



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

75th Ordinary Session of the African Commission on Human and Peoples' Rights (2023)

ITEM: Activity Reports of the Members of the Commission & Special Mechanisms

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.

Resolution 545

APCOF welcomes the adoption of the Commissions Resolution 545 on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).

The resolution, among others, invites international and regional organisations to provide support in the implementation of the Principles. APCOF commends the East African Police Commissioners Co-Operation Organisation (EAPCCO) for their adoption of a Standard Operating Procedure (SOP) on interviewing that incorporates the Méndez Principles. This SOP provides detailed procedures on human rights compliant interviewing that enhances the professionalism and effectiveness of the interview. It serves as an important example of what can be done not only in east Africa but across the continent.

APCOF further welcomes the willingness of the Kenyan National Police Services to support the implementation of the SOP in Kenya through a review of their own National Instructions and training on interview practice.

In further dissemination of the Méndez Principles, APCOF has also collaborated with ICJ-Kenya to expose defence attorneys to the value of the Méndez Principles in their work, and will be seeking to provide the same support to the Independent Policing Oversight Authority of Kenya (IPOA) and

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the Kenyan National Commission on Human Rights (KNCHR).

APCOF calls on the CPTA to encourage all police organisations, as per article 11 of the Convention Against Torture (UNCAT), to review their interview procedures as set out against the Méndez Principles.

Torture Free Trade Treaty

APCOF is working with a network of civil society organisations across the world, who believe that the international trade of law enforcement equipment that is or can readily be used for torture or other ill-treatment can most effectively be addressed by an international legally binding instrument.

Approximately 500 companies from over 50 countries have manufactured or promoted equipment that has no practical purpose in law enforcement other than to commit torture or other forms of ill-treatment.

The current absence of common, binding international standards on the torture trade has devastating effects, including:

- Facilitating torture or other ill-treatment directly, through state's use of the equipment;
- Facilitating torture or other ill-treatment indirectly, by signalling to states and companies that they can trade 'tools of torture' with impunity, and profit from that trade; and
- Undermining respect for the absolute prohibition on torture and other ill-treatment.

We urge the CPTA to encourage member states of the AU to support the development of and advocacy for a Torture-free Trade Treaty. This can include supporting the UN mandated Group of Experts Report recommendations regarding the negotiation of a legally-binding instrument in intergovernmental interactions and supporting the tabling and adoption of a resolution in the UN General Assembly mandating the creation of an Expert Group to begin negotiations for a Torture-free Trade Treaty.

Submitted on behalf of APCOF by:

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