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The Chairperson,  
African Commission on Human and Peoples' Rights  
55<sup>th</sup> Ordinary Session  
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**ORAL STATEMENT BY AMNESTY INTERNATIONAL**

Item 8: Activity Reports of Members of the Commission and Special Mechanisms

Committee for the prevention of torture in Africa

Chairperson, Honourable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on the prevention of torture in Africa.

More than 40 countries in Africa have ratified the Convention against Torture, a further 5 have signed the convention, and 20 of these have ratified or signed the Optional Protocol to the Convention establishing an international inspection system for places of detention. However, torture remains endemic in many countries in Africa, where more than 30 countries - including Nigeria and Ethiopia - don't even punish it by law. Those responsible for torture and other ill treatment are rarely brought to justice, and victims rarely receive effective remedies

Amnesty International specifically wants to draw the Commissions attention to the situations in Ethiopia Nigeria and the Gambia.

**Ethiopia**

In Ethiopia, torture is regularly reported to take place in the Federal Police Crime Investigation and Forensic Department in Addis Ababa, a centre commonly known as "Maikelawi", where political opponents are held often arbitrarily detained or subjected to pre-trial detention without charge. Torture is also frequently reported in the Oromia region, against Oromos arbitrarily detained on suspicion of supporting the Oromo

Liberation Front (OLF).

Detainees are regularly held in unofficial places of detention, including in military camps or private buildings, where they are outside the protection of the law and at increased risk of torture.

Methods of torture regularly reported include beating with plastic, metal, rubber and wooden sticks, including on the soles of feet, whipping with electric cables or rubber whips, immersion in cold water, being tied in contorted positions for extended periods, chaining of hands and feet, and electric shocks. A number of male detainees have reported having plastic bottles filled with water tied around their genitalia for extended periods, causing severe injury. Rape of women by soldiers including during arbitrary detention has been reported in the Oromia and Somali regions. Many prisoners have also been subjected to extended periods of solitary confinement.

Amnesty International urges the African Commission (in line with African Commission Resolution 218, 2012, on Ethiopia) to call on the government of Ethiopia to:

- Allow independent monitors access to all places of detention including the Federal Police Crime Investigation and Forensic Department ("Maekelawi").
- Immediately move detainees currently held in unofficial places of detention to a recognized detention centre;
- Allow all suspects access to a lawyer in accordance with the law and ensure that suspects are either immediately and unconditionally released or are charged with a recognizable criminal offence and, if ordered by a Court, are detained only in legally recognized detention centres;
- Fully and effectively implement the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines) adopted by the Commission in 2002;
- Investigate all allegations of torture of detainees by State agents and bring to justice - in fair trials - all those suspected of committing acts of torture;
- Publicly commit to ending the scourge of torture, through, among other measures ensuring that:
  - (a) police, intelligence and army personnel are made aware that torture is prohibited;
  - (b) members of the public are made aware that torture is prohibited and provided information to enable them to report incidents of torture.
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## **Nigeria**

Amnesty International is concerned about the continuing and increasing use of torture and other cruel, inhuman or degrading treatment or punishment in Nigeria. Recent

Amnesty International research indicates that police and military personnel continue to routinely use torture and other forms of ill-treatment. The Nigerian justice system fails to prevent abuse, with detainees tortured and ill-treated to extract "confessions" and forced to spend long periods in detention without being brought before a court. Detainees are frequently denied access to their families and to legal counsel, as well as being denied medical care. Independent monitors are frequently denied access to detainees.

In contravention of national and international law, information extracted through torture and ill-treatment is routinely accepted as evidence in court. Nigeria displays an apparent lack of political will to adhere to its international human rights obligations, including its obligations under the African Charter on Human and Peoples' Rights and the UN Convention against Torture, both of which Nigeria has ratified.

The torture methods used range from beatings, shootings, nail and tooth extraction, rape and other forms of sexual violence. Very few, if any, of the complaints are ever investigated.

In July 2009, Nigeria launched the National Committee Against Torture (NCAT), as part of its obligation to set up national preventive mechanisms after signing and ratifying the CAT and OPCAT.

Almost 5 years later, many people do not even know about its existence. Reports suggest that the Committee has not received any funding. In addition, it has no legal or operational independence and thus has not been able to operate effectively to change the widespread use of torture in the country. Reports of torture and ill-treatment have increased following a surge in operations by Nigerian security forces targeting the armed Islamist group Boko Haram in the North-East of the country.

At the UN UPR session in February 2009 and again in October 2013, the Nigerian delegation agreed to take all necessary measures to prevent and address torture and other forms of ill-treatment. But Amnesty International continues to receive reports of abuse from various locations across Nigeria. Despite several calls by Amnesty International and other national and international organizations urging the Nigerian authorities to criminalize torture and other ill-treatment, no action has been taken in this respect.

In 2012, a bill intended to prohibit and criminalize the use of torture by law enforcement agencies was submitted for debate at the National Assembly. Two years on, the bill is yet to even be debated, and so is no closer to becoming law. A similar bill proposing the establishment of an Anti-Torture Commission previously failed to pass through the National Assembly.

Amnesty International urges the African Commission to publicly condemn the practice

of torture and other forms of ill-treatment by the Nigerian authorities. Amnesty International also urges the Commission to call on the government of Nigeria to fully and effectively implement the Robben Island Guidelines, including by:

- Passing the Torture Bill into law.
- Granting human rights monitors, the National Human Rights Commission non-governmental organizations unhindered access to all detention facilities.
- Allow all suspects access to a lawyer in accordance with the law and ensure that suspects are either immediately and unconditionally released or are charged with a recognizable criminal offence and, if ordered by a Court, are detained only in legally recognized detention centres;
- Investigate all allegations of torture of detainees by State agents and bring to justice - in fair trials - all those suspected of committing acts of torture;
- Publicly commit to ending the scourge of torture, through, among other measures ensuring that:
  - (c) police, intelligence and army personnel are made aware that torture is prohibited;
  - (d) members of the public are made aware that torture is prohibited and provided information to enable them to report incidents of torture.

### **The Gambia**

Amnesty International continues to receive consistent reports that in The Gambia suspects continue to be tortured or otherwise ill-treated to extract "confessions" which are often used in court. Gambia signed the Convention against torture in 1985, but has not ratified it. Torture is prohibited but not criminalised in the country.

The Gambia has not implemented the African Commission's resolution 134 (2008), which calls on the authorities "to investigate all allegations of acts of torture in detention and extrajudicial executions" and resolution 145 (2009) urging the authorities to implement previous resolutions, in particular resolution 134.

Amnesty International calls on the African Commission to call the government of The Gambia to:

- Implement African Commission resolutions 134 and 145;
- Fully and effectively implement the Robben Island Guidelines;
- Allow all suspects access to a lawyer in accordance with the law and ensure that suspects are either immediately and unconditionally released or are charged with a recognizable criminal offence and, if ordered by a Court, are detained only in legally recognized detention centres;
- Investigate all allegations of torture of detainees by State agents and bring to

justice - in fair trials - all those suspected of committing acts of torture;

- Publicly commit to ending the scourge of torture, through, among other measures ensuring that:
  - (e) police, intelligence and army personnel are made aware that torture is prohibited;
  - (f) members of the public are made aware that torture is prohibited and provided information to enable them to report incidents of torture.

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