



# African Policing Civilian Oversight Forum

**NGO observer status no. 372**

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

**79<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights**

**14 May – 3 June 2024**

**ITEM 6: Activity Reports of the Members of the Commission & Special Mechanism.**

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum welcomes the opportunity to make this statement in response to the activity report of the Chairperson of the Committee for the Prevention of Torture in Africa.

We commend the Commission for adopting [resolution 557](#) on conducting a study on prisons and conditions of detention in Africa. As evidenced by recent reports of torture and other forms of abuse and ill-treatment of inmates at the Maseru Central Correctional Institution, we believe the proposed study is a timely and necessary intervention that will contribute to existing efforts to ensure the management of prisons and conditions of detentions in Africa comply with human rights obligations.

APCOF remains concerned about the continuing challenge of prison overcrowding, which research confirms can increase the risk of violence,

**African Policing Civilian Oversight Forum**

Building 23B, Suite 16, Waverley Business Park, Wyecroft Road, Mowbray, Cape Town, 7925

PostNet Suite 63 Private Bag x11, Mowbray, 7705

Tel: +27 21 447 2415

[www.apcof.org.za](http://www.apcof.org.za)

Trust no. IT1900/2012

PBO 930041858, NPO 119 688- NPO

Trustees: A Van Wyk (Chair), G Cronje (Treasurer), P Tlakula, E van der Spuy, T Gandidze, S Africa

unrest, torture and other human rights violations in prisons, in addition to critically limiting the availability of resources and services available within the facilities. This challenge has been recognised by the African Commission, which has offered strategies to address overcrowding in its 2002 Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa, its 2014 Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, and in its 2017 Principles to Decriminalise Petty Offences in Africa. These normative standards provide achievable and cost-effective solutions to the growing problem of over-crowding, with a particular focus on preventing the arbitrary and discriminatory arrest of suspects for minor or petty offences, and ensuring that detention (including pre-trial detention) is only ordered as a measure of last resort. Together, these standards uphold the principle that criminal justice sanctions should only be applied to the minimum amount needed to protect society, and be the least intrusive means to achieve that purpose taking into account the rights of the victim, offender, and broader public interest. The lack of implementation by States of these measures is an ongoing concern to APCOF and other stakeholders.

**We therefore call on the Commission to:**

- Given that study will focus on, *inter alia*, 'identifying the root causes of registered human rights violations and making recommendations for reform', include an assessment of the barriers to states' implementation of guidance to reducing over-crowding, together with recommendations for practical measures to promote compliance.

**We also encourage the Commission** to include in the study analysis and recommendations to strengthen independent monitoring and oversight of police custody, pre-trial detention and sentenced detainees as a critical strategy for preventing human rights violations in prisons and correctional facilities. As the Commission's Luanda Guidelines recognise, human rights violations at the beginning of the criminal justice chain (which includes arbitrary arrest and detention, unnecessary pre-trial detention, and the denial

of fair trial rights) can have a cascade effect on the rights of detainees, and contributes to over-crowding in prisons and correctional facilities.

**Submitted by:**

Abdirahman Gossar

Project and Research Officer

African Policing Civilian Oversight Forum

E:gossar@apcof.org.za

T: +27214472415