



African Policing and Civilian
Oversight Forum



African Commission on Human and
Peoples' Rights



Danish Institute for Human Rights

Police and Human Rights

Kairaba Hotel: Wednesday 10 April 2013 at 6.30pm

Introduction

International evidence indicates that the relationship between the police and citizens directly influences the extent to which the police are trusted, viewed as legitimate, and are able to successfully carry out their mandate to secure the safety of citizens. At the heart of this is the ability of the police organisation to inculcate human rights values and principles into its members in a manner that they will hold fast even under the most stressful conditions.

In this regard, the African Commission on Human and Peoples' Rights (ACHPR), the Danish Institute for Human Rights (DIHR) and the African Policing Civilian Oversight Forum (APCOF), jointly organised an event on the side-lines of the 53rd Ordinary Session of the Commission on 10 April 2013. The side event explored innovative police training from various practitioners while allowing for input and discussion from participants. The side event also considered how the issue of police and human rights could become a more integrated part of the promotion and protection aspect of the work of the ACHPR.

The side event also launched the second edition of the Police and Human Rights Newsletter; collaboration between the ACHPR, the DIHR and APCOF, which focused on police and human rights training.

Presentations

1. Introduction

Commissioner Maya Sahlil-Fadel ACHPR Special Rapporteur on Refugees, Asylum Seekers, Migrants and IDPs in Africa

Commissioner Sahlil-Fadel began by introducing the second edition of the Police and Human Rights Newsletter, noting that it stands as a testament to the partnerships that can exist between the African Commission, NHRIs and civil society.

The Commissioner reflected on the inextricable link between human rights and policing, noting that police represent the rule of law and, in so doing so, should ensure that they

uphold and guarantee the rule of law. She noted that violations of human rights by the police do occasionally occur, and that strengthening the relationship between the police and citizens, and improving police training, may assist in addressing the causes of human rights abuses by the police.

2. Police and Human Rights Training In Niger

Ms. Lisbet Ilkjaer, Danish Institute for Human Rights (DIHR)

Ms. Ilkjaer commended the Niger Police for contributing to the second edition of the Police and Human Rights Newsletter, and noted that the DIHR has been working with police in Niger for ten years. The core work of the partnership was described as the development of a human rights training program. At the outset, DIHR undertook a scoping study with a view to understanding the specific context for policing in Niger. The methodological support available to police from many development partners is often of a general nature and, Ms. Ilkjaer explained, does not take into account the context of the country in which standards are sought to be applied.

Ms. Ilkjaer then outlined the second phase of the project, which involved convening a working group with police and civil society, and arranging meetings with the Government ministries responsible for internal security; the latter ensuring political support for the training programme.

The working group's activities included developing a manual, using national legislation as the starting point, rather than international standards. Ms. Ilkjaer explained the reason for this approach: the manual will be used by police officers, with the training done by police officers themselves. Using national legislation and case studies that are specific to Niger promotes ownership of the process and its outcomes, and ensures that the content of the manual is appropriate and nuanced for the Niger context.

Ms. Ilkjaer concluded by drawing on the key lesson to draw from this experience; namely, that police reform and initiatives, such as the training manual developed by the Niger police, must be internally driven and owned.

3. Police Training in Combating and Prevention of Torture

Ms Uju Osude, PRAWA

Ms. Osude introduced the work of PRAWA. From 2009 to 2011, PRAWA conducted in-station human rights training for police on a weekly basis. The end product of that activity was the launch of a manual on human rights training and torture. PRAWA hopes that the development of the manual will ensure that any police station that wants to conduct human rights training will therefore have access to a complete and tested guide.

PRAWA also worked to incorporate the human rights training manual into the broader police curriculum. Their methodology was to review the existing curriculum, modify it, and present it to the Inspector General of Police.

Ms. Osude explained that police officers have been involved in all stages of the process. For

example, PRAWA initially met with police to inquire from them how they wanted training to be carried out. PRAWA also facilitated a workshop that brought together police, academics and civil society organisations to produce a handbook for police training colleges based on the curriculum that had been developed.

Ms. Osude noted that it is not enough to simply educate police on human rights and the prevention of torture. To promote the implementation of human rights standards, the organisation has also developed a training program on investigation skills. Ms. Osude explained that the rationale behind investigative training is to give police skills to facilitate the successful prosecution of a suspect without resorting to torture; in other words, by using effective means of evidence collection, successful prosecutions can happen without resort to torture to extract confessions.

4. Police and Human Rights Training in the Gambia

Assistant Superintendent Mohammed L Sonko, Commanding Officer of the Police Human Rights Unit in The Gambia

Asst. Supt. Sonko introduced the work of his Police Human Rights Unit, which is the first of its kind in The Gambia. The mandate of the Unit is to promote human rights and address the challenges to its application within the police. The police are the primary security agency with responsibility for internal security in The Gambia, and police management established the Unit to promote the concretisation of human rights norms in policing.

Asst. Supt. Sonko noted some of the challenges that face The Gambia police in relation to human rights, including:

- modes of arrest, and adherence to the police and criminal procedure codes;
- torture;
- police custody that exceeds the 72 hours permitted by law;
- denial of bail opportunities for eligible suspects;
- suitability of police detention facilities;
- the right of detainees to legal counsel;
- the prohibition on incommunicado detention;
- interrogations and confessions; and
- use of force.

There are two police training centres in the country, each with the capacity to train 300 recruits. Asst. Supt. Sonko reported that the curriculum does not currently address human rights issues, and one of the first tasks of the Human Rights Unit is to ensure the mainstreaming of human rights in police training curriculum.

Asst. Supt. Sonko noted that there are six geographical regions in The Gambia, and each has

a police officer who has been designated as the focal person for human rights. The Unit has also established community/neighbourhood watch committees in the regions to provide a police/civilian interface for issues of human rights, and crime prevention.

In terms of discipline, Asst. Supt. Sonko referred to the Complaints and Discipline Unit, who have a mandate to take disciplinary measures against officers who are in breach of their duties and obligations.

In conclusion, Asst. Supt. Sonko reaffirmed the commitment of the Human Rights Unit to improve the human rights situation in policing, and its plan to seek collaborative partnerships with embassies in The Gambia, NHRIs, the African Commission, and civil society.

5. News from the Focal Point

Tem Fuh, Secretariat ACHPR

Mr. Fuh introduced his role as focal point on human rights at policing, and a member of the secretariat of the African Commission. He noted that the Commission has not established a dedicated mechanism for policing and human rights, which is why it deemed it important to establish a focal point within the secretariat to integrate this thematic area into the work of the Commission as a whole.

Mr. Fuh noted that in the discharge of its promotion and protection mandate, the Commission engages in constructive dialogue with state parties, and other relevant stakeholders. The role of the focal point is to facilitate constructive engagement by providing information on this thematic area, particularly in relation to promotion missions and state reporting procedures.

Regarding promotion missions, Mr. Fuh acknowledged that this is one of the most important ways in which the Commission engages with authorities of state parties. During these visits, it is the duty of the focal point to ensure that the issue of policing and human rights is included on the agenda. This includes the preparation of a check-list that covers themes such as training, implementation of the African Charter and other Commission standards, conditions of police custody, police oversight, and constraints the police face in relation to discharging their mandate. At the conclusion of promotion missions, the focal point is then responsible for proposing recommendations so that corrective measures can be taken in relation to human rights and policing.

Regarding periodic reports, Mr. Fuh explained that the focal point must ensure that the State Party has provided information on human rights and policing. If information is not received, the focal point is responsible for developing questions for the Commission to ask as part of the interactive dialogue during the presentation of the State Party's report.

Mr. Fuh also described other key functions of the focal point, including the production of the newsletter, which he described as a way of sharing best practices on issues of policing and human rights on the continent. Mr. Fuh emphasised that the Commission seeks a constructive engagement with authorities of State Parties, including the police, to promote

human rights compliance.

Another key function of the focal point described by Mr. Fuh is research and the dissemination of information. To assist this function, Mr. Fuh is collecting relevant materials such as codes of conduct, training manuals, documents on police accountability for eventual publication on the Commission's website as a 'one-stop' resources portal for human rights and policing on the continent.

6. Conclusion

Sean Tait, APCOF

Mr. Tait noted began by noting that it is clear from the presentations that human rights training for the police is not the 'be all and end all'. Rather, Mr. Tait reiterated that training must be supported by mechanisms to ensure that the rule of law is respected, that transgressions by officers are identified, and that appropriate sanctions are imposed. He also noted the need to be aware that the conditions under which the police themselves work can exacerbate conditions under which detainees are held.

Mr. Tait also reflected on the need to ensure that training is conceptualised and implemented in a way that is relevant to the policing environment, and that practical application support theoretical discussions on human rights instruments. This can be achieved by providing specific consideration of practical steps that police can take during, for example, arrest, detention and interrogation, that will give effect to their human rights obligations.

Mr. Tait concluded by acknowledging the important work of the Commission in taking forward a policing and human rights agenda, particularly the appointment of a focal point within the secretariat, and the collection and dissemination of information.

Participants List

Name of Participant	Organization
1. Leopold Amaral	OSISA
2. Lucas Muntingh	CSPRI (CLC)
3. Jonathan Horowitz	OSJI
4. Samadoulougou Lokre Celestin	NHRC Burkina-Faso
5. Mousa Samake	AMDH Mali
6. Amadou Barry	OGDH Guinea
7. Kamal Eldin Mohamed Khair	NCHR Sudan
8. Bakary Ceesay	The voice newspaper Gambia
9. Vivian John-Longba	SAHRC
10. Noris Mangulama	NHRC Malawi
11. Dr. Ayadi Abdourahmane	Commission Algerienne des droits de l'homme
12. Masa Amir	Nazra for Feminist Studies
13. Maxwell Nkambole	Lawyers for Human Rights, Swaziland
14. Ebrima Mbye	Youth Alliance, the Gambia
15. Hawa Dibbassey	Youth Alliance, the Gambia
16. Sally Darboe	Youth Alliance, the Gambia
17. Thiombiano Lafama Prosper	Mouvement Burkinabe des Droits de l'Homme et des Peuples
18. Dakio Jusito	Mouvement Burkinabe des Droits de l'Homme et des Peuples
19. Damiba Luc	SEMFILUS. BP
20. Commandant Sanko	Gambia Police Force
21. Saikou Ceesay	Gambia Press Union
22. Amadou Ceesay	ACDHRS
23. Kersty Jammeh	Journalist
24. Micheal O. Davies	IICP
25. Adeyinka Ige	ACHPR
26. Ababacar Ndaiye	APCOF
27. John Wadham	INTERIGHTS
28. Nikias Huntin	Cambridge University
29. Yususpha Samateh	YAG
30. Joe Bongay	YVE
31. Keke Mokwasa	South Africa
32. Demba Kandeh	Youth Alliance, the Gambia
33. Alpha Omar Bah	Youth Alliance, the Gambia
34. Abdourahman Jallow	Youth Alliance, the Gambia
35. Bamdidele Ibikunle	Legal Aid Council Nigeria
36. Grace Nsot	Legal Aid Council Nigeria
37. Loamba-Moke	ADHUC
38. Naiga Djeugaye	FIDH
39. Uju Osude	PRAWA, Nigeria
40. Lisbet Ilkjaer	DIHR
41. Sean Tait	APCOF
42. Commissioner Maya Sahlil--Fadel	ACHPR
43. Commissioner Med Kaggwa	ACHPR
44. Tem Fuh	ACHPR
45. Abiola Idowu-Ojo	ACHPR