

CONVENTION AGAINST TORTURE INITIATIVE
CTI2024.ORG

Seminar on the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT): Dialogue and Cooperation on implementation of UNCAT

The Kairaba Beach Hotel, Serrekunda, The Gambia

Tuesday 16 - Wednesday 17 October 2018

Background: CTI and The Gambia

On 28th September 2018, The Gambia ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), following President Barrow's commitment to the African Commission on Human and Peoples' Rights in October 2017. The country signed the Convention in October 1985.

For CTI's part, CTI has been engaging closely with the Government of The Gambia in preparation for their ratification of UNCAT. On 30-31 October 2017, H.E. Abubacarr Tambadou, Minister of Justice of The Gambia, participated in CTI's cross-regional seminar on "[Administration of justice and law enforcement; international co-operation and sharing experiences](#)", which was hosted by the Governments of Morocco and Indonesia, as core States of the CTI, and held in Fes, Morocco.¹ Earlier, in September 2017, two officials from the MoJ participated in a [technical workshop on legislative drafting for anti-torture laws](#), held in Entebbe, Uganda, which combined legislative drafting skills with sharing experiences of other States to support common law African States to adopt or amend national laws to align them with UNCAT.

Most recently, in February this year, a [CTI-Ghana delegation visited Banjul](#), headed by the Deputy Minister of Foreign Affairs of Ghana, Hon. Charles Owiredu, who was accompanied by Ambassador Ramses Joseph Cleland, Permanent Representative of Ghana to the UN in Geneva and Dr. Alice Edwards, Head of the CTI Secretariat. They had a full schedule of meetings including with the Minister of Justice, H.E. Mr. Abubacarr Tambadou, the Minister of Interior, H.E. Mr. Ebrima Mballow, judges of the Supreme Court, and directors and staff of prisons, police, health and social welfare, and the intelligence services. It was at these meetings that the CTI offered to support The Gambia's ratification and preparations for implementing UNCAT. This seminar is a result of those discussions.

About the CTI

The CTI is an initiative *by States for States* being spearheaded by the Governments of Chile, Denmark, Ghana, Indonesia and Morocco, with the vision that by 2024, every State in the world will have ratified the UNCAT and be working towards its active implementation. The CTI is supported by an independent Secretariat, based in Geneva, as well as a Group of Friends active in Geneva and New York, which is open to all UN Member States, as well as international and regional organisations, NGOs, and independent experts. The CTI works through confidential government dialogue, often on a regional basis and provides technical and other support to States.

¹ The seminar explored ways to improve the administration of justice and law enforcement practices and discussed domestic practices, instructions and policies against the minimum international standards, effective criminal investigation and prosecution, handling of complaints, professionalization of the police, and safeguards in police custody and prisons.

The CTI's approach is constructive ("no name, no shame") and based on equality between States. The CTI launched its [2018-20 strategy](#) in June this year. More information about the CTI and the Group of Friends is available here: <http://www.cti2024.org/en/about-the-cti/>.

About the seminar

The two-day event will provide an opportunity to elaborate and know more about the Gambia's legal frameworks and standards as well as associated national mechanisms in relation to the prohibition and prevention of torture and ill-treatment. It will also be an opportunity for Gambian officials to hear in detail the key obligations of UNCAT to prepare the groundwork for implementing the Convention, and to identify key priorities. The seminar will draw on good practices and lessons learned from the experiences of other States, as well as challenges and how some States have managed to overcome them.

In the spirit of the CTI, discussions are tailored to the needs and wishes of the Government of Gambia, and are not used to lobby or pressure. They are conducted under Chatham House Rules, allowing for open and frank exchange.

Objectives

The seminar will broadly aim to:

1. Promote knowledge and raise awareness among Gambian authorities about key UNCAT obligations and related regional and international instruments and guidelines;
2. Enhance understanding of key issues and challenges for the Government of the Gambia; and
3. Identify the main elements to be taken towards preparing to implement UNCAT and how challenges could be addressed.

Main participants: The seminar will be attended by around 50 participants including government officials at decision-making, ministerial or head of department levels. They would be drawn from relevant ministries, such as justice, prisons, police, health and social welfare, defence, finance, foreign affairs, and the intelligence services. Judges, magistrates and prosecutors as well as Members of The Gambia's Truth, Reconciliation and Rehabilitation Commission will also be invited.

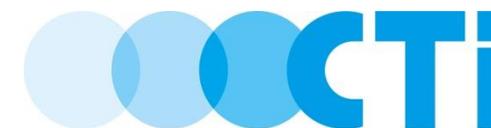
Facilitator: Dr. Alice Edwards, Head of the CTI Secretariat.

Attending and contributing experts and States sharing experiences: Experts practitioners will help facilitate the event.

Funding: The event is fully funded by the CTI. The CTI has collaborated with the MoJ on the substantive programme, and the programme has been designed to meet the needs and interests of the Government of The Gambia.

Documents: Relevant documents and tools will be provided in hardcopy.

**Seminar on the UN Convention against Torture and Other Cruel, Inhuman
or Degrading Treatment or Punishment:
Dialogue and Cooperation on The Gambia's ratification of UNCAT
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Programme

Time	Programme	Purpose and content
08:30 – 09:00	Arrival and registration with tea and coffee	
09:00 – 09:15	Welcome remarks <i>H.E. Abubacarr Tambadou, Minister of Justice of Government of The Gambia</i> <i>H.E. Mr. Ebrima Mballow, Minister of Interior</i>	Welcome to participants and setting out the objectives and expectations of the seminar from The Gambia's perspective
09:15 – 09:30	Group Photo with Ministers	
09:30 – 10:30	A. An introduction to the CTI, the UN Convention against Torture and regional instruments <i>Dr. Alice Edwards, Head of CTI Secretariat</i> <i>Mr. Jean-Baptiste Niyizurugero, Vice Chairperson, CPTA and Africa Programme Officer, Association for the Prevention of Torture (APT)</i>	This first session will: <ul style="list-style-type: none"> - Run through the agenda - Introduce the CTI, its vision and CTI's working philosophy - Provide an overview of UNCAT and relevant African instruments <ul style="list-style-type: none"> ✓ history and relevance of UNCAT and prohibition on torture and ill-treatment ✓ summary of substantive legal obligations of UNCAT ✓ realising the benefits of ratification ✓ recalling the relationship with African instruments
10:30 – 11:00	Break	
11:00 – 1:00	B. Defining and contextualizing torture or ill-treatment <i>Dr. Alice Edwards, Head of CTI Secretariat (overview)</i> <i>Joined by:</i> <i>Mr. Jean-Baptiste Niyizurugero, Vice Chairperson, CPTA and Africa Programme Officer, APT</i> <i>Ms. Ruth Ssekindi, Director of the Complaints, Investigations and Legal Services, Uganda Human Rights Commission</i>	This session will: <ul style="list-style-type: none"> - Explain and contextualise what amounts to torture or ill-treatment - Explore the limits through examples (practitioner perspectives v legal perspectives) This session will explain and contextualize the meaning of torture and other forms of cruel, inhuman or degrading treatment or punishment through examples drawn from different contexts. Participants are invited to pose questions from their own areas and experiences (e.g. arrest, detention, military operations, protests, legitimate use of force,

		etc.). <i>Opportunity for Q&A and discussion.</i>
1:00 – 2:00	Lunch	
2:00 – 4:00	<p>C. Legislative reform – process and content</p> <p><i>Ms. Ruth Ssekindi, Director of the Complaints, Investigations and Legal Services, Uganda Human Rights Commission</i></p>	<p>This session will:</p> <ul style="list-style-type: none"> - Inform the primary, recommended and optional elements of anti-torture legislation - Note the different approaches available to States in aligning their national laws with UNCAT, between stand-alone anti-torture law or amending existing legislation - Share the experiences of different countries in their processes, consultation and content of anti-torture legislation <p><i>Opportunity for Q&A and discussion.</i></p>
4:00 – 4:30	Break	
4:30. – 5:30	<p>D. Panel discussion on prevention and safeguards in policing, and detention including pre-trial detention</p> <p><i>Chair: Dr. Alice Edwards, Head of CTI Secretariat</i></p> <p><i>Steve Banks MBA, International Policing Consultant, London, UK</i></p> <p><i>Mr. Jean-Baptiste Niyizurugero, Vice Chairperson, CPTA and Africa Programme Officer, APT</i></p>	<p>This panel discussion will:</p> <ul style="list-style-type: none"> - Provide an overview (ahead of the parallel working groups) on the ways to prevent torture and ill-treatment looking at basic safeguards in the policing and intelligence contexts, as well as in respect of persons deprived of their liberty - Sharing good practices from other countries <p><i>Opportunity for Q&A and discussion.</i></p>
5.30-5.45	<p>Wrap-up Day 1</p> <p><i>Dr. Alice Edwards, CTI</i></p>	
End of day 1		

Day 2		
09:00 – 09:30	Opening – Day 2 <i>Dr. Alice Edwards, CTI</i>	Summary of what was discussed on Day 1 and introduction to Day 2's programme (including parallel working groups)
09:30 – 11:00	E. Parallel working groups, facilitated by practitioners: Group 1: Prevention – democratising the police and security services <i>Facilitated by Steve Banks MBA, International Policing Consultant, London, UK</i> Group 2: Good practices in prison management and reform <i>Facilitated by Mr. Jean-Baptiste Niyizurugero, Vice Chairperson, CPTA and Africa Programme Officer, APT</i>	*Interactive and exercise-focused working groups* <i>Rapporteurs for each group will be volunteered from amongst the group participants.</i> Group 1 will engage participants on: <ul style="list-style-type: none"> - the basic safeguards to prevent torture and ill-treatment in the policing and intelligence contexts (arrest, custody, other situations) – both international and African standards (e.g. Luanda Guidelines) - good practices on how these standards have been implemented in reality, taking account resource, capacity and other constraints - case studies on i) non-coercive investigative interviewing techniques (moving away from coercion) and ii) use of force - checks and balances in the system (e.g. independent police complaints mechanisms) Group 2 will engage participants on: <ul style="list-style-type: none"> - the prevention provisions of UNCAT (and OPCAT) relevant to prison and remand contexts - the Nelson Mandela Rules and other guidelines - good practices on how these standards have been implemented in reality, taking account of resource, capacity and other constraints - checks and balances in the system (e.g. independent visiting and/or complaints mechanisms)
	Group 3: Criminalizing and prosecuting torture <i>Facilitated by Ms. Ruth Ssekindi, Director of the Complaints, Investigations and Legal Services, Uganda Human Rights Commission</i> <i>Additional resource person: Ms. Annah Moyo, Advocacy Programme Manager, The Centre for the Study of Violence and Reconciliation (CSV) (victims' perspectives)</i>	Group 3 will engage participants on: <ul style="list-style-type: none"> - more detailed discussion on legislative reform and other practical actions for the purposes of facilitating criminal prosecution and punishment of offenders - how to define torture for Gambia's criminal law - how to ensure the exclusionary rule (non-admission of torture-tainted evidence) is understood and applied in practice - good practices and challenges regarding criminalization and prosecution of incidents of torture (including victims' perspectives)
11:00 – 11:30	Break	

11:30 – 1:00	E. Parallel working groups continued	
1:00 – 2:00	Lunch	
2:00 – 3:00	E. Plenary: Report back from parallel working groups	The working groups will report back on the key good practices and priorities to be addressed going forward
3:00 – 3:30	Break	
3:30 – 5:00	F. Handling complaints, investigations: Remedies and rehabilitation <i>Facilitated by Ms. Annah Moyo, Advocacy Programme Manager, The Centre for the Study of Violence and Reconciliation (CSV)</i>	This session will: <ul style="list-style-type: none"> - Introduce the basic provisions of UNCAT around complaints and investigations, as well as remedies and rehabilitation (and African instruments and experiences) - Hear about State practices regarding the relationship between prosecution and truth and reconciliation commissions, and how to manage expectations - Be an opportunity to respond to and prepare further for any challenges regarding preparations of the TRRC <i>Opportunity for Q&A and discussion.</i>
5:00 – 5:30	Take away messages and next steps H.E. Abubacarr Tambadou, <i>Minister of Justice of Government of The Gambia</i>	Following the discussions, some final reflections on the direction of The Gambia on next steps, opportunities for further collaboration and final remarks.
Close		