

Committee for the Prevention of Torture in Africa (CPTA) - 710S

Apr 25, 2022

I. INTRODUCTION

1. This Report is prepared in accordance with Rules 25(3) and 64 of the Rules of Procedure of the African Commission on Human and Peoples' Rights (ACHPR), which stipulate that each subsidiary mechanism of the Commission shall present a report on its work at each Ordinary Session of the Commission, and each Commissioner shall present a similar report on the activities undertaken in the period between two Sessions.
2. This Report is being submitted in my capacity as Member of the Commission, Chairperson of the Committee for the Prevention of Torture in Africa (CPTA), Chairperson of the Advisory Committee on Budgetary and Staff Matters (ACBSM) and Commissioner-Rapporteur for Djibouti, The Gambia, Guinea-Conakry, Mauritius, Madagascar and Sudan.
3. The Report covers the period between the 69th and 71st Ordinary Sessions of the Commission, i.e. from 14 November 2021 to 20 April 2022.
4. Some activities were held face-to-face as a result of the relatively positive developments regarding the pandemic situation and the lifting of travel restrictions by the African Union while other events were held through webinars and videoconferences organised by the Commission or in collaboration with our partners (UN bodies, civil society or NGOs).
5. The Report is divided into four parts: an introduction, a description of activities undertaken during the intersession period, the situation of torture and other ill-treatment in Africa, and recommendations.

II. ACTIVITIES CARRIED OUT DURING THE INTER-SESSION

A. Activities undertaken as Chairperson of the CPTA

i. CPTA Panel at the 69th Ordinary Session

6. On 21 November 2021, during the 69th Ordinary Session, the CPTA organised a Panel entitled "Presentation and discussion of the Study on Jurisprudence relating to Article 5 of the Charter and the Report on the production, trade and use of tools of torture in Africa".
7. The purpose of this activity was to share the two aforementioned publications with the public and obtain feedback in order to finalise them.
8. The documents were prepared in line with one of the mandates of the Commission's special mechanisms as contained in the Standard Operating Procedures on the Special Mechanisms of the African Commission on Human and Peoples' Rights.
9. These state in Article 26 that the roles and responsibilities of the subsidiary mechanisms include "seeking, receiving, examining and taking action on information related to their mandate area" and in this regard, they "may prepare thematic reports and studies". »
10. The public response to these two key documents was favourable and the CPTA is working to finalise them for effective publication.
11. It is therefore fitting to congratulate the lead drafters of these documents and urge them to continue coordinating their efforts during these final stages. They are Mrs Onyema Afulukwe, Expert Member of the CPTA and Dr Rebecca Shaw, Research Associate at Omega Research Foundation.

ii. Conference on monitoring conditions of arrest

12. The National Authority for the Prevention of Torture (Instance nationale pour la prévention de la torture) of Tunisia organised on 17 December 2021 an international conference on monitoring conditions of arrest, custody and pre-trial detention. The conference, which was

held in hybrid mode, was attended by numerous delegations from all five continents.

13. In my remarks, I recalled the relevant provisions of the Robben Island and Luanda Guidelines on the protection from torture of persons deprived of their liberty and safeguards for persons in pre-trial detention.

14. I pointed out that practice has led us to increase efforts in monitoring torture cases. To this end, the CPTA is developing standard operating procedures so as to facilitate the referral of cases of torture to the Commission and their monitoring. I highlighted that we are working on simplified forms for referring and monitoring cases of torture.

15. Finally, I noted that we will set up an alert network with our partners (NGOs, NHRIs and civil society).

iii. Meeting of the Drafting Committee of the Standard Operating Procedures (SOPs) on the prevention of torture

16. The CPTA held a meeting in Tunis on 17 and 18 December 2021 with experts from OMCT, REDRESS, IRCT and FIACAT to finalise the Standard Operating Procedures (SOPs) on the prevention and monitoring of torture cases in Africa.

17. This EU-funded process was launched in October 2021 in Zanzibar and led by CPTA expert Mrs. Sana Bousbih. Commissioner Maya Fadel, Vice Chairperson of the Commission and Commissioner Maria Teresa Manuela also attended this meeting.

18. The SOPs will facilitate the referral of cases of torture, which may occur or have already occurred, to the ACHPR as well as their monitoring.

19. We have developed simplified forms to collect information and monitor cases. The establishment of a continent-wide alert network (NGOs, NHRIs and civil society) is planned to prevent the perpetuation of acts of torture and ensure reparation and compensation for victims.

iv. APT webinar

20. The Association for the Prevention of Torture (APT) organised a webinar on 9 March 2022 attended by a large number of Ambassadors accredited to the United Nations Office in Geneva and human rights organisations from all continents.

21. The purpose of this meeting was present the Méndez principles. I participated in my capacity as Chairperson of the CPTA and as a member of the Committee of Experts on the development of these principles.

22. The Méndez principles aim to introduce new interrogation methods based on psychology and persuasion as well as scientific data in order to avoid the use of torture in police investigations.

v. First annual meeting of the CPTA

23. I chaired the first meeting of the CPTA on 18 March 2022. This virtual meeting was attended by Commissioners Fadel and Manuela, respectively Vice-Chairperson of the Commission and of the CPTA, and by expert members. The meeting discussed and agreed upon the theme of the year and activities to be included in the annual work plan.

24. The theme selected is "Reparation for victims of torture". Members were assigned their tasks at this meeting.

25. The Committee decided to celebrate the Prevention of Torture Day on 27 June, publish an annual newsletter, participate in panels, finalise the Study on Jurisprudence relating to Article 5, and in particular, finalise the Standard Operating Procedures on the prevention of torture.

vi. Meeting of the Drafting Committee of the SOPs on the Prevention of Torture

26. The first meeting of the CPTA was followed by the meeting of the Committee in charge of drafting Standard Operating Procedures on the prevention of torture.

27. Experts from the partner organisations joined CPTA members to finalise the documents from the previous meetings held in Zanzibar and Tunis in October and December last year.

28. The operating procedures and forms for alerting the mechanism have been fine-tuned and are almost complete.

29. A regional validation workshop is to be held at the end of May in Abidjan to endorse the document which will be submitted to the Commission for adoption next October.

B. Activities undertaken as Chairperson of the ACBSM: Meeting on recruitments

30. I participated, in my capacity as Chairperson of the ACBSM, in a meeting on 29 December 2021 with the Chairperson of the ACHPR, the Executive Secretary, the Human Resources Officer of the Commission and a Director from the African Union Commission to review the status of recruitment to the ACHPR.

31. Recruitments have effectively begun since early 2022.

C. Activities undertaken in my capacity as Member of the Commission

i. Participation in the Sessions of the Commission

–69th Ordinary Session of the Commission

32. Like my colleagues, I participated from 15 November to 5 December 2021 in the 69th Ordinary Session of the ACHPR held in Dakar.

33. At this Session, which was the only in-person event held in 2021, numerous Resolutions were adopted and Communications considered.

34. The Report is available on the website of the Commission.

–70th Ordinary Session of the Commission

35. Along with my colleagues, I participated in the 70th Ordinary Session of the ACHPR.

36. This virtual Session took place from 23 February to 9 March 2022. Several Communications were considered and Resolutions on human rights issues in Africa adopted.

37. The Report is available on the website of the Commission.

–35th Extraordinary Session of the Commission

38. I participated in the 35th Extraordinary Session of our Commission on 4 April 2022.

39. This virtual Session further discussed the issue of complementarity between the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.

40. The agenda for the 71st Ordinary Session of the ACHPR was also discussed.

ii. Meeting with Sudanese civil society

41. In my capacity as Commissioner-Rapporteur, I had a virtual meeting with representatives of Sudanese civil society on 22 December 2021.

42. This meeting, made possible with the help of our brother Ibrahima Kane, allowed us to gather information on the evolving political situation in Sudan and the state of human rights in that country following the coup d'état of 25 October 2021.

43. We asked the participants to provide us with any written document that could shed more light on the situation. At the time of this meeting the number of victims killed as a result of the crackdown on protests had already reached 75.

iii. Commission of Inquiry on Tigray

44. As a member of this Commission of Inquiry, I continued to participate in its work. Further details on activities carried out can be found in the Intersession Report of the Chairperson of the Commission of Inquiry.

iv. Meeting on complementarity with the Court

45. The Commission held a virtual meeting on 16 February 2022 to discuss complementarity with the African Court on Human and Peoples' Rights.

46. I participated along with all my colleagues and expressed my views on issues discussed.

47. As all issues were not fully addressed, it was decided to convene another meeting.

v. 40th Session of the AU Executive Council

48. On 2 and 3 February 2022, I attended the 40th Session of the AU Executive Council of the held in Addis Ababa, along with the Chairperson and Vice Chairperson of our Commission.

49. This meeting adopted, among other things, the Report of the ACHPR, which was defended by its Chairperson.

vi. 35th Ordinary Session of the AU Assembly

50. We attended the 35th Ordinary Session of the Assembly of Heads of State of the African Union, which took place on 5 and 6 February in Addis Ababa.

51. A limited number of African Heads of State attended this Summit.

52. Details regarding the participation of our Commission's delegation are provided in the Report of the ACHPR Chairperson.

vii. Ethics training

53. Commissioners were invited to participate in an ethics training programme on 15 February 2022. This virtual event was the second ethics training programme I attended.

54. Language issues and the repetition of content were not well received by all participants.

55. This training programme should be updated and delivered face-to-face, during the autumn Session.

viii. FIDH meeting on Sudan

56. On 22 February 2022, the International Federation for Human Rights organised a virtual information meeting on the human rights situation in Sudan. I represented the Commission in my capacity as Commissioner-Rapporteur.

57. I shared the Communiqués and Resolutions adopted by our Commission following the events in Sudan since the coup d'état of 25 October 2021.

58. The meeting provided an opportunity to hear from Sudanese civil society and human rights NGOs in Sudan.

III. REPORT ON THE SITUATION OF TORTURE AND RELATED CRIMES

59. "Torture" is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by a public official or other person acting in an official capacity. [Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>.]

60. This annual report on the situation of torture and other ill-treatment in Africa is prepared in accordance with the scope of work of the CPTA, which is mandated to report to the African Commission at each Ordinary Session on the status of implementation of the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines).

61. The Robben Island Guidelines provide concrete guidance to State and non-State actors on how to implement Article 5 of the African Charter on Human and Peoples' Rights (the African Charter) which states that: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited." [Article 5 of the African Commission on Human and Peoples' Rights' <https://www.achpr.org/legalinstruments/detail?id=49>.]

62. The Committee for the Prevention of Torture in Africa (CPTA) promotes the implementation of the Robben Island Guidelines and other key instruments on the prevention and prohibition of torture and other ill-treatment, including the United Nations Convention against Torture (UNCAT) and the Optional Protocol to the Convention Against Torture (OPCAT). It is also working to establish effective National Preventive Mechanisms (NPMs) in African States in accordance with the OPCAT.

A. Positive developments

i. UNCAT

63. The UNCAT primarily calls on States to criminalise torture. To date, the following fifty-two (52) African States have ratified the UNCAT: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritius, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Togo, Tunisia, Uganda and Zambia. [Status of Ratification Interactive Dashboard: Convention Against Torture and Other, Cruel, Inhuman, or Degrading Treatment or Punishment (Office of the High Commissioner UN Human Rights, 11 March 2022)' <https://indicators.ohchr.org/>.]

64. Only two (2) African States are yet to ratify the UNCAT: the United Republic of Tanzania and Zimbabwe. [*ibid.*]

65. Nigeria's State Party Report was considered in November 2021 by the UN Committee against Torture (CAT), which adopted Concluding Observations. [CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 72nd Session (08 Nov 2021 - 03 Dec 2021)' https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDeta...]

ii. OPCAT

66. The OPCAT is designed to assist States in fulfilling their existing obligations to prevent torture and other forms of ill-treatment by establishing a system of regular visits to places where people are or may be deprived of their liberty.

67. To date, the following twenty-three (23) African States have ratified the OPCAT: Benin, Burkina Faso, Burundi, Cabo Verde, Central African Republic, Democratic Republic of Congo, Gabon, Ghana, Liberia, Madagascar, Mali, Mauritius, Mauritania, Morocco, Mozambique, Niger, Nigeria, Rwanda, Senegal, South Africa, Sudan, Togo and Tunisia. [Status of Ratification Interactive Dashboard: Convention Against Torture and Other, Cruel, Inhuman, or Degrading Treatment or Punishment' (Office of the High Commissioner UN Human Rights, 11 March 2022), <https://indicators.ohchr.org/>.]

68.Eight (8) other African States are signatories to the OPCAT: Angola, Cameroon, Chad, Congo, Guinea, Guinea-Bissau, Sierra Leone and Zambia.[*ibid.*]

69.Visits planned in 2020 by the UN Subcommittee on Prevention of Torture to Madagascar and Tunisia were postponed due to Covid-19. The visit to Madagascar is still postponed, but the Subcommittee is set to visit Tunisia from 27 March to 2 April 2022.[UN Treaty Body Database, “Optional Protocol of the Convention Against Torture (CAT-OP)”, (OHCHR) https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CountryVisi...]

iii.Proceedings and Court decisions

70.In The Gambia, the Truth, Reconciliation and Reparations Commission (TRRC) submitted in November 2021 its report to President Adama Barrow, concluding a three-year public inquiry into the killing of about 240 to 250 people, torture and other abuses perpetrated during former President Yahya Jammeh’s 22 years in office, and recommending the prosecution of those responsible.[Pap Saine And Edward McAllister, ‘Gambia’s Truth Commission Recommends Prosecutions for Jammeh-Era Crimes’ Reuters (25 November 2021) <https://www.reuters.com/world/africa/gambias-truth-commission-recommend...>]

71.In Cameroon, the perpetrator of an attack on an intersex person was sentenced to prison after the Cameroon AIDS Foundation filed a complaint about the actions of the police during the initial investigation into the attack.[Cameroon Court Punishes Anti-LGBTI Violence’ (Human Rights Watch, 3 March 2022). <https://www.hrw.org/news/2022/03/03/cameroon-court-punishes-anti-lgbti-...>]

72.In December 2021, it was reported that the Nigerian Government was ordered by the Court to pay damages to Nnamdi Kanu, the leader of the Indigenous People of Biafra (IPOB), for illegal detention and torture.[siteadmin, ‘IPOB Laments Starvation, Torture Of Nnamdi Kanu In DSS Detention’ (Sahara Reporters, 11 December 2021) <https://saharareporters.com/2021/12/11/ipob-laments-starvation-torture-...>]

B.Negative developments in the prevention of torture and other ill-treatment in Africa

i.Terrorism and torture

73.The Robben Island Guidelines provide that the notions of “public order”, “national emergency”[Guideline 10 of the Robben Island Guidelines.] or “superior orders”[Guideline 11 of the Robben Island Guidelines] should not be invoked as a justification or excuse for torture and other ill-treatment. Torture has been used against terrorist suspects or persons allegedly associated with terrorist suspects in order to obtain information and punish them for their alleged role in the terrorist act. Terrorist groups have also used torture-like means on populations. States have responded by using excessive force, including torture and other ill-treatment, to combat the scourge of terrorism on their respective territories.

74.In Ethiopia, a state of emergency was declared by the Government after the Tigray People’s Liberation Front (TPLF) took over the Amhara region. Under this emergency legislation, the authorities had the power to arrest and detain any individual if there is “reasonable suspicion” of cooperation with “terrorist groups” for up to 6 months without an arrest warrant. Many of those detained under these circumstances are in undisclosed locations and are believed to have been targeted because of their Tigrayan ethnicity.[‘Ethiopia: Tigrayans Targeted in Fresh Wave of Ethnically Motivated Detentions in Addis Ababa’ (Amnesty International, 12 November 2021) <<https://www.amnesty.org/en/latest/news/2021/11/ethiopia-tigrayans-targe...>; ‘Oral Statement at the Intersessional Briefing by the UN High Commissioner for Human Rights on

Situation of Human Rights in Ethiopia' (Human Rights Watch, 22 November 2021) <https://www.hrw.org/news/2021/11/22/oral-statement-intersessional-brief...>] In addition, there are numerous reports of brutal killings, mass detentions and rape perpetrated by both Tigrayan['Ethiopia: Tigrayan Forces Murder, Rape and Pillage in Attacks on Civilians in Amhara Towns' (Amnesty International, 16 February 2022) <https://www.amnesty.org/en/latest/news/2022/02/ethiopia-tigrayan-forces...>] and Amhara security forces.['Ethiopia: New Wave of Atrocities in Western Tigray' (Amnesty International, 16 December 2021) <https://www.amnesty.org/en/latest/news/2021/12/ethiopia-new-wave-of-atr...>]

75. In March 2022, it was reported that following a prison break in Derna, Libya, an armed group associated with the Libyan armed forces arrested fifty (50) residents of Derna and detained an unknown number of residents, with allegations of torture inflicted on detainees.['Libya: After Prison Escape, Derna Residents Rounded Up' (Human Rights Watch, 8 March 2022) <https://www.hrw.org/news/2022/03/08/libya-after-prison-escape-derna-res...>]

76. During the pro-democracy protests in Eswatini, two MPs were detained on terrorism charges under the Suppression of Terrorism Act of 2008.['Police Continue to Crack Down on Pro-Democracy Marches in Eswatini' (Human Rights Watch, 21 October 2021) <https://www.hrw.org/news/2021/10/21/police-continue-crack-down-pro-demo...>] In February 2022, during these protests, journalist Nomthandazo Maseko was reportedly beaten by police officers and threatened with a gun while livestreaming the protests.['Eswatini Prison Officers Assault, Threaten to Shoot Reporter Covering pro-Democracy Protest' (Committee to Protect Journalists, 16 February 2022) <https://cpj.org/2022/02/eswatini-prison-officers-assault-threaten-to-sh...>]

77. In South Sudan, the Government detained two government critics without formal trial on various charges, including terrorism. In March 2022, it was reported that both individuals had been tortured in detention.['South Sudan: Government Critics Held on Dubious Charges' (Human Rights Watch, 1 March 2022) <https://www.hrw.org/news/2022/03/01/south-sudan-government-critics-held...>]

ii. Extra-judicial and arbitrary killings

78. The right to life is expressly guaranteed in Article 4 of the African Charter which prohibits the arbitrary deprivation of life. In its jurisprudence, the African Commission has also held that executions may constitute cruel, inhuman and degrading treatment or punishment. [Communication 277/03: Spilg and Mack & Ditshwanelo (Kobedi) v Botswana (ACHPR 2011) para 167.]

79. In Ethiopia, the Ethiopian Human Rights Commission (EHRC) published a report on the conflict in Tigray in November 2021. The EHRC reports that people not involved in the conflict have been unlawfully killed, including over 200 Amhara killed by the Tigrayan militia on 9 November 2020; over 100 people killed in Axum on 28 November 2020 by the EDF; at least 70 men in Bora, Amedwha, Bora Chemala and Mai Liham were killed by the ENDF on 8 and 9 January 2021; and dozens of civilians were summarily executed in two Amhara towns controlled by the Tigrayans between 31 August and 9 September 2021.[Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by All Parties - Ethiopia (ReliefWeb) <https://reliefweb.int/report/ethiopia/report-ethiopian-human-rights-com...>]

80. In December 2021 in Liberia, at least ten (10) people have been reported killed in connection with alleged ritual practices and political motivations, with three (3) of the most recent victims being former officials or having links to former high-profile politicians. [Liberia Urged to Probe Suspected Ritual Killings (Punch Newspapers, 10 December 2021) <https://punchng.com/liberia-urged-to-probe-suspected-ritual-killings/>.]...

81. The Truth, Reconciliation and Reparations Commission (TRRC) of The Gambia pointed out in its report that former President Yahya Jammeh was the architect of the “junglers”, a commando group that tortured and killed more than eighty (80) people considered to be enemies of Jammeh. [Junglers killed over 80 People – The Point <https://thepoint.gm/africa/gambia/headlines/junglers-killed-over-80-peo...>]

82. In the eastern part of the Democratic Republic of Congo, on 1 February 2022, at least sixty-two (62) internally displaced persons (IDPs) were killed and thirty-eight (38) injured in an attack carried out at night by the armed group Coopérative pour le développement du Congo (CODECO). All victims were either shot or attacked with machetes and knives. Between 19 and 28 November 2021, four other sites were attacked by CODECO, leaving at least fifty-eight (58) dead. There was a total of ten attacks on IDPs in 2021 alone, resulting in at least one hundred and six (106) deaths. [Press Briefing Notes on Democratic Republic of the Congo (OHCHR) <https://www.ohchr.org/en/press-briefing-notes/2022/02/press-briefing-no...>]

83. Forty years after his death, a court in South Africa found that anti-apartheid activist Neil Aggett was killed by South African police while in detention, after being severely tortured and found hanging in his cell, and had therefore not committed suicide as had previously been claimed. [<https://www.sowetanlive.co.za/authors/fekethas>, ‘Neil Aggett Did Not Commit Suicide, He Was Killed by Police, Court Finds’ (SowetanLIVE) <https://www.sowetanlive.co.za/news/south-africa/2022-03-04-neil-aggett-...>]

84. Security forces in Chad killed at least 13 people, including a 12-year-old child, and injured over 80 others in Abeche on 24 and 25 January 2022. [Chad: Killings by Security Forces in East (Human Rights Watch, 9 March 2022) <https://www.hrw.org/news/2022/03/09/chad-killings-security-forces-east>.] Security forces violently dispersed thousands of peaceful protesters in Abeche on 24 January and killed the first three (3) victims. On 25 January, at the funeral of those killed at the Tago Zagalo cemetery, soldiers indiscriminately shot live rounds, killing ten people. [Ibid.]

iii. Torture in detention facilities, poor detention conditions and arbitrary detention

85. The Robben Island Guidelines encourage States to improve conditions in places of detention [Guideline 34 of the Robben Island Guidelines.] and reduce overcrowding. [Guideline 37 of the Robben Island Guidelines.] Poor conditions of detention can amount to torture and other ill-treatment.

86. In Sudan, reports were published in November 2021 of beatings and torture of those held in detention centres. Detainees live in poor humanitarian conditions, are deprived of the most basic rights and those suffering from chronic diseases often lack appropriate care. [‘Sudan: Detentions Continue in Sudan - Reports of Beatings and Torture’ Dabanga (Amsterdam, 18 November 2021) <https://allafrica.com/stories/202111180024.html>.]

87. In Egypt, two citizens, Oqaba Alaa Labib Hashad and Mohamed Ibrahim Radwan, were reportedly forcibly detained, subjected to psychological and physical torture and denied access to basic necessities and legal services though detained for long periods. [UN Condemns Arbitrary Detention of Egyptian Citizens and Prolonged Detention of Human Rights Defenders (Committee

for Justice, 2 November 2021) <https://www.cfjustice.org/un-condemns-arbitrary-detention-of-egyptian-c...>]

88. There are reports that South African security forces assaulted and tortured deported Zimbabweans as punishment for violating the country's migration laws. [MDC Alliance Condemns The Torture Of Deported Zimbabweans In S.A - ZimEye <https://www.zimeye.net/2022/01/04/mdc-alliance-condemns-the-torture-of-...>;

89. Concerns have been raised by the Judicial Inspectorate of Correctional Services (JICS) about the practice of solitary confinement in South Africa, with prisoners spending twenty-three (23) hours a day without human contact and having to exercise alone in "cages", which resulted in severe long-term health issues, including depression and suicidal tendencies among prisoners. [Tania Broughton, 'Reports Reveal Horrors of Solitary Confinement in SA Prisons' (News24) <https://www.news24.com/news24/southafrica/news/reports-reveal-horrors-o...>]

90. In Libya, the UN Support Mission in Libya (UNSMIL) has received reports of migrants being arbitrarily detained, tortured and abused, and of male and female migrants facing heightened risk of rape in detention centres. [UN Chief: More than 12,000 Migrants Held in Libya (InfoMigrants, 18 January 2022) <https://www.infomigrants.net/en/post/37947/un-chief-more-than-12000-mig...>; 'UN Chief: Over 12,000 Detainees Held Officially in Libya' (AP NEWS, 17 January 2022) <https://apnews.com/article/business-middle-east-africa-libya-united-nat...>]

91. In Cameroon, there have been reports of Anglophone detainees and members of the political opposition being tortured by the security forces. [Phil Miller, 'DECLASSIFIED UK: Cameroon: The Corrupt and Brutal Central African State Is Run by Five Men — with Support from the United Kingdom' (Daily Maverick, 26 January 2022) <https://www.dailymaverick.co.za/article/2022-01-26-cameroon-the-corrupt...>; 'Cameroon: More than a Hundred Detainees from Anglophone Regions and Opposition Party Languishing in Jail for Speaking Out' (African Business, 24 January 2022) <https://african.business/2022/01/apo-newsfeed/cameroon-more-than-a-hund...>]

iv. Excessive use of force against protestors

92. In Sudan, as at 20 January 2022, at least 72 civilians are reported to have been killed and more than 2,000 injured in the military takeover and crackdown on protestors. [Sudan: Security Forces Use Lethal Force on Protesters (Human Rights Watch, 23 November 2021) <https://www.hrw.org/news/2021/11/23/sudan-security-forces-use-lethal-fo...>; Sudan: Investigate the Killings of People after Military Crackdown against Protesters (Amnesty International, 24 November 2021) <https://www.amnesty.org/en/latest/news/2021/11/sudan-investigate-the-ki...>; Khalid Abdelaziz and Nafisa Eltahir, 'Sudanese Judges, U.S. Denounce Protest Crackdowns' Reuters (21 January 2022) <https://www.reuters.com/world/africa/sudanese-judges-prosecutors-denoun...>; 'Sudan: Ongoing Clampdown on Peaceful Protesters' (Human Rights Watch, 3 February 2022) <https://www.hrw.org/news/2022/02/03/sudan-ongoing-clampdown-peaceful-pr...>]

93. On 12 November 2021, in Cameroon, protests took place in response to the police killing that day of Brandy Tataw, an 8-year-old schoolgirl. The Cameroonian armed forces reportedly used excessive force against the protestors, shooting live rounds and injuring at least seven men. [Cameroon: Lethal Force Against Protesters (Human Rights Watch, 19 November 2021) <https://www.hrw.org/news/2021/11/19/cameroon-lethal-force-against-prote...>]

94. On 20 December 2021, police fired at protestors in Goma, Democratic Republic of Congo, killing three people, including a six-month-old baby, and injuring at least 12 other people [DR Congo: Protesters Shot Dead, Wounded in Goma' (Human Rights Watch, 24 December

2021) <https://www.hrw.org/news/2021/12/24/dr-congo-protesters-shot-dead-wound...>], during protests against the martial law imposed in May 2021.

95. In Uganda, Kakwenza Rukirabashaija, a satirical writer and critic of the Ugandan government, was detained and reportedly tortured by military forces after being charged over his tweets criticizing the President. [Uganda: Ensure Justice for Detained, Tortured Author (Human Rights Watch, 11 February 2022) <https://www.hrw.org/news/2022/02/11/uganda-ensure-justice-detained-tort...>.]

96. In Chad, security forces reportedly killed at least thirteen (13) peaceful protesters in Abeche and injured at least eighty (80). [Chad: Killings by Security Forces in East (Human Rights Watch, 9 March 2022) <https://www.hrw.org/news/2022/03/09/chad-killings-security-forces-east.>]

v. Attacks on LGBTI people

97. LGBTI+ groups in Africa are constantly faced with human rights issues as well as institutional violence. Same-sex relations are legal in only twenty-two (22) African States. Four (4) States apply the death penalty in response to LGBTI+ relationships (Mauritania, Nigeria, Somalia and South Sudan). [‘Legal Hurdles Faced by LGBT+ People in Africa’ Reuters (27 October 2020) [https://www.reuters.com/article/us-nigeria-lgbt-lawmaking-idUSKBN27C2XQ.](https://www.reuters.com/article/us-nigeria-lgbt-lawmaking-idUSKBN27C2XQ)] The group is exposed to the risk of being arrested and falling victim to blackmail, extortion, stigmatisation, discrimination and violence. As Africa accounts for nearly half of the countries worldwide where homosexuality is outlawed [Ibid.], LGBTI+ people are at constant risk of abuse in their homes.

98. A proposed anti-LGBTQ bill in Ghana was the subject of public hearings in Parliament in 2021. This bill aims to criminalise homosexuality and promote the use of conversion therapy. An increasing number of attacks on LGBTQ persons have been reported since the draft law was introduced. [Reuters, ‘Supporters and Opponents Face off over Ghana’s Anti-LGBT Law Reuters (12 November 2021) <https://www.reuters.com/world/africa/ghana-parliament-begins-public-hea...>.]

99. In Cameroon, an intersex person was reportedly assaulted on 15 November 2021. Although an arrest was made in connection with this attack, it did not prompt Cameroonian authorities to take any immediate action. [Intersex Person Victim of Horrific Attack in Cameroon’ (Human Rights Watch, 20 November 2021) <https://www.hrw.org/news/2021/11/20/intersex-person-victim-horrific-att...>.] This attack follows an increase in police action against LGBTI people in Cameroon in 2021. [Cameroon: Wave of Arrests, Abuse Against LGBT People (Human Rights Watch, 14 April 2021) <https://www.hrw.org/news/2021/04/14/cameroon-wave-arrests-abuse-against...>;

100. In South Africa it was reported that in 2021 at least twenty-four (24) LGBTI+ people were assaulted and killed because of their gender identity or sexuality. [HRW Asks SA Govt What It’s Doing to Stop LGBTIQ Murders (MambaOnline - Gay South Africa online, 27 January 2022) <https://www.mambaonline.com/2022/01/27/hrw-asks-sa-govt-what-its-doing-....>.]

101. In Egypt it has been reported that LGBTI+ people have been arbitrarily detained and ill-treated in police custody because of their sexual orientation or gender identity. [Human Rights Watch Submission to the UN Human Rights Committee in Advance of Its Review of Egypt (Human Rights Watch, 28 January 2022) <https://www.hrw.org/news/2022/01/28/human-rights-watch-submission-un-hu...>.]

vi. Refugees, migrants and torture

102. The rights of migrants are protected by the African Charter on Human and Peoples' Rights, the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and other international and regional instruments. However, during the intersession period, refugees and migrants continued to be exposed to a range of human rights violations, including torture and other ill-treatment.

103. Civilians attempting to escape the escalating conflict in Tigray, Ethiopia, face arbitrary detentions and executions, in addition to life-threatening conditions for those in detention, including torture, starvation and denial of medical care. [Ethiopia: New Wave of Atrocities in Western Tigray (Amnesty International, 16 December 2021) <https://www.amnesty.org/en/latest/news/2021/12/ethiopia-new-wave-of-atr...>] According to a report published on 2 December 2021 by the UN Office for the Coordination of Humanitarian Affairs (OCHA), 1.2 million people were displaced from Western Tigray since the conflict began. [Ethiopia - Northern Ethiopia Humanitarian Update Situation Report, 2 Dec 2021 - Ethiopia (ReliefWeb) <https://reliefweb.int/report/ethiopia/ethiopia-northern-ethiopia-humani...>]

vii. Concerns about torture or ill-treatment as a result of State responses to COVID-19

104. Members of the armed Local Defence Unit (LDU) with links to the army in Uganda reportedly beat several people in an apparent attempt to punish non-compliance with Covid-19 measures. [Human Rights Watch, 'Uganda: Events of 2020', World Report 2021 (2020) <https://www.hrw.org/world-report/2021/country-chapters/uganda>.]

105. In November 2021, it was reported that the South African Government's response to gender-based violence during the Covid-19 pandemic was inadequate, with people from marginalised groups at increased risk of violence and lack of support. Aid workers said that fewer shelters were being provided for LGBTQI+ people and that officials had overlooked the additional dangers faced by people from vulnerable groups, such as transgender people and lesbians. [South Africa: Broken Promises to Aid Gender-Based Violence Survivors (Human Rights Watch, 24 November 2021) <https://www.hrw.org/news/2021/11/24/south-africa-broken-promises-aid-ge...>]

III. RECOMMENDATIONS

106. In light of the above, the following recommendations can be formulated, in particular as regards the CPTA's mandate to prevent and prohibit torture and other ill-treatment:

- i. States that have not yet done so should ratify the UNCAT;
- ii. States that are yet to do so should ratify the OPCAT, and establish National Preventive Mechanisms to monitor places of detention;
- iii. All States should criminalise torture and other ill-treatment in accordance with the UNCAT;
- iv. States should ensure that when the UN issues Concluding Observations on a report submitted, the recommendations contained therein are implemented to ensure greater protection of human rights in their respective States;
- v. States should Refrain from wrongly referring to the Covid-19 pandemic in order to justify undue restrictions and other acts amounting to ill-treatment;
- vi. As States begin to emerge from the Covid-19 pandemic, they should ensure that all measures and restrictions that may have facilitated or amounted to ill-treatment are fully removed;

vii. States should take steps to avoid the use of general laws such as anti-terrorism legislation, state of emergency laws and other State security laws to carry out arbitrary arrests, searches and detentions contrary to international and regional standards;

viii. States should adopt measures to improve conditions of detention in accordance with the Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa (Luanda Guidelines);

ix. States should revise national laws to protect people from enforced disappearance, torture and other ill-treatment by prohibiting incommunicado detention, prolonged solitary confinement and criminalising the use of secret or unauthorised detention centres, in accordance with the Robben Island Guidelines and OPCAT;

x. States should establish mechanisms to receive complaints of torture and other ill-treatment;

xi. States should initiate prompt, thorough, independent, and impartial investigations into all allegations of torture and other ill treatment and ensure that perpetrators are held accountable, and subjected to appropriate sanctions that reflect the gravity of the offences, in accordance with the relevant international and regional standards;

xii. States should ensure that security personnel do not use excessive force against civilians and that they respond to protests in accordance with the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;

xiii. States should respect and protect the rights of persons or groups at heightened risk to acts of torture and other ill-treatment, including people with intellectual or psychosocial disabilities, homeless persons, women and children, lesbian, gay, bisexual, transgender and intersex persons, migrants, refugees, and internally displaced persons, and ensure that perpetrators of such acts are held accountable;

xiv. States should ensure that victims of torture and other ill-treatment have the right to all forms of redress including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition in accordance with General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5); and

xv. All parties to conflicts should respect international humanitarian law set out in the Geneva Conventions, in their treatment of civilians and civilian property.

107. Finally, while thanking the CPTA's partners, I encourage anyone who has information concerning allegations of torture and related acts to bring this information to the attention of the CPTA and the ACHPR.

108 .I thank you for your kind attention.