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

(xii): Special Rapporteur on prisons and conditions of detention in Africa

Chairperson, Honourable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission or Commission) on prisons and conditions of detention in Africa.

Prison conditions are dire and inhumane across Africa with severe overcrowding and chronic lack of sanitation.

Amnesty International specifically wants to draw the Commission's attention to the situations in Chad, Mozambique and Nigeria.

Chad

Amnesty International welcomes the mission of the Special Rapporteur on prisons and conditions of detention in Africa to Chad in 2013 and the constructive dialogue with the Chadian authorities. While Chad had built some new prisons in recent years, the conditions of detention in most of the country remain dire. The conditions are even worse in detention centres run by the police, the national gendarmerie and the National Agency for security (Agence Nationale de la Securite). The capital N'Djamena is still without a prison since the demolition of the prison in December 2011.

Amnesty International calls on the African Commission to continue monitoring the conditions of detention in Chad and to continue to assist the authorities in putting in place urgent measures to reform the prison system.

Mozambique

Amnesty International continues to be concerned about the conditions of detention in Mozambique. In some prisons, juveniles were kept in cells with adults, contrary to international human rights law. In some cases, this includes the detention of accused children younger than 16 years, the age of criminal responsibility in Mozambique, with convicted adults. While Mozambique has several juvenile detention facilities, the mixing of children and adults in the same cells continues to be a problem as children are often only sent to juvenile detention centres once they have been convicted.

Amnesty International has also come across cases of convicted prisoners held in detention even after the expiry of their sentences. Prison authorities claim that this is due to the lack of necessary paperwork, without which they could not release prisoners. Amnesty International delegates were however informed by detainees and prisoners in one prison that the authorities there often refuse to release those who have completed their sentence unless they pay bribes.

Amnesty International urges the African Commission to call on the authorities of Mozambique to:

- Take steps to prevent the detention of children under 16 years of age in accordance with Mozambique law and international human rights standards and ensure that where there is doubt as to the age, authorities make every effort to ascertain the age of the child, including visiting the child's home and/or carrying out necessary medical exams as a matter of urgency, and ensure the child is immediately released if found to be less than 16 years of age;
- Ensure that all children in conflict with the law have adequate legal representation;
- Ensure that detained children are held separately from detained and imprisoned adults.

Nigeria

Amnesty International is alarmed by the high rate of death in un-gazetted military detention centres in Northern Nigeria. In the first six months of 2013, more than 950 detainees had died in detention facilities run by the military. A large proportion of these people are believed to have died in Giwa military barracks in Maiduguri, Borno state and Sector Alpha, commonly referred to as 'Guantanamo' and Presidential Lodge (known as 'Guardroom') in Damaturu, Yobe state - facilities used to detain people suspected of being members of or associated with Boko Haram.

According to former detainees interviewed by Amnesty International, people died on almost a daily basis from suffocation or other injuries due to overcrowding and starvation. Some suffered serious injuries due to severe beating and eventually died in detention due to lack of medical attention and treatment.

Amnesty International has received credible evidence that detainees continue to die in military custody, especially in Giwa barracks. Even though the number of deaths per day has reduced as compared to the first six months of last year, according to hospital staff in Maiduguri, detainees continue to die on a weekly basis. Between January and March 2014, approximately 150 dead bodies were brought by the military to the State Specialist hospital mortuary.

Amnesty International has documented the unlawful arrest and detention of hundreds of people by the military and police in response to the violence in some parts of north-eastern Nigeria. Many have been detained incommunicado for lengthy periods without charge or trial, without being brought before any judicial authority, without access to lawyers and without proper notification of family members.

Further to its resolution 267 passed at the 5th Extra- Ordinary Session 14 March 2014, Amnesty International calls on the African Commission to urge the Nigerian authorities to:

- Set up an independent investigation into the allegations of death in custody.
- Bring those suspected to be responsible for the grave human rights violations to justice.
- Charge all suspects to court with a recognizable criminal offence and move them to a recognized detention centre or release them.