5 of the African Charter to ensure that police forces respect the dignity inherent in the individual during the discharge of their duties in the maintenance of law and order.
2. Calls on State Parties to the African Charter to adopt laws and regulations implementing the guidelines contained in the Resolutions of the African Commission on the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel and Inhuman and Degrading Treatment or Punishment in Africa otherwise known as the Robben Island Guidelines as far as they relate to policing in Africa.
3. Urges State Parties to the African Charter to establish independent civilian policing oversight mechanisms where they do not exist which shall include civilian participation.

Appendix 5 – Robben Island Guidelines

Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines), African Commission on Human and Peoples' Rights, 32nd Session, 17–23 October, 2002: Banjul, The Gambia.

Part I: Prohibition of Torture

A. Ratification of Regional and International Instruments

1. States should ensure that they are a party to relevant international and regional human rights instruments and ensure that these instruments are fully implemented in domestic legislation and accord individuals the maximum scope for accessing the human rights machinery that they establish. This would include:
 - a) Ratification of the Protocol to the African Charter of Human and Peoples' Rights establishing an African Court of Human and Peoples' Rights;
 - b) Ratification of or accession to the UN Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment without reservations, to make declarations accepting the jurisdiction of the Committee against Torture under Articles 21 and 22 and recognising the competency of the Committee to conduct inquiries pursuant to Article 20;
 - c) Ratification of or accession to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the First Optional Protocol thereto without reservations; and
 - d) Ratification of or accession to the Rome Statute establishing the International Criminal Court.

B. Promote and Support Co-operation with International Mechanisms

2. States should co-operate with the African Commission on Human and Peoples' Rights and promote and support the work of the Special Rapporteur on prisons and conditions of detention in Africa, the Special Rapporteur on arbitrary, summary and extra-judicial executions in Africa and the Special Rapporteur on the rights of women in Africa.
3. States should co-operate with the United Nations Human Rights Treaty Bodies, with the UN Commission on Human Rights' thematic and country specific special procedures, in particular, the UN Special Rapporteur on Torture, including the issuance of standing invitations for these and other relevant mechanisms.

C. Criminalisation of Torture

4. States should ensure that acts, which fall within the definition of torture, based on Article 1 of the UN Convention against Torture, are offences within their national legal systems.
5. States should pay particular attention to the prohibition and prevention of gender-related forms of torture and ill-treatment and the torture and ill-treatment of young persons.
6. National courts should have jurisdictional competence to hear cases of allegations of torture in accordance with Article 5 (2) of the UN Convention against Torture.
7. Torture should be made an extraditable offence.
8. The trial or extradition of those suspected of torture should take place expeditiously in conformity with relevant international standards.
9. Circumstances such as state of war, threat of war, internal political instability or any other public emergency, shall not be invoked as a justification of torture, cruel, inhuman or degrading treatment or punishment.
10. Notions such as "necessity", "national emergency", "public order", and "ordre public" shall not be invoked as a justification of torture, cruel, inhuman or degrading treatment or punishment.

11. Superior orders shall never provide a justification or lawful excuse for acts of torture, cruel, inhuman or degrading treatment or punishment.
12. Those found guilty of having committed acts of torture shall be subject to appropriate sanctions that reflect the gravity of the offence, applied in accordance with relevant international standards.
13. No one shall be punished for disobeying an order that they commit acts amounting to torture, cruel, inhuman or degrading treatment or punishment.
14. States should prohibit and prevent the use, production and trade of equipment or substances designed to inflict torture or ill-treatment and the abuse of any other equipment or substance to these ends.

D. Non-Refoulement

15. States should ensure no one is expelled or extradited to a country where he or she is at risk of being subjected to torture.

E. Combating Impunity

16. In order to combat impunity States should:
 - a) Ensure that those responsible for acts of torture or ill-treatment are subject to legal process.
 - b) Ensure that there is no immunity from prosecution for nationals suspected of torture, and that the scope of immunities for foreign nationals who are entitled to such immunities be as restrictive as is possible under international law.
 - c) Ensure expeditious consideration of extradition requests to third states, in accordance with international standards.
 - d) Ensure that rules of evidence properly reflect the difficulties of substantiating allegations of ill-treatment in custody.
 - e) Ensure that where criminal charges cannot be sustained because of the high standard of proof required, other forms of civil, disciplinary or administrative action are taken if it is appropriate to do so.

F. Complaints and Investigation Procedures

17. Ensure the establishment of readily accessible and fully independent mechanisms to which all persons can bring their allegations of torture and ill-treatment.
18. Ensure that whenever persons who claimed to have been or who appear to have been tortured or ill-treated are brought before competent authorities an investigation shall be initiated.
19. Investigations into all allegations of torture or ill-treatment, shall be conducted promptly, impartially and effectively, guided by the UN Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol).

Part II: Prevention of Torture

A. Basic Procedural Safeguards for those deprived of their liberty

20. All persons who are deprived of their liberty by public order or authorities should have that detention controlled by properly and legally constructed regulations. Such regulations should provide a number of basic safeguards, all of which shall apply from the moment when they are first deprived of their liberty. These include:
 - a) The right that a relative or other appropriate third person is notified of the detention;
 - b) The right to an independent medical examination;
 - c) The right of access to a lawyer;

- d) Notification of the above rights in a language, which the person deprived of their liberty understands;

B. Safeguards during the Pre-trial process

States should:

21. Establish regulations for the treatment of all persons deprived of their liberty guided by the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.
22. Ensure that those subject to the relevant codes of criminal procedure conduct criminal investigations.
23. Prohibit the use of unauthorised places of detention and ensure that it is a punishable offence for any official to hold a person in a secret and/or unofficial place of detention.
24. Prohibit the use of incommunicado detention.
25. Ensure that all detained persons are informed immediately of the reasons for their detention.
26. Ensure that all persons arrested are promptly informed of any charges against them.
27. Ensure that all persons deprived of their liberty are brought promptly before a judicial authority, having the right to defend themselves or to be assisted by legal counsel, preferably of their own choice.
28. Ensure that comprehensive written records of all interrogations are kept, including the identity of all persons present during the interrogation and consider the feasibility of the use of video and/or audio taped recordings of interrogations.
29. Ensure that any statement obtained through the use of torture, cruel, inhuman or degrading treatment or punishment shall not be admissible as evidence in any proceedings except against persons accused of torture as evidence that the statement was made.
30. Ensure that comprehensive written records of those deprived of their liberty are kept at each place of detention, detailing, inter alia, the date, time, place and reason for the detention.
31. Ensure that all persons deprived of their liberty have access to legal and medical services and assistance and have the right to be visited by and correspond with family members.
32. Ensure that all persons deprived of their liberty can challenge the lawfulness of their detention.

C. Conditions of Detention

States should:

33. Take steps to ensure that the treatment of all persons deprived of their liberty are in conformity with international standards guided by the UN Standard Minimum Rules for the Treatment of Prisoners.
34. Take steps to improve conditions in places of detention, which do not conform to international standards.
35. Take steps to ensure that pre-trial detainees are held separately from convicted persons.
36. Take steps to ensure that juveniles, women, and other vulnerable groups are held in appropriate and separate detention facilities.
37. Take steps to reduce over-crowding in places of detention by, inter alia, encouraging the use of non-custodial sentences for minor crimes.

D. Mechanisms of Oversight

States should:

38. Ensure and support the independence and impartiality of the judiciary including by ensuring that there is no interference in the judiciary and judicial proceedings, guided by the UN Basic Principles

on the Independence of the Judiciary.

39. Encourage professional legal and medical bodies, to concern themselves with issues of the prohibition and prevention of torture, cruel, inhuman and degrading treatment or punishment.
40. Establish and support effective and accessible complaint mechanisms which are independent from detention and enforcement authorities and which are empowered to receive, investigate and take appropriate action on allegations of torture, cruel, inhuman or degrading treatment or punishment.
41. Establish, support and strengthen independent national institutions such as human rights commissions, ombudspersons and commissions of parliamentarians, with the mandate to conduct visits to all places of detention and to generally address the issue of the prevention of torture, cruel, inhuman and degrading treatment or punishment, guided by the UN Paris Principles Relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights.
42. Encourage and facilitate visits by NGOs to places of detention.
43. Support the adoption of an Optional Protocol to the UNCAT to create an international visiting mechanism with the mandate to visit all places where people are deprived of their liberty by a State Party.
44. Examine the feasibility of developing regional mechanisms for the prevention of torture and ill-treatment.

D. Training and empowerment

45. Establish and support training and awareness-raising programmes which reflect human rights standards and emphasise the concerns of vulnerable groups.
46. Devise, promote and support codes of conduct and ethics and develop training tools for law enforcement and security personnel, and other relevant officials in contact with persons deprived of their liberty such as lawyers and medical personnel.

E. Civil Society Education and Empowerment

47. Public education initiatives, awareness-raising campaigns regarding the prohibition and prevention of torture and the rights of detained persons shall be encouraged and supported.
48. The work of NGOs and of the media in public education, the dissemination of information and awareness-raising concerning the prohibition and prevention of torture and other forms of ill-treatment shall be encouraged and supported.

Part III: Responding to the Needs of Victims

49. Ensure that alleged victims of torture, cruel, inhuman and degrading treatment or punishment, witnesses, those conducting the investigation, other human rights defenders and families are protected from violence, threats of violence or any other form of intimidation or reprisal that may arise pursuant to the report or investigation.
50. The obligation upon the State to offer reparation to victims exists irrespective of whether a successful criminal prosecution can or has been brought. Thus all States should ensure that all victims of torture and their dependents are:
 - a) Offered appropriate medical care;
 - b) Have access to appropriate social and medical rehabilitation;
 - c) Provided with appropriate levels of compensation and support;

In addition there should also be a recognition that families and communities which have also been affected by the torture and ill-treatment received by one of its members can also be considered as victims.

Endnotes

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