



# FIACAT'S ANNUAL REPORT 2016

INTERNATIONAL FEDERATION OF ACTION BY CHRISTIANS FOR THE ABOLITION OF TORTURE



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## About the FIACAT

*The International Federation of Action by Christians for the Abolition of Torture (FIACAT) is an international, non-governmental human rights organisation, established in 1987, which works towards the abolition of torture and the death penalty. The Federation brings together some thirty national associations, the ACATs, present on four continents.*

### FIACAT - building the capability of the ACAT network

The FIACAT assists its member associations by strengthening their organisational structure and by providing them with valuable support so that they can become important actors of civil society, capable of raising public awareness and having an impact upon the authorities in their country.

It also coordinates the network by promoting exchange, facilitating regional and international training events and joint campaigns, and through the engagement of the ACATs' field activities by providing them with exposure on the international scene.

### FIACAT – representing its members before international and regional organisations

By referring the concerns of its members to international bodies, the FIACAT seeks to encourage the adoption of relevant recommendations and their implementation by governments. The FIACAT works towards the application of international human rights conventions, the prevention of torture in places of detention, and for the elimination of enforced disappearance and impunity. It also advocates against the death penalty by calling on states to abolish capital punishment in their legal systems.

### FIACAT – an independent network of Christians united in fighting torture and the death penalty

The FIACAT's aims to sensitise churches and Christian organisations on the issue of torture and the death penalty and urge them to act.

### Our impact in 2016:

- More than 2000 cases of people held in abusive custody have been identified by the ACATs in Benin, Côte d'Ivoire and DR Congo; 500 have been provisionally or definitively released and 250 cases are currently being investigated.
- Togo signed the Second Optional Protocol to the International Covenant on Civil and Political Rights on 14 September 2016, rendering the abolition of the death penalty irreversible.





## Message from the President



*Sylvie Bukhari-de Pontual and Paul Angaman at Oslo*

At this moment, when I am happily and confidently passing on the baton of the FIACAT presidency to Paul Angaman, I am delighted at the way that the FIACAT and its network have developed over these years. Its action is effective: in 2016, out of more than 2000 identified cases of prisoners wrongly remanded in custody, 500 have been provisionally or definitively released and 250 cases are being investigated. Its members are recognised as having the ability to deliver expert advocacy in regional and international institutions, as well as in their own countries: 65% of its recommendations have been considered as a priority by the Convention Committees (CAT and CHR), 80% of the recommendations made by an ACAT have been included in their country's periodic review.

However, despite these successes we should not forget the current threats to human rights: once more, torture has resurfaced as an allegedly useful way of combating terrorism; capital punishment has started again in some countries, there is concern for human rights defenders and civil society NGOs – for example ACAT Burundi has been purged from Burundian NGOs and its president removed from the Bujumbura Bar, and

there have been infringements of the rights of asylum-seekers and refugees, mistrust of international criminal justice as instanced by two countries (Burundi and South Africa) withdrawing from the International Criminal Court, etc.

To overcome these numerous obstacles which injure the dignity of every human being, the FIACAT must resolutely continue its commitment to uphold human rights, using the means at its disposal: direct involvement of ACAT members in the field, continuing development of synergies with all actors (national, international and regional organisations, NGOs) making the struggle for abolition of torture and the death penalty a political priority.

It is in our commitment as Christians striving together every day to assert the dignity of every human being, whoever he or she is, that we find the strength to act for justice and peace, united in shared fellowship and hope.

**Sylvie Bukhari-de Pontual**  
FIACAT President (until 31 December 2016)

# Working with the United Nations



*Throughout 2016, the FIACAT and the ACATs have undertaken action with United Nations bodies, particularly before the Treaty Bodies and the Human Rights Council in the context of the Universal Periodic Review (UPR).*

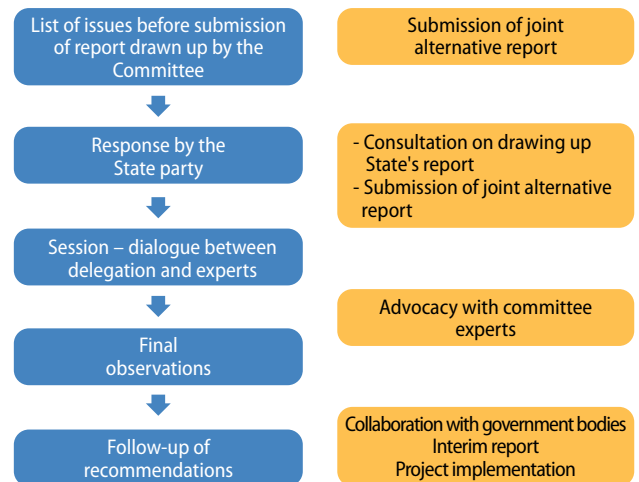
## UN Treaty Bodies

### Standard procedure



Civil society is given several opportunities to contribute to the reviews conducted by the treaty bodies. The FIACAT and the ACATs intervene at each stage. They submit information about the human rights situation in the country concerned from the very beginning of the process.

### Simplified procedure



To promote exchange and to engage with Committee experts, they also submit an alternative report for the country's review and participate in the Committee session during which the review is carried out.

Based on exchanges with the country under review and with civil society, the Committee adopts recommendations (final observations) to be implemented to ensure greater compliance with the relevant Convention. The FIACAT and the ACATs monitor these recommendations through continuous dialogue with the national authorities and by implementing projects on the ground.



*'The participation of ACAT France, in partnership with the FIACAT, and France during the 57<sup>th</sup> session of CAT enabled it to voice its concerns directly to the Committee's experts on numerous aspects of preventing and combating torture.'*

*Thanks to the prior submission of an alternative report and their presence at the session, the ACAT and the FIACAT played an active role in the dialogue between France and the CAT. The latter then included several of their recommendations in its final observations, in which the ACAT was able to rely on during its subsequent advocacy with the French Government.'*

**Mathilde Mase**, Responsible for Asylum Programmes at ACAT France

## Universal Periodic Review

Ahead of the 26<sup>th</sup> session of the UPR, the FIACAT and ACAT Togo submitted an alternative report on the human rights situation in Togo. They also carried out an advocacy mission to convey their concerns to representatives of the country's permanent missions and to key stakeholders within the High Commission on Human Rights.



*'Drawing up the alternative report for the UPR enabled us to gain a greater understanding of the mechanism under which the Human Rights Council examines the human rights situation in each United Nations member State. The advocacy in Geneva was the fruit of a collaboration between ACAT Togo and the FIACAT. We are delighted that a number of our recommendations have been taken up by the countries during this review.'*

**Bruno Germain HADEN**, Secrétaire Général de l'ACAT Togo

## Key figures from FIACAT's work with the United Nations:

- 9 ACATs supported before the United Nations
- 9 joint alternative reports submitted<sup>1</sup>, including 6 for the adoption of lists of issues by the UN Body
- 3 ACATs, with the support of FIACAT, have undertaken advocacy work in Geneva
- 260 recommendations have been formulated by ACATs
- 65% of the recommendations considered as 'priority' by the Committees reflect ACATs' concerns
- 80% of the recommendations by ACAT Togo were taken up during Togo's Periodic Review.

1. Burundi, Côte d'Ivoire, France, Italy, Madagascar, Democratic Republic of Congo, Sweden and Togo (2 reports)



## Deterioration of the human rights situation in Burundi

The socio-political crisis, which began in Burundi in 2015, worsened during 2016. The FIACAT and ACAT Burundi, together with other Burundian and international organisations, continued to denounce daily the numerous atrocities being committed with impunity.

### **Special review of Burundi by the Committee Against Torture**

It is on this basis that the Committee against Torture asked for a special report from the State of Burundi<sup>2</sup>. This special report was considered in July 2016. A coalition of Burundian and international NGOs – including ACAT Burundi and the FIACAT – submitted an alternative report ahead of this review and participated in the session of the Committee against Torture. They were also able to share their concerns during a meeting with the High Commissioner for Human Rights, Mr Zeid Ra'ad Al Hussein. For the first time in the Committee's history, the Burundian delegation which was present for the review did not come to answer the Committee's questions on the second day of the review. Moreover, a few days after this review a request for disbarment was formulated against four lawyers who had contributed to the civil society alternative report, including the President and a member of ACAT Burundi. The FIACAT and its partners took action in response to this reprisal by referring the matter to the relevant United Nations mechanisms and ensuring they remained informed on updates with regard to this request.

### **Mission to Burundi by United Nations independent Experts**

During the past year, the FIACAT and ACAT Burundi also collaborated regularly with the mission by United Nations independent experts to Burundi. The President of ACAT Burundi, Me Armel Niyongere, was invited to take part in an in-depth dialogue on the situation in Burundi at the 33rd session of the Human Rights Council on September 2016, during which the Experts presented their final report.

*2. After Israel and Syria, Burundi has become the third country from which the CAT has requested a special report under Article 19 paragraph 1 of the Convention before the four years allowed for submission of the next report had elapsed.*



## Working with ACHPR

Since 2016 was declared as the human rights year in Africa, the FIACAT took part in the 58<sup>th</sup> and 59<sup>th</sup> Ordinary Sessions of the African Commission on Human and Peoples' Rights (ACHPR) in Banjul (Gambia) in April and October 2016. The ACATs of Burundi, Côte d'Ivoire, Mali, DRC, Chad and Togo were able to take part in these sessions.



The FIACAT and its members voiced concerns about the situation in Africa with regard to torture and mistreatment, which are unfortunately still practised in many countries, to the Commissioners and the States that were present.

In fact, while the vast majority of member States of the African Union have ratified international and regional texts banning torture and mistreatment, they have not incorporated them into their national laws. The FIACAT took part in the revision of a draft of the ACHPR General Observation on torture victims' right to compensation.

The FIACAT and ACAT Burundi and DRC were concerned about the threats to human rights defenders in several countries on the Continent. In addition to the sanctions against ACAT Burundi, Mr BIAMUNGU, member of ACAT DRC North Kivu branch, had received death threats.

The FIACAT therefore asked the ACHPR to strengthen the legal framework for the protection of human rights defenders at the national level.

## Consideration of the periodic report from Côte d'Ivoire

During the 59<sup>th</sup> Ordinary Session of the Commission held in Banjul in October 2016, Côte d'Ivoire presented its periodic report to the Commissioners. At this session, the FIACAT and ACAT CI presented an alternative report covering the period from November 2012 to September 2016. It aimed to convey the human rights situation in Côte d'Ivoire as well as to evaluate the implementation of the Commission's 2012 recommendations and the extent to which the concerns it raised had been addressed. The report provided valuable insight during the years which immediately followed more than a decade of military and political crisis (2002-2011) and serious breaches of international humanitarian and human rights law.



*'My participation in the 59<sup>th</sup> session of the ACHPR provided an opportunity for ACAT CI to advocate at the regional level for an improvement in the detention conditions in Côte d'Ivoire. Indeed, prison overcrowding, the lack of access to medical care and food for the prison population and the issue of prolonged periods of remand in custody constitute cruel, inhuman and degrading treatment for prisoners.*

*All the concerns raised by ACAT CI were taken up by the Commission in the recommendations formulated during the review of our country at that session.'*

**Francis Koné**, Coordinator DPA of ACAT CI

This report is structured in two main parts: the general human rights situation since 2012 and an examination of attacks on human rights regarding the Charter, and particularly, Articles 4 (right to life), 5 (ban on torture and cruel, inhuman and degrading treatment), 6 (right to liberty and personal security) and 7 (right to a fair trial).



*Faced with the migration crisis across Europe, the various bodies of the Council of Europe have acted to address the issue of respect for the rights of migrants and refugees.*

### The Parliamentary Assembly of the Council of Europe

During the year, the FIACAT attentively followed the work of the Parliamentary Assembly of the Council of Europe. Several resolutions were adopted to strengthen respect for the rights of migrants and refugees, particularly the resolutions *on administrative detention and the situation of refugees and migrants in the context of the EU-Turkey agreement of 18 March 2016*. These resolutions are particularly important for the Network as several European ACATs are confronted with this issue and as the FIACAT had previously called for greater respect for the rights of refugees. These resolutions represent an important advocacy tool for the European ACATs in relation to their work with national authorities.

### The Commissioner for Human Rights

As a member of the International Coalition against Enforced Disappearances, the FIACAT welcomes the Council of Europe's consideration of this problem during the course of 2016.

The Commissioner for Human Rights published a report on people who had disappeared and victims of enforced disappearance in Europe. This report invites the member States of the Council of Europe to persist in seeking the truth, reinforcing international law, and ending impunity for the perpetrators of enforced disappearances.

### Conference of INGOs

As a body having participative status in the Council of Europe, the FIACAT took part in the summer session of the INGO Conference. During this session, the FIACAT closely followed current debates on the treatment of migrants and refugees, and of NGOs defending their rights. The FIACAT also voiced concerns to the Standing Committee on the issue of the return of the death penalty in Europe at a meeting that was held to mark the World Day against the Death Penalty. This meeting enabled the CoE to identify strategic actions to be taken next year.

### European Committee for the Prevention of Torture (CPT)

In 2016, the CPT made several visits to countries where ACATs<sup>3</sup> are present and active. The CPT made its seventh periodic visit to Italy. On this occasion, the FIACAT, together with and ACAT Italy, submitted a report to the Committee to highlight their concerns with regard to the treatment of prisoners. The concerns of ACAT Italy and of the FIACAT particularly referred to allegations of mistreatment by members of security services, poor detention conditions in hostels for refugees and in identification and expulsion centres, as well as prison overcrowding.

3. In Belgium, Spain, Italy and the United Kingdom.

*The fight against torture is always a key issue in the European institutions. This year, the FIACAT and its network had the opportunity to participate in two major events that aimed to build the capacity of civil society actors and combat torture.*

### The Forum of Civil Society Organisations, March 2016:

#### ***'European commitment to civil society and European support for human rights'***

This Forum enabled more than 800 members of civil society, including representatives of ACAT DRC, Burundi and Madagascar, to identify conditions that foster improved relations between the EU and human rights activists, with the idea that respect for democracy, the primacy of law and human rights are *sine qua non* conditions for development.



Among the topics covered during the Forum, the FIACAT and its members were particularly interested on:

- Combating torture;
- Impunity and support for transitional justice;
- European mechanisms for the defence of human rights;
- Protecting human rights activists and their relocation.



*'This forum was a great opportunity for civil society throughout the world and at the same time an opportunity to recognise and reaffirm the universal values which have long been upheld by the European Union, such as human rights, democracy, justice, combating impunity, solidarity, good governance, peace and development.*

*In our countries torture continues to be practised, including sexual torture and gender-based violence. In view of the context, civil society must be demanding and vigilant. It must uphold the social and democratic State and ensure that the Government is held responsible and accountable.'*

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**Bernard Katumba Ntite**, President of ACAT RDC

### Co-organisation of the NGO forum:

***'United against all forms of torture. Applying at global scale a horizontal perspective to prevent and ban torture and provide reparations when torture has taken place.'***

Combating torture and mistreatment is one of the EU's priorities in the field of human rights. It is explicitly provided for in the Action Plan on Human Rights and Democracy (2015 – 2019).

This year, the FIACAT and its partners in the *'Human Rights and Democracy Network<sup>4</sup>'* who seek to combat torture, organised with the support of the European Commission, a meeting that

4. The Human Rights and Democracy Network (HRDN) is an informal grouping of NGOs operating at the EU level in the broader areas of human rights, democracy and peace.

was attended by more than 150 people, including representatives of the European institutions, the EU Member States, international civil society organisations, as well as human rights specialists and activists. Four representatives of African ACATs, one representative of ACAT France and three members of the FIACAT took part and led round tables during the two days of workshops.

Reflections focused on:

- Analysing the difficulties in eradicating torture and mistreatment;
- Evaluating the impact of existing initiatives in policy and practice;
- Identifying ways to improve the effectiveness of existing policy and practice;
- Reinforcing synergies.

The conclusions put forth various approaches to reinforce the action of the EU and its Member States with a view to prevent, combat and provide reparations for all acts of torture in the EU and worldwide.



*'I am glad we keep this constant dialogue and this constant exchange open between us, [...]. This is a very important contribution to our policy-making. [...]. Torture and other human rights' abuses don't make a country more stable. Never, never. Torture cannot fight terrorism. On*

*the contrary: torture makes a society less resilient; it weakens the legitimacy of institutions; and instead of fighting radicalisation, or preventing radicalisation – far from that - it only contributes to it. This has to go deeper in our policy making, in our social fabric I would say, and here we need an alliance to spread this message.'*

**Federica MOGHERINI**, High Representative of the Union for Foreign Affairs and Security Policy.

## Synergies to amplify our action

ACATs Germany, Belgium, Spain, Catalonia, France, Italy, Luxembourg, the United Kingdom, Sweden and Switzerland met with the FIACAT in Strasbourg in February 2016.

This meeting provided an opportunity to deepen the ACATs' understanding of the activities of the Committee for the Prevention of Torture (CPT) and of the Commissioner for Human Rights of the Council of Europe through exchanges with Patrick Müller, Head of Research and Information Strategies at the CPT, and Christine Astrig Mardirossian, Adviser to the Commissioner for Human Rights.

The ACATs have devised a plan of action to pool their efforts within the framework of the FIACAT's four annual campaigns.

**The Good Friday Campaign**, an initiative by ACAT Switzerland, in partnership with ACAT DRC and the FIACAT, is intended to support the project to oppose unlawful preventive detention in Kinshasa Prison in the DRC. The European ACATs have organised a fundraising campaign to help finance visits by ACAT DRC volunteers and lawyers to inmates detained in Kinshasa Prison. Their efforts aim to spur the processing of detainee cases by the judicial authorities. The funds raised also allow volunteers to provide basic necessities to prisoners who are desperately lacking food, hygiene and medicine due to 507% overcrowding (7,600 prisoners for 1,500 places). This campaign was highly mobilising and had a unifying effect within the network.

**The Night Vigil on 26 June**, an ACAT France initiative, was widely observed by all the ACATs, which organised activities including prayer vigils, press conferences or thematic days to combat torture.

**The World Day Against the Death Penalty on 10 October**, an initiative of the World Coalition Against the Death Penalty, mobilised the entire ACAT network, as is the case every year. This year the European ACATs centred their activities on the



repeal of the death penalty within the penal code of Chad. The penal code abolishing the death penalty for all crimes except the crime of terrorism was promulgated on 12 December 2016. The FIACAT and ACAT Chad have continued to work for the total abolition of the death penalty.

As part of the **International Day of Human Rights campaign of 10 December**, European ACATs campaigned for better access to care in prisons and detention centres. The FIACAT's advocacy with the United Nations, the European Union and the Council of Europe helped reinforce the ACATs' advocacy with the respective authorities in their countries.

## Burundi

The repression of Burundian civil society and human rights defenders has intensified in Burundi. On 19 October 2016, the Burundian Minister of the Interior and Patriotic Education adopted an order on the **definitive purge** of five Burundian associations, including ACAT Burundi, which had already been temporarily suspended and seen their bank assets frozen, along with those of their leaders - including the President of ACAT Burundi - in November 2015. The FIACAT and the ACAT network joined forces to denounce this repression of Burundian civil society.

## Churches

The FIACAT has positive relations with Pope Francis, and has sent him several letters requesting him:

- to condemn torture, at a Sunday Angelus following June 26;
- to condemn the death penalty during his visit to New York, either at the United Nations or before the US Government.

Although we can never be sure if we have been at the root of the Pope's actions or if we directly influenced his position, but things have moved in the direction of the FIACAT's requests:

in 2014, Pope Francis very movingly on gave a speech on torture and in 2015 everyone saw him speak out against the death penalty at the UN and in Washington.

In March 2016, the FIACAT sent a letter to the Pope asking him to eliminate all references to the death penalty in the Catholic Catechism and the 'You-Cat' (catechism for young people). A few days later, during a meeting with the Secretary of State in the Vatican, in support of our request, we were told that this problem no longer existed because the position of the Catholic Church on the death penalty was unambiguous in the light of the statements consistently made on this matter by Pope John Paul II, Benedict XVI and Francis. Moreover, the latest stances adopted by the Holy Father in 2015 against the death penalty at the UN and before the US Government left no doubt about their stance.

On 17 August 2016 Pope Francis, in a '*Motu Proprio*', combined the work of four Pontifical Counsellors (Justice and Peace, *Cor Unum*, Pastoral Care for Migrants and Itinerants, Pastoral Care for Health Care Workers) into the new Dicastery for Promoting Integral Human Development. The head of this new dicastery is Cardinal Peter Appiah Turkson (formerly Justice and Peace Counsellor) with whom the FIACAT has established very good relations.

The FIACAT has sent its best wishes to Cardinal Turkson for this new project. The letter also asks him to revise the provisional statute of the new dicastery, since this statute, as approved by the Pope when creating the Congregation, makes a clear reference to Christian values (human dignity, love of ones fellow man, etc.) but no reference to the Universal Declaration of Human Rights of 1948. During a conversation with the Assistant Secretary-General, we were assured that our idea will be taken into consideration as soon as finalisation of the statute begins.

### Abolition of the death penalty in sub-Saharan Africa

*The trend on the African continent is towards abolishing the death penalty. In 1990, only one country had abolished it – Cape Verde. Today, the majority of the 54 African Union member states have abolished the death penalty in law (20) or are applying a de facto moratorium on executions (18). The Republic of Congo and Madagascar abolished the death penalty in 2015, and Guinea on 4 July 2016.*

Since 2015, the FIACAT, in partnership with FIDH, the World Coalition Against the Death Penalty, DITSHWANELO and all African ACATs, has been campaigning to abolish the death penalty in Africa, namely through:

#### Strengthening African civil society

Whether during missions to countries on which action has been focused, or during sessions of the African Commission on Human and Peoples' Rights (ACHPR) or during other regional or international fora, the FIACAT supports the ACATs in advocating for the abolition of the death penalty and reinforcing their understanding of the subject.

For example, ACATs Côte d'Ivoire, Congo, Burkina Faso, Ghana, Mali and Niger, as well as ACATs France, Switzerland and Sweden attended the 6th World Congress Against the Death Penalty, organised by the association *Ensemble contre la peine de mort* (ECPM) in Oslo, Norway, from 21 to 23 June 2016. ACATs Chad and DRC were also due to participate but did not obtain visas in time.

ACAT members presented arguments and tools during the proposed roundtables and workshops. They participated in the Round Table on Terrorism and the Death Penalty, in which the situation in Chad and Cameroon was discussed and examined, and then in the Round Table on the Draft African Protocol on the Abolition of the Death Penalty.



#### Increasing commitments from African states to abolish the death penalty

In April 2015, at its 56<sup>th</sup> Special Session, the ACHPR adopted a draft Protocol to the African Charter on Human and Peoples' Rights, on the Abolition of the Death Penalty in Africa.

The FIACAT and its partners are working with the ACHPR Working Group on the Death Penalty in Africa to garner support for the adoption of this regional treaty by the African Union, as well as for the ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming for the abolition of the death penalty (OP2).

During the 58<sup>th</sup> Ordinary Session of the ACHPR, the ACHPR Working Group on the Death Penalty in Africa, in partnership with the World Coalition, the FIACAT and FIDH, held a panel discussion on the death penalty in Africa.

At the panel discussion, two representatives of African Union Member States expressed their support for the draft protocol. John Jeffery, Deputy Minister of Justice and Constitutional Development of South Africa, and Dr André

Kamaté, Director for the Promotion of Human Rights of the Ministry of Human Rights and Civil Liberties of Côte d'Ivoire, also assured the participants of their countries' support for the draft protocol. Dr Kamaté also said that a draft presidential decree was being drawn up in Côte d'Ivoire to allow it to accede to OP2, which would render abolition of the death penalty irreversible in that country.



Following a FIACAT mission with Mr Clément Capochichi, member of the ACHPR Working Group on the Death Penalty, in May 2016, Togo completed the process of accession process to OP2 on 14 September 2016.

## Mobilising African public opinion on the issue of the death penalty

The FIACAT supported the activities of 10 African ACATs for the World Day against the Death Penalty celebrated on 10 October 2016. Their events and activities fostered debate on the death penalty in the countries concerned and encouraged abolitionist states to commit themselves internationally to the abolition of the death penalty.

For example, the Madagascar Government Council adopted a preliminary draft law authorising the ratification of OP2 on

6 December 2016 following the advocacy actions of ACAT Madagascar.

Similarly, in Côte d'Ivoire, thanks to work undertaken by ACAT CI, the abolition of the death penalty has been confirmed in the new constitution, which stipulates in Article 3 that '*the death penalty shall be abolished*'. The Ivorian National Assembly is also preparing to vote on a bill being drawn up by the government on ratification of the OP2.

Lastly, the FIACAT and ACATs Chad and Burkina Faso held two awareness-raising workshops for opinion-makers in N'Djamena in May 2016 and in Ouagadougou in December 2016.

These workshops encouraged discussion with local leaders, Christian and Muslim religious leaders, civil society actors, representatives of ministries and members of parliament on the issue of the death penalty within these two countries.

- On December 12, the National Assembly of Chad adopted a new Penal Code, which provides for the abolition of the death penalty for ordinary crimes, but regrettably not for terrorism. The FIACAT and ACAT continue to work on this matter;
- In Burkina Faso, the death penalty could be abolished in 2017 with the adoption of a new constitution.



## Programme against Unlawful Preventive Detention (UPD)



*'Preventive detainees are subject to conditions of detention that are not consonant with the right to life and dignity, and are susceptible to human rights violations, including arrest and arbitrary detention, the risk of torture and other forms of ill-treatment'<sup>5</sup>*

**H. Med SK Kaggwa**, Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa of the African Commission on Human and Peoples' Rights (ACHPR).

In 2016, the work performed by ACAT members in prisons and detention centres made it possible to describe, in joint alternative reports, the causes and consequences of the use of unlawful preventive detention before international and regional mechanisms for the promotion and protection of human rights.



### Reasons for over-use of preventive detention

There are many obstacles to the proper administration of justice:

- Insufficient human and financial resources;
- Lack of training of judicial and penitentiary staff on penal procedure and the fundamental rights of prisoners;
- Inadequate cooperation between the various actors in the penal procedure chain;
- Use of preventive detention as a means of pressure to obtain confessions.

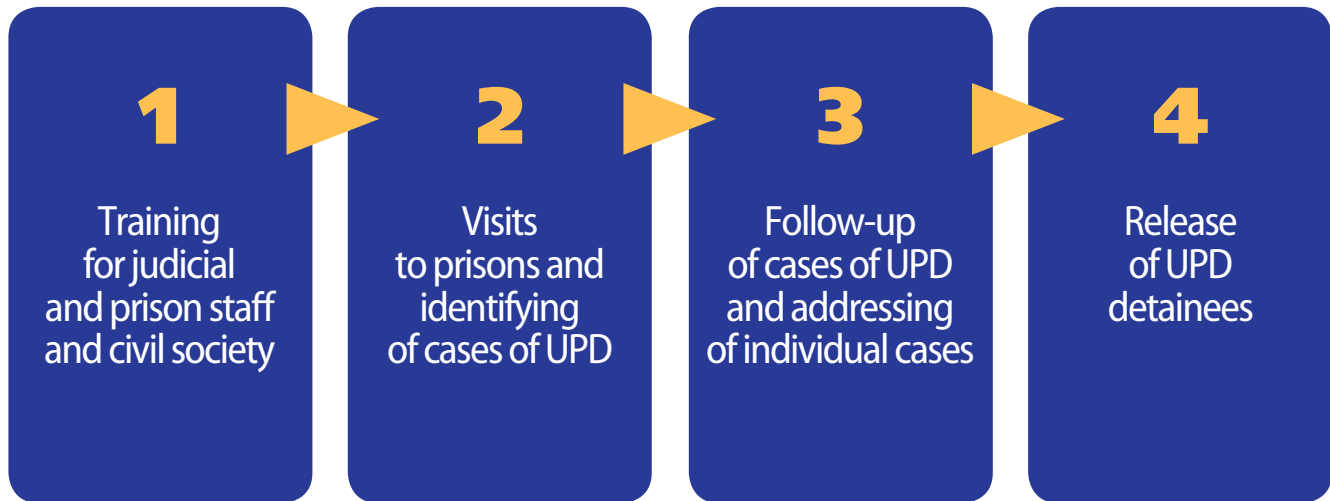
### Preventive detention

- Contributes towards prison overcrowding;
- Affects conditions of detention;
- Mainly affects vulnerable and marginalised persons;
- Has social and economic repercussions on the families and relatives of defendants.

The FIACAT and the ACATs conduct a set of activities to ensure that judicial guarantees are respected in order to reduce prison overcrowding and thus improve conditions of detention.

*5. Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines) were adopted by the African Commission on Human and Peoples' Rights at its 55<sup>th</sup> Ordinary Session in Luanda, Angola of 28 April to 12 May 2014.*





The FIACAT and the ACATs also work to raise public awareness on the rights of detainees and on the prohibition of torture in places of detention.

## Key means of implementation

- Encourage synergies among all the project participants;
- Promote the mobilisation of ACAT members on the ground who, once trained, visit prisons and talk to the detainees, judicial and prison staff and the authorities;
- Make the combating of torture a political priority.

The FIACAT piloted its programme in 2014 in Benin and then expanded implementation in Côte d'Ivoire before further rolling out the programme in 2016, to the Kinshasa central prison, known as 'Makala'<sup>6</sup> in the DRC.

6. There are 7,600 detainees in Kinshasa Central Prison (Makala), when the capacity is 1,500.

7. Abengourou, Adzopé, Agboville, Bouaké, Daloa and Grand Bassam.

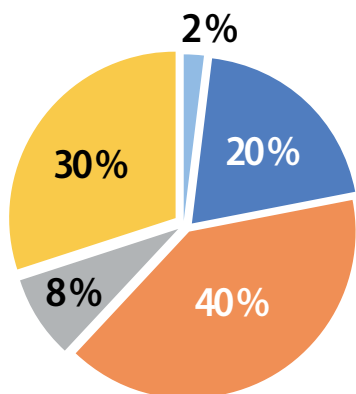
## 2016 results in figures:

- Interventions in **6 prisons** in Côte d'Ivoire<sup>7</sup>, and **1 prison** in DRC;
- Training provided to **70 members of the judicial and prison administration** and to **23 volunteers from human rights associations**;
- **Identification** of approximately **1 200 cases of unlawful preventive detention**;
- **395 persons held in irregular preventive detention granted provisional release**;
- **243 cases of persons held in preventive detention filed with the competent courts**, 15 of which await the holding of the Assizes (Côte d'Ivoire); **17 detainees tried and convicted**;
- **440 persons remain in detention**; their cases are being followed up by the lawyers working on the project.

# FIACAT's finances in 2016

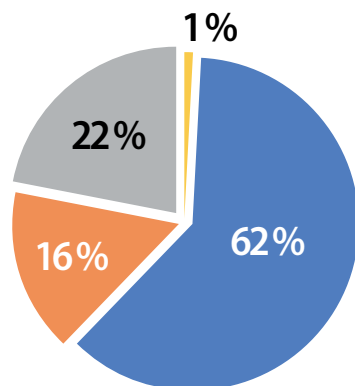
## EXPENSES

401 775 €



## INCOME

429 122 €



The FIACAT warmly thanks its private donors who have regularly supported its activities in 2016.

The FIACAT gives heartfelt thanks to its institutional partners who for years have encouraged its efforts in the campaign for the abolition of torture and the death penalty:

- French Development Agency (AFD),
- Paris Bar (France),
- European Union Delegation to the African Union (Addis Ababa),
- European Union Delegation in Cote d'Ivoire,
- ACAT France Foundation,
- Ministry of Foreign Affairs Luxembourg,
- Missio (Germany),
- International Organisation of La Francophonie (OIF),
- Tavola Valdese (Italy).

Through their contributions, all participate actively in supporting the activities of the FIACAT and its network.

## EXPENSES

■ Unlawful Preventive Detention	82 232 €
■ Abolition of the Death Penalty	159 590 €
■ International Advocacy	32 436 €
■ Operations	121 243 €
■ Other	6 274 €
<b>TOTAL</b>	<b>401 775 €</b>

## INCOME

■ Grants and Project-related Donations	266 126 €
■ Membership Fees	66 936 €
■ Other Donations	93 688 €
■ Fees and other	2 372 €
<b>TOTAL</b>	<b>429 122 €</b>

Support the FIACAT and make a contribution to a world without torture!

### By bank cheque:

Made out to FIACAT

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74 rue La Fayette 75009 Paris

Account Name: FED INTERNATIONALE ACAT,  
27 rue de Maubeuge 75009 Paris

RIB : 1010 7001 5400 9130 5896 761

Swift Code: BREDFRPPXXX

IBAN Code: FR76 1010 7001 54 00 9130 5896 761

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## Trainees and volunteers

The FIACAT wishes to thank the interns and the volunteers who have been working with us for years, and who have made our achievements possible.

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