***ACHPR/Res.228 (LII) 2012:* RESOLUTION ON THE NEED TO DEVELOP GUIDELINES ON CONDITIONS OF POLICE CUSTODY AND PRE-TRIAL DETENTION IN AFRICA**

*The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 52nd Ordinary Session, held from 9 to 22 October 2012 in Yamoussoukro Cote d’Ivoire;*

**Recalling** its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

**Noting** Articles 4, 5, 6, 7, and 26 of the African Charter on the rights to life, dignity, security, fair trial, and the independence of the judiciary;

**Noting further** its mandate under Article 45(1)(b) of the African Charter “*to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African states may base their legislation*”;

**Concerned** by abusive recourse to police custody and pre-trail detention prevalent in several States Parties to the African Charter characterized by weak criminal justice system;

**Acknowledging** that individuals in police custody and pre-trial detainees in many African counties experience arbitrary limitations on their rights, poor health conditions and are subject to torture, inhumane and degrading treatment or punishment;

**Noting** that pre-trial detention disproportionately impacts the vulnerable and marginalised who are unlikely to have the means to afford legal assistance or to be released on bail;

**Recognising** that arbitrary arrest, detention and conditions of police custody in many African countries are characterised by lack of accountability; poorly paid and under-resourced police; mal-functioning of the administration of justice, including the lack of independence of the judicial service system; the excessive and disproportionate use of force by the police; the lack of registration and monitoring systems for keeping track of police detention; systemic corruption and the lack of resources resulting in the absence of the rule of law;

**Concerned** by the lack of respect of national legislations relating to police custody and pre- trial detention by the police and other law enforcements agents, and the ineffectiveness of monitoring mechanisms;

**Recognising** the need to formulate and lay down principles and guidelines to further strengthen the criminal justice system in States Parties with regards to police custody and pre- trial detention, and to ensure compliance with international norms and principles by the police and other law enforcement agents;

**Decides** to authorize the Special Rapporteur on Prisons and Conditions of Detention in Africa (the Special Rapporteur) to develop a Guideline on the Conditions of Police Custody and Pre- trial Detention in Africa (the Guidelines), including tools for its effective implementation ;

**Calls upon** States Parties, civil society and other stakeholders, to collaborate with the Special Rapporteur by contributing to the process of developing the Guidelines;

**Request** the Special Rapporteur to report the progress made in developing the Guidelines at its next Ordinary Session.

**Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Cote d’Ivoire, 9 to 22 October 2012**