



African Policing Civilian Oversight Forum

NGO observer status no. 372

Statement in response to the activity report of the Chairperson of the Committee for the Prevention of Torture in Africa

73rd Ordinary Session of the African Commission on Human and Peoples' Rights

20 October to 9 November 2022

Banjul, The Gambia

ITEM 10: Activity Reports of the Members of the Commission & Special Mechanism

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum (APCOF) welcomes this opportunity to make a statement in response to the activity report of the Chairperson of the Committee for the Prevention of Torture in Africa. We are a not-for-profit Trust based in Cape Town, South Africa, working on issues of police accountability and governance in Africa.

As discussed at the 72nd Commission session the [Méndez Principles on Effective Interviewing for Investigations and Information Gathering](#), provide an authoritative framework for the review of domestic frameworks as required by

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Article 11 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Interrogations remain an area of heightened risk for torture, cruel and inhumane treatment or punishment in the detention context. We believe the CPTA can lend its authority to the reform of interview practice in Africa by urging States to adopt procedures set out in the African Commission's Luanda Guidelines on Arrest, Police Custody and Pre Trial Detention in Africa, and to familiarise themselves with the Mendez Principles. Specifically, we urge the CPTA to impress upon States that:

- Interviews must only be conducted at places of detention authorised by law unless a delay in accessing such a facility could lead to interference with or harm to evidence connected with the offence, to interference with harm or loss to people or property or hinder the recovery of property obtained in the commission of an offence. Interviewing in these circumstances will cease once the risk has been averted.
- No interview should be conducted unless all procedural and custodial safeguards as set out in the Luanda Guidelines regarding arrest and detention and as contained in national law, domesticated international human rights treaties have been upheld and verified by the interviewer.
- All interviews must be recorded. A written statement emanating from the interview must be dated and signed by the interviewer and interviewee.
- Interviews must be conducted in a manner that is sensitive to age, gender and culture and corresponds to the needs of vulnerable persons, and in a language, means, mode and format accessible and understood.
- Any allegations of mistreatment, torture or assault must be recorded.

- In order to promote accountable practice, the police and where applicable other mandated law enforcement agencies shall facilitate access by registered independent custody visitors to custody facilities as required.
- An independent body must investigate any allegations of mistreatment, assault or torture. In the event that this is not possible, investigations should be carried out by police officers that are not connected to the station or any unit alleged to be involved in the assault or torture.

As best practice on the continent, we draw the CPTA's attention to the development and adoption by the East Africa Police Chiefs Co-operation Organisation (EAPCCO) of a Standard Operating Procedure for police organisations on non-coercive investigative interviews.

We further believe that the CPTA can assist States by developing and making available a basic training material for rights based non-coercive interview practice and to which we would willing lend our technical support.

Submitted on behalf of APCOF by:

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