



African Policing Civilian Oversight Forum

**Statement to the 56th Ordinary Session of the African Commission on Human and Peoples' Rights
Banjul, The Gambia
April 2015**

Response to the Report of the Chairperson of the Committee for the Prevention of Torture in Africa, Commissioner Mute

Prepared by the African Policing Civilian Oversight Forum (APCOF)

The African Policing Civilian Oversight Forum (APCOF) is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF takes the view that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community.

APCOF commends the Committee for the Prevention of Torture in Africa for the important initiative to develop a General Comment on Article 5 and welcome the decision to make the process consultative. With our partners at the Article 5 Initiative, the Centre for the Study of Violence and Reconciliation, and Redress, APCOF has welcomed the opportunity to provide the Committee with feedback on the concept paper regarding the development of the General Comment.

It is our view that a General Comment is an important tool for States Parties to the African Charter to implement their relevant obligations under Article 5.

Accordingly, **APCOF encourages the Committee to consider the inclusion of the following in a General Comment to Article 5:**

- Guidance on the definition of torture; particularly in relation to the extent to which the definition includes torture committed by non-state actors.
- Provide for and elaborate on the establishment of independent external oversight mechanisms with the mandate to conduct unannounced inspections to all places of detention and make recommendations aimed at the prevention of torture and other ill-treatment.
- Guidance on the right of all persons deprived of their liberty to lodge a complaint with a competent, independent and impartial authority who have the ability to conduct prompt investigations, bearing in mind the standards set out in the Commission's Fair Trial Guidelines.



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- Focus on the obligation to investigate and prosecute, taking into account the Robben Island Guidelines and the Istanbul Protocol.
- Provide a link between sexual violence and Article 5, and give concrete and practical guidance as to the steps States should take to implement their obligations in regard to victims of sexual violence.
- Elaborate guidance on the importance of the right to redress and what this means in practice, including the scope and content of the right to redress for victims of torture beyond compensation and rehabilitation in line with developments under international law and practice.
- Emphasise physical attributes of humane conditions of detention, bearing in mind that these are strongly influenced by other factors such as staff capacity and the willingness of prison management to resolve problems or at least ameliorate their negative effects.
- Guidance on security sector reform that promotes implementation of Article 5, including requirements for arrest, detention prior to first appearance, safeguards during interrogations, habeas corpus and protection against incommunicado detention, access to bail, access to legal representation, investigation in trial delays, time limits in respect of first appearance, and fair trial rights.

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