

Resolution on the Adoption of the Rules for the Establishment and Functioning of the Alert and Reporting Mechanism to the African Commission on Human and Peoples' Rights on Situations of Torture & Other Cruel (The Abidjan Rules) - ACHPR/Res. 520 (LXXII)

Aug 11, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 72nd Ordinary Session, held virtually from 19 July to 02 August 2022:

Recalling its mandate to promote and protect human rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter)

Considering the absolute and irrevocable nature of the prohibition of torture and other cruel, inhuman and degrading treatment or punishment, as guaranteed by Article 5 of the African Charter

Recalling its Resolution on the Guidelines and Measures for the Prohibition and Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines), adopted at its 32nd Ordinary Session held in Banjul, The Gambia from 17 to 23 October 2002;

Recalling further the establishment in 2004 of the Robben Island Guidelines Follow-up Committee to promote the implementation of the Robben Island Guidelines

Recalling also Resolution ACHPR/Res.158 (XLVI) 09 changing the name of the Follow-up Committee on the Robben Island Guidelines to Committee for the Prevention of Torture in Africa (the Committee);

Considering the Rules for the Establishment and Functioning of the Special Mechanisms of the African Commission on Human and Peoples' Rights, adopted at its 27th Extraordinary Session held from February 19 to March 4, 2020 in Banjul, The Gambia;

Recalling that at its 69th Ordinary Session held in Dakar, Senegal in mixed mode, the Commission, through Resolution ACHPR/Res. 507 (LXIX)2021 entitled Resolution on the Preparation of Rules for the Establishment and Operation of the Alert and Reporting Mechanism to the ACHPR on Situations of Torture and Related Acts (SOP), mandated the Committee to prepare the said Rules and submit them for adoption within a year;

Taking into account that the *Rules for the Establishment and Functioning of the Special Mechanisms of the African Commission on Human and Peoples' Rights* stipulate that, among other things, the roles and responsibilities of the subsidiary mechanisms are "to seek, receive, consider and act upon information pertaining to the area of their mandate."

Noting that the search, identification, sorting, restitution and classification, and analysis of information for the purpose of implementing measures related to the CPTA's mandate, and the non-binding and poorly formatted nature of these reports undermine the coordination and constitution of cases submitted to the CPTA, making them difficult to use and delaying the Committee's measures and actions. This highlights the need to establish an efficient and formalized identification, research, analysis and reporting system in line with the CPTA's emergency action measures;

Bearing in mind that the CPTA must establish a formal framework for the identification and transmission of information on issues of torture and related acts, including allegations of imminent or actual occurrence of such acts, in order to have the necessary elements for a contextualized examination for intervention in accordance with the applicable texts;

Noting with appreciation the work accomplished by the Committee under the leadership of Commissioner Hatem Essaiem since his appointment on 15 November 2017; including the successful organization of the proceedings held in Zanzibar (6 to 7 October 2021) and Tunis (17 to 18 December 2021) in preparation for the Regional Validation Workshop on the "Abidjan Rules" (Abidjan, 27 to 29 May 2022);

Taking note of the proceedings of the Regional Validation Workshop of the "Abidjan Rules" as reported to this 72nd Private Ordinary Session of the Commission by the Chairman of the CPTA and the Members of the said Committee

Thanking the European Union for funding this important project, among many others, on which the Commission's special mechanisms are working;

Expressing its appreciation to the partners and independent experts who worked on and supported this project;

The Commission:

i. Adopts the Rules for the Establishment and Functioning of the Alert and Reporting Mechanism on Situations of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the African Commission on Human and Peoples' Rights (the Abidjan Rules); as attached to this Resolution;

ii. Directs the CPTA to implement the Rules in coordination and collaboration with all relevant stakeholders and the Secretariat of the Commission; likewise, report on this mandate should be made in accordance with the Commission's 2020 Rules of Procedure;

iii. Calls on all relevant stakeholders to provide the necessary support for the promotion, operationalization and effective implementation of the Abidjan Rules.

Done virtually, on 02 August 2022