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Commissioner Med Kaggwa
Special Rapporteur on Prisons and Conditions of Detention
African Commission on Human and Peoples Rights
Care of: Uganda Human Rights Commission
PO Box 4929, Kampala
Uganda
By email: uhrc@uhrc.org
10 July 2012

Dear Commissioner Kaggwa,

Guidelines on Pre Trial Detention

1. Executive Summary

The African Policing Civilian Oversight Forum requests Special Rapporteur on Prisons and Conditions of Detention (the **Special Rapporteur**) to promote the introduction of a guideline on the use and conditions of police custody and pre-trial detention (the **Guidelines**) at the African Commission on Human and Peoples' Rights (**ACHPR**).

2. Involvement of the ACHPR and Special Rapporteur in the adoption of the Guidelines

African Policing Civilian Oversight Forum (**APCOF**) and the Open Society Justice Initiative (**OSJI**)¹ have been in communication with the Special Rapporteur by the about the development of the Guidelines on the use and conditions of police custody and pre-trial detention in Africa.

Specifically, APCOF and OSJI request the Special Rapporteur to:

- engage the ACHPR in the development of a guideline on police custody and pre-trial detention that can be considered at the 52nd session;
- explore the subsequent development of tools, such as training manuals and guidance notes, to assist the implementation of the guidelines and
- test the tools in selected countries with a view to improving the use and conditions of police custody, prison remand and pre-trial detention in-country and to refining the tools for their implementation across the continent.

¹ A brief summary of APCOF and OSJI is provided in appendix 2

The Special Rapporteur's discussions with APCOF and OSJI began in 2011 and included a side event chaired by Commissioner Atoki during the ACHPR 50th session. The Special Rapporteur participated in another side event at the 51st session that further explored the utility of the guidelines to minimise arbitrary arrest and to address conditions of police custody and improve the use of pre-trial detention. The outcome of this discussion confirmed the utility of such a guideline as:

- further articulating a standard for acceptable practice;
- providing platform to encourage domestic law reform;
- strengthening the oversight and monitoring role of the ACHPR and the relevant Special Rapporteurs by providing clear standards to assist reporting by state parties, and shadow reporting by national human rights institutions (**NHRIs**) and civil society organisations.

3. Problem Statement: Use and Conditions of Police Custody, Prison Remand and Pre-trial Detention in Africa

The situation of pre-trial detainees in all custodial settings warrants urgent action for a number of reasons.

- Conditions of detention for pre-trial detainees in police lock-ups and prisons frequently fail to meet established international and regional minimum standards for the treatment of persons deprived of their liberty. Pre-trial detainees' access to health care, adequate nutrition and other support services is often less favourable than for their sentenced counterparts. Conditions of detention are frequently so poor that they are life threatening, and have been recognised by UN and ACHPR treaty bodies and special procedures as amounting to ill treatment.
- Pre-trial detainees often remain in custody for lengthy periods (sometimes as long as ten years) without having been convicted of any offence.
- Pre-trial detainees are particularly vulnerable to torture and other ill treatment. They are also vulnerable to corruption.
- Large pre-trial detainee populations contribute to prison overcrowding, which has a number of negative consequences in respect of limited resources, conditions of detention, the separation of categories, and safety.
- The problem of pre-trial detention disproportionately affects marginalised and disadvantaged communities, whose members are more likely to be arbitrarily arrested and, unable to afford legal assistance, are most vulnerable to spending prolonged periods in pre-trial detention. When individuals are detained for excessive periods and are unable to work, their families are vulnerable to experiencing poverty, hunger and homelessness.
- Prolonged pre trial detention also has adverse consequences for countries where it occurs. Governments spend money keeping these detainees that would have been spent on improving forensics and training for the police service etc.

4. The ACHPR mandate and rights framework

4.1 Mandate of the ACHPR

The ACHPR has a mandate to develop a guideline on pre-trial detention pursuant to article 45(b) and 60 of the African Charter. Article 45(b) provides the ACHPR with power to ‘to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African states may base their legislation.’ Article 60 provides that the ACHPR:

shall draw inspiration from international law on human and peoples’ rights, particularly from the provisions of various African instruments on Human and Peoples’ Rights, the Charter of the United Nations, the Charter of the Organisation of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of Human and Peoples’ Rights, as well as from the provisions of various instruments adopted within the Specialised Agencies of the United Nations of which the Parties to the present Charter are members.

4.2 ACHPR framework for the protection of persons deprived of their liberty

The African Charter on Human and Peoples’ Rights (the **African Charter**) establishes a rights protection framework for persons deprived of their liberty. This framework consists of the right to equality and freedom from discrimination (article 2), and the rights equality before the law and equal protection of the law (article 3). Article 5 recognises the inherent dignity of all persons, and guarantees the right to be free from, amongst others, torture and other ill-treatment. Article 6 of the African Charter is, which enshrines the right to liberty and security of the person is pertinent to the issue of pre-trial detention:

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

The problem of pre-trial detention centres on two core rights issues; namely the recognition of the inherent dignity of all persons, and freedom from arbitrary detention. From these two rights flow other protections, relating, but not limited to due process rights (article 7), the right to health care (article 16), and the protection of vulnerable groups (article 18.1).

The Charter imposes clear obligations on States Parties to uphold and protect the rights of persons deprived of their liberty, and to limit the enjoyment of rights only to the extent permitted by law.

The Ouagadougou Declaration was adopted by the ACHPR in 2002 to promote a number of actions to reduce the prison populations in Africa. These actions include strategies for preventing people from coming into the prison system and of reducing numbers of unsentenced prisoners particularly;

- *Detention of persons awaiting trial only as a last resort and for the shortest time possible, including: increased use of cautioning; improved access to bail through widening police powers of bail and involving community representatives in the bail process; restricting the time in police custody to 48 hours; setting time limits for people on remand in prison.*

- *Good management of case files and regular review of the status of remand prisoners.*
- *Greater use of paralegals in the criminal process to provide legal literacy, assistance and advice at a first aid level.*

However, since the adoption of the Ouagadougou Declaration there has been little progress made in reducing the use of pre-trial detention and, in some states, it is indeed the case that “the process has become the punishment”. Lengthy periods of pre-trial detention, often lasting many years and in poor conditions, do not accord with the obligations imposed on States Parties by the African Charter, and other relevant guidelines and declarations.

The Commission has also adopted the following resolutions relevant to pre-trial detention:

- Resolution on the Right to Recourse and Fair Trial adopted at its 11th ordinary session in March 1992;
- Resolution on the Respect and the Strengthening of the Independence of the Judiciary adopted at its 19th ordinary session in March 1996;
- Resolution on the Right to a Fair Trial and Legal Assistance, adopted at its 26th session held in November 1999;
- General Principles and Guidelines on the Right to a Fair Trial and Legal Assistance under the African Charter;
- Resolution on Independent Civilian Oversight of Police adopted at its 42nd session in November 2006.

5. Development of the Guidelines

The draft guideline attached as **appendix 1** is informed by research on the broad challenges to the effective rights-based use and conditions of pre-trial detention in police custody facilities across Africa. A copy of that study is attached as **annex A**.

The study is supported by a growing body of knowledge on pre-trial detention that can, and has been, of assistance to this endeavour and includes studies undertaken in Uganda, South Sudan, Burkina Faso and Niger, Malawi, Zimbabwe, South Africa and Zambia.

APCOF, OSJI and CSPRI believe there is utility in clearly articulating a set of guidelines at minimising the risk factors associate with police arbitrary arrest and excessive use of pre trial detention. While many of these obligations are contained in various instruments listed above in 4 there is utility in collating these in a single instrument written for a police audience. These include;

- Police are a key role players and often the first experience people have with the criminal justice process. Their actions and non actions have a significant impact on the extent of the pre trial issues later on in the criminal justice chain.
- Guidelines provide a ready to use template for state parties, NHRIs and Civil society observers for reporting on the issue at the ACHPR.
- Guidelines will provide an authoritative reference point to further support including training material and reporting tools

The process of developing a dedicated set of guidelines on pre trial detention further provides opportunity for the ACHPR to take a more pro active approach through a consultative process led by the ACHPR.

6. Non-government organisations' participation and support for the recommendations

At the 51st ordinary session of the ACHPR, APCOF collaborated with a number of non-government organisations to hold a workshop on the use and conditions of pre-trial detention. 15 organisations signed up to a statement made by APCOF to the commission at the 51st session, and have formed a network of organisations in support of the guidelines. A list of these organisations is attached as **appendix 2**.

7. Request

We respectfully request the Special Rapporteur submit a zero draft of the proposed guideline (appendix 2) to the ACHPR at the 52nd session with the recommendation that;

- The ACHPR agrees to encourage and facilitate further public participation in the form of the publication of the draft text on the ACHPR or APCOF website and an invitation for comment within a set timeframe;
- The office of the Special Rapporteur, with assistance if necessary of APCOF and OSJI collate and analyse submissions ahead of the 53rd session of the ACHPR.
- Opportunity be created for oral submission on the margins of the 53rd ACHPR session by those having submitted written submission.
- The ACHPR explore the avenues of giving formal recognition to the guidelines in due course.

8. Capacity and Resourcing

APCOF, the Open Society Justice Initiative and the Civil Society Prison Reform Initiative (CSPRI) Promoting Pre Trial Justice in Africa will offer whatever assistance as may be necessary to the Special Rapporteur or the Commission Secretariat to help manage the submission, public participation process and further refinement of the guidelines.

Kind Regards



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Appendices

**Draft Resolution on the Use and Conditions of Police Custody and Pretrial Detention in
Africa²
Zero Draft
April 2012**

1 Preamble

Noting; that the over-use and poor conditions of police custody and pre-trial detention have been identified as a prevalent but overlooked area of the criminal justice system.

Acknowledging; that that pre-trial detainees experience arbitrary limitations on their rights, poor health outcomes, conditions which are typically worse than for sentenced inmates and, increased risk of being subject to torture, ill-treatment and corruption.

Further noting, pre-trial detention also disproportionately impacts on the most vulnerable and marginalised, with pre-trial detainees disproportionately likely to be poor and without means to afford legal assistance or post bail.

Recognising, that arbitrary arrest, detention and poor conditions of police custody are characterised by not just poor unaccountable and under- resourced police, but by a broader non-functioning of the administration of justice, including incompatibility of the legal framework with international standards, the lack of independence of the judiciary, the excessive power of police, the lack of a registration system for keeping account of police detainees, lack of internal and external oversight of police, corruption and lack of resources/infrastructure and therefore the absence of the rule of law.

Recalling its mandate under Article 45(b) of the African Charter on Human and Peoples' Rights (the Charter) "to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African states may base their legislation";

Further recalling its mandate under Article 60 that "The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on Human and Peoples' Rights, the Charter of the United Nations, the Charter of the Organisation of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of Human and Peoples' Rights, as well as

² Submitted through the offices of the Special Rapporteur on Prisons and Conditions of Detention for consideration to the African Commission on Human and Peoples Rights at its 51 st session, April 2012 Banjul The Gambia

from the provisions of various instruments adopted within the Specialised Agencies of the United Nations of which the Parties to the present Charter are members.”

Further recalling Articles 3, 5, 6, 7 and 26 of the Charter, which contain provisions relevant to pre-trial detention;

Recognising that it is necessary to formulate and lay down principles and rules to further strengthen and supplement the provisions relating to the conditions and use of pre-trial detention by police agencies to reflect international standards;

Recalling the resolution on the Right to Recourse and Fair Trial adopted at its 11th ordinary session in March 1992, the resolution on the Respect and the Strengthening of the Independence of the Judiciary adopted at its 19th ordinary session in March 1996, the resolution on the Right to a Fair Trial and Legal Assistance, adopted at its 26th session held in November 1999 and the general principles and guidelines on the right to a fair trial and legal assistance under the African Charter and the resolution on independent civilian oversight of police adopted at its 42nd session in November 2006;

Solemnly proclaims this resolution of the use and conditions of police pre trial detention and urges that every effort is made so that they become generally known to everyone in Africa; are promoted and protected by civil society organisations, National Human Rights Institutions, police, judges, lawyers, prosecutors, academics and their professional associations; are incorporated into their domestic legislation guidelines and operating procedures by State parties to the Charter and respected by them:

2 General Principles

2.1 Arrest

2.1.1 Arrest must be carried out on grounds that are clearly established in law and must not be motivated by discrimination of any kind (including but not limited to, race, gender, nationality or political views).

2.1.2 Any authority affecting arrest must observe certain procedural safeguards, which include that they:

2.1.2.1 Clearly identify themselves and the unit to which they belong including by showing an official identity card which displays their name and identity number;

2.1.2.2 Use vehicles that are clearly identifiable and carry visible number plates;

2.1.2.3 Record information about the arrest, in an official log book with numbered pages. Information should include:

a) the identity of the arrested person;

- b) the date, time and place where the person was arrested;
- c) precise information about the place of custody and the time the arrested person was taken into custody;
- d) the reason for the arrest;
- e) confirmation that the arrested person was provided with information about their rights, including the right to legal assistance;
- f) time and date the arrested persons was granted or refused police bail, including reason for refusal;
- g) the time and date of the arrested person's first appearance before a judicial officer or other authority;
- h) the general state of the arrested person's health;
- i) the identity of the officers involved, including the arresting officers;
- j) the date and time of release or transfer to another place of custody and the authority responsible for the transfer.

2.1.2.4 Inform arrested persons, at the time of arrest, of the reasons for their arrest and their rights. This should include:

- the right of access to legal assistance and to see a lawyer, a friend or family member as the case may be
- information about free legal assistance and the conditions for obtaining it,
- the right to be informed of the accusation,
- the right to contact a relative or third person of choice,
- the right not to be tortured,
- the right to interpretation and translation; and
- the right to remain silent.

2.1.2.5 Information should be provided in a language and format that is understood by the arrested person;

2.12.6 Provide the arrested person with the means to notify relatives (or a third person of the arrested person's choice) of the arrest and the place where he or she is kept in custody. This should be at the time of arrest, detention, imprisonment and transfer;

- 2.12.7 Provide the arrested person with the means to contact and meet with a lawyer prior to interrogation and at all subsequent stages of the criminal justice process. The meeting should be in private; and
- 2.1.2.6 For non-citizens, notify consular authorities of the state of origin of a detained foreigner, without delay.
- 2.1.2.7 With regard to juveniles the police shall ensure special measures to ensure the rights of the child including
- a) Upon apprehension of a juvenile her or his parents or legal guardian shall be immediately notified, unless it is considered not to be in the best interests of the child. The juvenile should also be able to consult freely and in full confidentiality with their parent and legal guardian.
 - b) Juveniles shall be guaranteed the right to the presence of a parent or guardian at all stages of the proceedings, unless it is considered not to be in the best interests of the child.
 - c) Juveniles must be provided with access to free legal assistance from the moment of arrest, and at all subsequent stages of the criminal justice process.
 - d) Contact between law enforcement agencies and juvenile offenders shall be managed in such a way as to respect the legal status of the juvenile to promote his or her well-being, ensure privacy and avoid harm to him or her with due regard to the circumstances of the case.
 - e) Interviews shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding which shall allow the juvenile to participate therein and to express herself or himself freely.
 - f) Consideration should be given wherever appropriate to diversion away from the formal justice system.
 - g) In order to best fulfil their functions police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained. Where possible specialised units should be established for this purpose.

2.2 Pre trial detention

2.2.1 Procedural safeguards against arbitrary detention

2.2.1.1 Detention by judicial authorities must only be ordered on grounds that are clearly established in law in accordance with international standards for detention, and must not be motivated by discrimination of any kind (including, but not limited to, race, gender, nationality or political views). Detention should be an exception rather than a rule and for as short a time period as possible.

2.2.1.2 The police and the justice system broadly, must observe procedural safeguards, including:

2.2.1.2.1 The right of persons detained on criminal charges to be promptly brought before a court of competent jurisdiction;

2.2.1.2.2 The arrested person should be informed by the arresting officer whether they are accused of a bailable offence, be assisted to make a bail application and facilitated to contact people who might stand as a surety;

2.2.1.2.3 Judges and magistrates should ensure that arrested persons are only remanded in custody if there is no other alternative. Pre trial detention should only be used in exceptional circumstances if ;

a) There is a legitimate fear, based on objective information other than the seriousness of the contemplated charge, that the defendant poses a violent threat to the community; or

b) There is reason to believe that the defendant will intimidate witnesses or interfere with the lawful collection of evidence; or

c) There is a reason to believe, based on objective information other than the seriousness of the contemplated charge, that the defendant will flee from justice.

2.2.1.2.4 Judges and magistrates must show that they have given serious consideration to alternatives to pre trial detention;

2.2.1.2.5 Any suspect accused of a crime that carries a non-custodial penalty should not be remanded in custody;

2.2.1.2.6 Where the suspect is a juvenile, detention should be ordered only in very exceptional circumstances

2.2.1.2.7 Where detention of juveniles is unavoidable they should

a) in all instances be separated from adults;

- b) Receive care protection and all necessary individual social, educational vocational psychological, medical and physical assistance that they may require in view of their age, sex, and personality

2.2.1.2.8 Specific considerations should be put in place for women. They should at all times be separated from men and specific considerations should be made for those with child caring responsibilities;

2.2.2 Safeguards during pre trial detention

2.2.2.1 Where detention is the only option, detention must be carried out in strict accordance with the law, in an officially recognised and gazetted place of detention and where possible reasonably near the suspects usual place of residence;

2.2.2.2 Detention should be reviewed on a monthly basis by a competent court. The reviewing authority should explicitly interrogate the need for continued pre trial detention. Any person who is found to be illegally detained should immediately be released;

2.2.2.3 Detainees should have regular and confidential access to legal assistance;

2.2.2.4 All places of detention must have a log book with numbered pages in which the following information is entered:

- a) Details of his/her identity;
- b) The reasons for his/her commitment and the authority for his or her commitment to imprisonment;
- c) The day and hour of his or her admission and release;
- d) The date when regular reviews are due, information about whether the review took place, the outcome of the review and reasons if the review did not happen or was delayed;
- e) Any requests for access to medical or legal assistance.

2.2.2.5 When a detained person is being interrogated, the following information must be recorded:

- a) The duration of any interrogation;
- b) The intervals between interrogations;
- c) The identity of any officials who conducted the interrogations and other persons present;
- d) Confirmation that the detainee was able to seek legal assistance prior to interrogation.

2.2.2.6 When a detained person dies or disappears during his or her detention, a prompt impartial and independent inquiry into the cause of death or disappearance must be undertaken by a judicial authority. Family members must be informed promptly of the death and the circumstances, cause and whereabouts of the remains.

2.2.3 Safeguards for minimum conditions of detention

2.2.3.1 Conditions of detention in police cells must accord with the right to life and treatment with humanity and respect for the inherent dignity of the human person. Minimum conditions include:

- a) Access to medical personnel and medical care;
- b) Prompt and effective access to judicial authorities;
- c) Use of force and discipline must be proportionate and necessary;
- d) Provision of the minimum standards of food, water and sanitation;
- e) Observance of special measures to safeguard the rights of particular groups, including women juveniles and persons with disabilities.

2.2.4 Conditions of detention that are consistent with freedom from torture and ill-treatment

2.2.4.1 Detainees have the right to protection from ill-treatment and torture. Custodial authorities must ensure the procedural safeguards provided in international and domestic law are available and must include:

- a) Maintenance of a custody register;
- b) Prompt access to judicial authorities;
- c) Prohibition on incommunicado detention;
- d) Prohibition on the admissibility of evidence obtained under torture (and associated skills in forensics and investigations);
- e) Access to legal and medical assistance; and
- f) Clearly established and independent mechanisms of oversight.

Organisations supporting the development of a guideline on pre trial detention at the 51st session

African Policing Civilian Oversight Forum (APCOF) www.apcof.org.za

APCOF is a network of African policing practitioners drawn from state and non state institutions. It is active in promoting police reform through civilian oversight over policing. It believes that the broad values behind establishment of civilian oversight is to assist in restoring public confidence, develop a culture of human rights, integrity and transparency within the police and promote good working relationships between the police and the community. It achieves its goal through raising awareness and sharing information on police oversight and providing technical assistance to civil, society, police and new and emerging oversight bodies in Africa.

The African Centre for Democracy and Human Rights Studies (ACDHRS) www.acdhhs.org

ACDHRS is independent, non-profit regional human rights NGO based in Banjul, The African Centre seeks to promote the awareness and adherence of human rights and democratic principles throughout the African continent.

Association for the Prevention of Torture (APT) www.apr.ch

The APT is an international non-governmental organisation (NGO) which envisions a world in which no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment.

African Centre for Justice and Peace Studies (ACJPS) www.acjps.org

The African Centre for Justice and Peace Studies is a non-profit, non-governmental organisation based in Africa, London and New York and devoted to promoting human rights in Sudan.

Amnesty International www.amnesty.org

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations. Until every person can enjoy all of their rights, we will continue our efforts. We will not stop until everyone can live in dignity; until every person's voice can be heard; until no one is tortured or executed. Our members are the cornerstone of these efforts. They take up human rights issues through letter-writing, online and offline campaigning, demonstrations, vigils and direct lobbying of those with power and influence.

Cleen Foundation www.cleen.org

The CLEEN Foundation (formerly know as Centre for Law Enforcement Education) is non governmental organization established in January 1998 with the mission of promoting public safety, security and accessible justice through the strategies of empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government and civil society.

The Civil Society Prison Reform Initiative (CSPRI) www.csPRI.org.za

The Civil Society Prison Reform Initiative (CSPRI) was established in 2003 as a project of the Community Law Centre. The Centre, linked to the Law Faculty of the University of the Western Cape, was established in 1990 with a view to engage in policy development, advocacy and educational

initiatives through high-quality research, focusing on areas critical to the realisation of human rights and democracy in South Africa and Africa in general. The CSPRI focuses on prisons and places of confinement, with the aim of furthering constitutional and human rights imperatives within these settings. Much of the CSPRI's recent work has involved pre-trial detention the range of issues prevalent to the administration of justice from the time of arrest to sentencing.

Human Rights Law Service (HURILAWS) www.hurilaws.org

HURILAWS is also a public policy think-tank and pressure group working towards partnership with multi-sector development and change actors to promote accountable and transparent governance in Nigeria. HURILAWS is the driver of the multi sector law group (MSLG), which is a multi disciplinary network of actors and organizations for democratic change in Nigeria.

ITUC-Africa www.ituc-africa.org

The African Regional Organisation of the International Trade Union Confederation (ITUC-Africa) is a pan-African trade union organisation created in November 2007 following the merger of two former African trade union organisations, namely ICFTU-Afro and DOAWTU. ITUC-Africa has 16 million declared members (2007 figures) and 90 affiliated trade union centres in 47 African countries. The headquarters of ITUC-Africa is based in Lome, Togo. Human and trade union rights are issues central to its operations and engagement. It is our shared and highly held conviction that peoples' and workers' rights are central to the attainment of individual, community and national wellbeing, freedom and progress. Therefore, the commitment to defence, protect and promote human and workers' rights at the community and workplaces levels is at the heart of our work. Currently, ITUC-Africa has human and trade union rights networks of trade unionists across the five Regional Economic Community monitoring, reporting and supporting solidarity intervention efforts on human and trade union rights in active collaboration with allied non-state actors.

Moroccan Organisation for Human Rights (OMDH)www.omdh.org

OMDH offers education about human rights, as well as an active contribution to the protection of these rights, especially in cases of violation. OMDH offers solutions to complaints of abuse, and assistance and rehabilitation to victims of torture.

Mouvement Burkinabé des Droits de l'Homme et des Peuples (MBDHP)

Le combat pour l'amélioration des conditions de la détention, et singulièrement de la détention préventive a toujours été une préoccupation majeure pour le Mouvement Burkinabé des Droits de l'Homme et des Peuples (MBDHP) depuis sa création en 1989, en vue de l'accomplissement de ses triples missions de promotion, de protection et de défense des droits de l'Homme.

Muslims for Human Rights (MUHURI)

Muslims for Human Rights (MUHURI) is a Non Governmental Organisation (NGO) based at the Coast of Kenya. It began in 1997 to enhance the struggle for human rights with a view to contributing towards the national and international efforts to promote and protect the enjoyment of human rights and civil liberties by all.

Open Society Justice Initiative www.soros.org/initiatives/justice

The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. The Justice Initiative fosters accountability for international crimes, supports criminal justice reform, combats racial discrimination and statelessness, addresses abuses related to national security and counterterrorism, expands freedom

of information and expression, and stems corruption linked to the exploitation of natural resources. Since 2009, the Justice Initiative is developing a Global Campaign for Pretrial Justice to promote alternatives to pretrial detention, expand access to legal aid services, and deploy paralegals to intervene earlier in the criminal justice process. Justice Initiative staff are based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo and Washington, D.C.

Penal Reform International (www.penalreform.org)

Penal Reform International is an international non-governmental organisation promoting penal reform worldwide. We work with penal reform activists, NGOs and governments to implement international human rights standards in criminal justice and penal systems in many different countries. We aim to reduce the unnecessary use of imprisonment and promote the use of constructive non-custodial sanctions that support the social reintegration of offenders while taking into account the interests of victims.

Prisoners Rehabilitation and Welfare Action (PRAWA) www.prawa.org

PRAWA seeks to promote development, safety and security in African communities by creating a just, humane and effective criminal justice system. PRAWA promotes human rights of people in prisons, and works to help those who have survived their prison terms to successfully integrate into the community. The organisation provides support services to prisoners, ex-prisoners, youths-at-risks, torture victims and their families; it also engages with prison staff, the police, the judiciary, parliamentarians, legislators, and other relevant stakeholders in achieving its mandate.

The Rights Enforcement and Public Law Centre (REPLACE) www.replaceportal.com

REPLACE is a non-governmental organisation registered in 2006 under Nigerian laws. REPLACE envisages the establishment of a safe and secure society built on the twin foundations of effective public institutions and equality of opportunity to access justice delivery machineries and institutions. REPLACE is also committed to the creation and development of credible sources of data and information on criminal justice with transparent processes for accessing and managing these data by State and non-State actors. Since 2006, REPLACE's work has centred around the design and implementation of criminal justice reform strategies; notably the establishment of a Police Duty-Solicitor Scheme and the development of an electronic system for the management of criminal justice information. REPLACE's main partners include the Police, Judiciary, Prisons, Public Prosecutors and Legal Aid Council.

Southern African Litigation Session (SALC) www.southernafricalitigationcentre.org

The Southern Africa Litigation Centre (SALC) promotes and advances human rights and the rule of law in southern Africa, primarily through strategic litigation support and capacity building.

West Africa Civil Society Institute (WACSI) www.wacsi.org

WACSI's mission is to strengthen the institutional and operational capacity of Civil Society Organisations to engage in policy intervention and the promotion of democratic values and principles in West Africa. The Vision is to strengthen civil society organisations as strategic partners for the promotion of democracy, good governance and national development in the sub region. The role of WACSI is to serve as a resource centre for training, research, experience sharing and dialogue for CSOs in West Africa. WACSI is the Secretariat for the Pan-African CSO Capacity Building Network on the security sector.

Zimbabwe Lawyers for Human Rights (ZLHR)www.zlhr.org.zw

ZLHR is a not for profit human rights law based organisation whose core objective is to foster a culture of human rights in Zimbabwe as well as encourage the growth and strengthening of human rights at all levels of society through observance of the Rule of Just Law. ZLHR was established in 1996 by human rights lawyers who identified a need to create an association of lawyers with interest and expertise in the promotion and protection of human rights. ZLHR is committed to upholding respect for the Rule of Just Law and the unimpeded administration of justice, free and fair elections, the free flow of information and the protection of constitutional rights and freedoms. The organisation has around 170 members. ZLHR holds Observer Status with the African Commission on Human and Peoples' Rights (ACHPR), forms the Secretariat of the Human Rights Committee of the SADC Lawyers Association, and has affiliate status with the International Commission of Jurists (ICJ).