



67th Ordinary Session of the AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

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Contribution of the World Organisation Against Torture (OMCT)

Intervention on ITEM 4: Human Rights situation in Africa

Geneva – 19th November 2020

Mr. Chairperson, Distinguished Commissioners, State Delegates and Civil society organisations,

The World Organisation Against Torture (OMCT) and its SOS-Torture network in Africa thank the African Commission on Human and Peoples' Rights (ACHPR) for this opportunity to raise some of the key issues with respect to the human rights situation in Africa.

Our network would like to commend the Commission for continuing its work during this complex crisis, using technology to ensure the promotion and protection of human rights across the continent while other treaty bodies have suspended their activities.

1. Human rights in times of covid19 in Africa

In the course of this year, African States have been threatened like the rest of the world by the ongoing Covid19 pandemic. While most of the States have taken preventive measures, based on their duty to protect human rights and to ensure that they operate in a safe and enabling environment, one have documented numerous attacks, threats, judicial harassment, restrictive laws, adopted in the framework of state of emergencies and irreversibly impeding human rights. Human rights defenders have particularly been targeted and forced to operate in this hostile environment while denouncing these abuses.

Similarly, the pandemic has exposed the issue of prison overcrowding and detention conditions that the commission has constantly qualified as a violation of the article 5 of the charter several cases. It appeared that many prisons across the continent were systematically incompatible with the social distancing measures recommended by the World Health Organization (WHO) and led to the contamination of hundreds of inmates and the death of tens of others. If we can command the release of thousands of detainees following head of states decisions, we must condemn the fact that, in most cases, requests for provisional

release addressed to prosecutors and judges were rejected, when trials and even mobile hearings were simply suspended until further notice. Thus, judicial authorities in many countries chose to deprive detainees of liberty while existing legal channels could have allowed them to preserve their health.

States have continued sentencing and jailing people accused of petty offences, despite the overcrowding and inhuman detention conditions that have heightened the risk of proliferation of the virus in prisons. In many countries, civil society organisations and lawyers have lost the right to visit and monitor detention facilities.

We urge the Commission to recommend to State parties to adopt a more human rights sensitive approach in their management of sanitary crisis with the objective of decongesting and humanizing prisons.

2. Migration and Torture in Africa

The situation of migrants in Africa still does not receive enough attention despite repeating dramas and human rights violations the face on their route towards Europe. The OMCT would like to highlight the Janus face of torture as both the cause of forced migration and as one of the worst crimes that migrants can face while crossing various African countries in the hope of reaching Europe.

Like recently in Senegal, Thousands of migrants continue to die in the Mediterranean sea and others are travelling from sub-Saharan Africa towards the Maghreb and Europe, using unsafe and irregular pathways due to a restrictive migration laws and policies, including the one adopted in Niger in 2015 with the support of the European Union.

Many migrants who were forced to escape ongoing violence in their countries of origin with their families, unfortunately end up as victims of human trafficking, slavery, torture and other ill-treatment at the hands of both State and non-State actors.

The Commission should mandate a fact-finding mission in Libya as an important step towards ending the impunity in this country. The Commission should consider the migration and torture nexus as a priority in order to achieve a more protective framework that includes rehabilitation services and psychological support for migrants.

3. Nigeria: Policing and excessive use of force against peaceful protesters

In **Nigeria**, the #EndSARS campaign calling to disband special police unite has raised the necessity to adopt a new policing system complying with the obligations and commitment of the country to end torture within its security forces¹. The brutal and excessive use of force by

¹ <https://www.omct.org/press-releases/statements/nigeria/2020/10/d26138/>

the Nigerian security forces has proven a clear disregard for the rules of engagement and professionalism exposing a long culture of torture and lack of accountability by the Nigerian law enforcement and policing apparatus.

The excessive and disproportionate use of force by uniformed men who killed 12 and injured hundreds of peaceful protesters, urges the need to withdraw military intervention from a purely policing activities and clarify the legal process of their requisition in the peaceful maintenance of order.

It is imperative that the judicial panels and the National Human Rights Independent Investigation Panel in charge of investigating the SARS and Other Police Specialized Units set up across the states and at the federal level conduct quick investigations, prosecution and punishment of all identified perpetrators of torture during and before the #EndSars protest. The trial of these persons should be made public and counseling and other support and rehabilitation services should be provided to victims.

3. Cameroon: The use of torture as a weapon of war

In **Cameroon**, the recent deliberate killing of children by armed groups crossed a new red line in the protracted anglophone conflict that started in 2016 with peaceful protests. The violence has killed thousands of civilians and displaced close to 700,000 people. The different armed groups, including State security forces have systematically used torture and ill-treatment, including sexual violence against civilians. Repeated calls to an inclusive dialogue and ceasefire have been ignored by both warring parties. The Enforced disappearance and rumoured torture and killing of the journalist Samuel Ajiekah Abuwe is a sign that human rights defenders are also paying a high tribute in this crisis². Mancho Bibixy, another human rights defender, remains detained at the Kondengui central maximum-security prison in Yaoundé, where he has limited contact with his family in Bamenda. He shares a small cell with 15 inmates and has no proper access to hygiene facilities. His health has deteriorated in May 2020³.

The Commission is may be the only Treaty body that has followed the so called anglophone crisis from its early beginning and that is better placed to mediate and help reaching a resolution. During its 45th Ordinary Session, in Banjul, "*the African Commission offered its good offices for mediation between the parties to ensure proper and effective implementation of the recommendations*" provided in Commission decision *Mgwanga Gunme v. Cameroon (Comm. 266/2003)*⁴. Eleven years later, the Commission should adopt a new resolution during this session that could lead to a peaceful solution to the conflict.

² <https://www.omct.org/human-rights-defenders/urgent-interventions/cameroon/2020/06/d25878/>

³ <https://www.omct.org/human-rights-defenders/statements/cameroon/2020/05/d25840/>

⁴ *Mgwanga Gunme v. Cameroon*, Comm. 266/2003, 26th ACHPR AAR Annex (Dec 2008 – May 2009),

http://www.worldcourts.com/achpr/eng/decisions/2009.05.27_Mgwanga_Gunme_v_Cameroon.htm

4. Burkina Faso: Gross human rights violations against indigenous people

In **Burkina Faso**, the Commission must pay a particular attention to the Fulani populations, caught up in the fight against terrorism in the Sahel.

In fact, since 2016, the Fulani of Burkina Faso have been victims of serious human rights violations which can sometimes amount to international crimes. The scale of the massacres in some localities could even amount to ethnic cleansing given their massive, generalized and systematic nature. The Upcoming presidential elections could lead to a more explosive situation if nothing is done to prevent intercommunity violence.

We urge the Committee to call upon, State authorities in order to protect minorities and indigenous populations.

Thank you for your attention.
