



African Policing Civilian Oversight Forum

NGO Observer Status No. 372

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

85th Ordinary Session of the African Commission on Human and Peoples' Rights

21-30 October 2025

Item 7: Activity Reports of Commissioners and Special Mechanisms (Interventions)

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum (APCOF) welcomes this opportunity to make a statement to the Committee for the Prevention of Torture in Africa (CPTA). The focus of our statement is on the urgent need for intervention on the issue of non-custodial torture, particularly in the context of public order policing and the management of assemblies.

Across the continent, we continue to see aggressive policing tactics during assemblies and protests that involve the use of unnecessary, excessive, and at times lethal force. These practices amount to a violation of the right to life and freedom of assembly, as well as torture and ill-treatment, as recognised under the African Charter and its interpretation by the Commission.

Torture does not only happen in custody, but also on the streets, in communities, and in the policing of assemblies. The African Commission's own jurisprudence, as well as the UN Special Rapporteur on Torture, have made it clear that when law enforcement inflicts severe physical or mental pain and suffering through the disproportionate use of force, this constitutes cruel, inhuman or degrading treatment.ⁱ

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Recent incidents have highlighted the scale of this challenge on the African continent. In its July 2024 decision on the Lekki Toll Plaza massacre in Nigeria, the ECOWAS Court of Justice confirmed that the use of live ammunition against unarmed protestors amounted to torture and a violation of Article 5 of the African Charter.ⁱⁱ Despite this ruling, new cases of police violence or failure to protect protestors against violence have been documented in Nigeria, Malawi and Kenya, to name a few, again raising serious concerns about systemic failures to ensure implementation of jurisprudence at the African-regional, and sub-regional levels.ⁱⁱⁱ This includes the Commission's clear guidance to African States on a rights-based approach to the management of public assemblies, including the use of force, in its *2017 Guidelines on the Policing of Assemblies by Law Enforcement Officials in Africa*.

The concerning persistence of torture in non-custodial settings across Africa is a result of systemic weaknesses in policing governance, accountability and training on the use of force, and political interference in assembly management. It is also reinforced by outdated colonial-era laws and policing models that legitimise excessive force through the prioritisation of public order over the facilitation of the right to peaceful assembly.^{iv}

APCOF urges the African Commission and the CPTA to use their mandate to strengthen the prevention of torture in non-custodial settings. Specifically, we call on the African Commission to:

1. Affirm, through a resolution, that torture occurs not only in places of detention but also in public spaces, including during the policing of assemblies.
2. Remind State Parties to the African Charter of the obligations under Article 5 to prevent torture and ill-treatment in all settings, including non-custodial settings.
3. Develop guidelines or a general comment on the prevention of torture in non-custodial settings, with a focus on public order policing, to clarify State obligations.
4. Strengthen State reporting guidelines to require information on steps taken to prevent torture in the policing of assemblies, including:
 - a. The status of revision of legal frameworks that do not comply with the African Charter, as interpreted by the *Guidelines on the Policing of Assemblies by Law Enforcement Officials in Africa* (2017),
 - b. Police training, particularly on use of force and tactics that favour communication and de-escalation, in accordance with the *Guidelines on the Policing of Assemblies by Law Enforcement Officials in Africa* (2017),
 - c. Capacity for independent police oversight in accordance with *ACHPR Resolution 103a on Police Reform, Accountability and Civilian Police Oversight in Africa*, and
 - d. Remedies for victims of police violence, in accordance with *ACHPR General Comment No. 4 on the Right to Redress for Victims of Torture and Other Ill-Treatment*.

5. Reaffirm the right of national human rights institutions, and civil society organisations, to monitor police assemblies and provide support to victims of police violence.
6. Encourage States to review and reform outdated public order laws to ensure compliance with the African Charter, and ensure that policing is consistent with human rights standards on the use of force and the prohibition against torture under the Charter.

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ⁱ See, for example, African Commission on Human and Peoples' Rights, Study on the Use of Force by Law Enforcement Officials in Africa, available at <https://achpr.au.int/sites/default/files/files/2023-11/eng-achpr-use-force-study-nov-23.pdf> and UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 'Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment', UN Doc. A/72/178, 20 July 2017, available at <https://docs.un.org/en/A/72/178>.

ⁱⁱ *Obianuju Catherine Udeh & 2 Ors v Federal Republic of Nigeria*, Application No. ECW/CCJ/APP/72/21, Judgment No. ECW/CCJ/JUD/29/24, available at <https://redress.org/storage/2024/07/Obianuju-Catherine-Udeh-2-Ors-ECW-CCJ-APP-72-21.pdf>

ⁱⁱⁱ See, for example, Amnesty International, 'Nigeria: Police used excessive force to violently quash #Endbadgovernance protests', 28 November 2024, available at <https://www.amnesty.org/en/latest/news/2024/11/nigeria-police-used-excessive-force-to-violently-quash-endbadgovernance-protests/>; Human Rights Watch, 'Malawi: Police Look on as Peaceful Protesters Assaulted', 26 June 2025, and Akisa Wandra, 'Watchdog blames 'disproportionate force' by Kenya police for protest deaths', BBC, 24 July 2025, available at <https://www.bbc.com/news/articles/cy5w5nyd5xzo>.

^{iv} See, for example, African Commission on Human and Peoples' Rights, Study on the Use of Force by Law Enforcement Officials in Africa, available at <https://achpr.au.int/sites/default/files/files/2023-11/eng-achpr-use-force-study-nov-23.pdf>.