



CENTRE FOR CONSTITUTIONAL RIGHTS

Upholding South Africa's Constitutional Accord

Patron: The Hon Mr Justice Ian G Farlam

The Honourable Mr L. Landers, MP
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Dear Mr Landers

CONCISE SUBMISSION TO THE PORTFOLIO COMMITTEE ON JUSTICE AND CONSTITUTIONAL DEVELOPMENT ON THE PREVENTION AND COMBATING OF TORTURE OF PERSONS BILL [B21-2012]

Introduction

1. The Centre for Constitutional Rights (CFCR) is a unit of the FW de Klerk Foundation – a non-profit organisation dedicated to upholding the *Constitution of the Republic of South Africa, 1996* (the Constitution). To this end, the Centre seeks to promote the values, rights and principles provided for in the Constitution, to monitor developments including policy and draft legislation that might affect the Constitution and the values, rights or principles provided therein, to inform people and organisations of their constitutional rights and to assist them in claiming their rights.

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2. With reference to your call for submissions as published on www.parliament.gov.za, CFCR welcomes the opportunity to make concise submissions to the Committee on the Prevention and Combating of Torture of Persons Bill [B21 – 2012].
3. It is not the purpose or intention of this submission to provide a comprehensive legal analysis of the aforementioned Bill, but rather to draw attention to key concerns in relation to the Bill in so far as it relates to constitutional values, rights and requirements pertaining to International Law obligations.

Preventing torture and other acts of cruel, inhuman or degrading treatment or punishment in terms of Public International Law

4. Article 5 of the *Universal Declaration of Human Rights* adopted by the United Nations General Assembly (UNGA) in 1948 states: "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*". This Declaration provides for the fundamental international human rights standards which apply to all States and forms part of customary international law.
5. Article 7 of the *International Covenant on Civil and Political Rights* determines that no person "*shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*". In addition, Article 10 of the Covenant states: "*All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person*". No derogation is allowed regarding the right not to be subjected to torture and other forms of ill-treatment.
6. International Humanitarian Law (Law of Armed Conflict) – by virtue of both treaty and customary International Law – prohibits torture and other forms of cruel, inhuman and degrading treatment of combatants, prisoners of war and civilians during international and non-international armed conflicts. For example, Rule 90 of the International Committee of the Red Cross (ICRC) Codified Rules of Customary International Law determines that "*[t]orture, cruel or inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment, are prohibited*". Furthermore, common Article 3 to both the *Convention (III) relative to the Treatment of Prisoners of War (Third Geneva Convention, 1949)* and the *Convention (IV) relative to the Treatment of Prisoners of War (Fourth Geneva Convention, 1949)* provide that in a non-international armed conflict, "*[p]ersons taking no active part in the hostilities, including members of armed forces who have laid down their arms... shall in all circumstances be treated humanely*." Both treaties also prohibit "*violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture*" as well as "*outrages upon personal dignity, in particular humiliating and degrading treatment*". Article 17 of the *Third Geneva Convention, 1949* also determines that "*[n]o physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted or exposed to unpleasant or disadvantageous treatment of any kind*". Article 32 of the *Fourth Geneva Convention, 1949*, in turn resolved that protected persons shall have the right to protection from "*murder, torture, corporal punishments, mutilation and medical or scientific experiments...but also to any other measures of brutality whether applied by non-combatant or military agents*".

7. Under Article 7 of the *Rome Statute of the International Criminal Court*, torture may be considered a crime against humanity as defined in the Statute "*when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack*" whereas Article 8 provides that torture may also, under certain circumstances, be prosecuted as a war crime as defined.
8. The *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the Convention) was adopted by the UNGA on 10 December 1984 and entered into force on 26 June 1987. Article 1 of this Convention provides a definition of "torture" that is considered customary. South Africa signed the Convention on 29 January 1993 and subsequently ratified this instrument on 10 December 1998. It is hence bound by all obligations created in terms of the provisions of this Convention.

Constitutional values, rights and requirements

9. In terms of section 1 of the Constitution, South Africa is founded on, among others, the values of human dignity, the achievement of equality and the advancement of human rights and freedoms. Section 2 of the Constitution ensures the supremacy of the Constitution and the rule of law and determines that all obligations imposed by Constitution must be fulfilled. Moreover, the latter section determines that any law or conduct inconsistent with the Constitution will be invalid.
10. Section 7(1) of the Constitution enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom as a cornerstone of our democracy whereas section 7(2) determines that the State must respect, protect, promote and fulfil all the rights as enshrined in Chapter 2 – the Bill of Rights.
11. In terms of section 10 of the Constitution, everyone has inherent dignity and the right to have their dignity respected and protected.
12. Section 12(1) of the Constitution provides that everyone has the right to freedom and security of the person, which includes the right not to be tortured in any way and the right not to be treated or punished in a cruel, inhuman or degrading way, whilst section 12(2) of the Constitution determines that everyone has the right to bodily and psychological integrity, which includes the right to security in and control over their body as well as the right not to be subjected to medical or scientific experiments without their informed consent. Most significantly, the aforementioned rights guaranteed in terms of sections 12(1)(d), 12(1)(e) and 12(2) and in so far as it relate to a state of emergency, may by virtue of section 37(5) of the Constitution, not be derogated by any Act or action in any way or form.
13. In terms of section 39(1)(b), a court, tribunal or forum must, when interpreting the Bill of Rights, consider International Law.
14. Sections 231(1) and 231(2) determine that an international agreement binds South Africa once it has been signed by the National Executive and approved by Parliament, whereas section 231(4) determines

that an international agreement becomes law in South Africa when it is enacted into law by national legislation (save for self-executing provision of an agreement approved by Parliament which automatically becomes law unless it is inconsistent with the Constitution or an existing Act of Parliament).

Key concerns regarding Bill

Ad clause 1

15. With reference to clause 3(b) of the Bill, it is advisable to consider including a definition of "discrimination" under clause 1. Without clearly defining the meaning of the latter term, subjective interpretation thereof becomes ambiguous. In this regard, reference to the definition of "discrimination" as defined in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, could be of value.

Ad clause 2

16. Ad clause 2(1)(a): As will be addressed in more detail elsewhere in this submission, the Bill is quiet on cruel, inhuman or degrading treatment or punishment (other than torture) as elaborated in the title and Article 16 of the Convention. Hence, in order to accurately reflect international obligations in terms of the Convention, it is advisable to consider including the following wording (underlined) in this clause:

"2. (1) *The objects of this Act are to—*

(a) give effect to the Republic's obligations concerning prevention and punishment of torture and other cruel, inhuman or degrading treatment or punishment in terms of the Convention, in particular—..."

Ad clause 4

17. Ad clause 4(4): Article 2(2) of the Convention determines that "*No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.*"

18. The incorporation of the aforementioned obligation by means of clause 4(4) is not sufficient as it falls short of the international obligation which requires the exclusion of any "exceptional circumstances" which could be invoked to justify torture. Clause 4(4) currently only refers to "*[a] state of war, threat of war, internal political instability or any other public emergency*" without any reference to all other exceptional circumstances as referred to by the Convention. The danger of this omission is found in the notion that operational necessity within the ambit of "national security" or other commonly argued grounds for limitation of rights (including "imminence", "necessity", "public order" or "national interest"), could fall beyond a state of armed conflict or state of emergency, which in turn could thus exclude the latter from the limitation provided for by clause 4(4).

19. It is advisable to consider strengthening this clause by including wording, in line with the obligations created by Article 2(2) of the Convention, which would exclude any justification of torture – whether for the sake of "national security" (with reference to section 198(c) of the Constitution), or otherwise.
20. Ad clause 4(5): Current drafting of this clause is ambiguous. It is clear that this clause aims to incorporate the obligations created by Article 2(3) of the Convention which provides that "*[a]n order from a superior officer or a public authority may not be invoked as a justification of torture*". It also reflects on section 199(6) of the Constitution which determines that "*[n]o member of any security services may obey a manifestly illegal order*". However, current drafting of this clause is imprecise and unclear as it does not elaborate on the kind or type of "punishment".
21. In this regard, it is advisable to consider wording to the following extent:

"No person shall be held liable, whether criminally, civilly or in terms of any disciplinary code, for disobeying an order to commit any act or omission amounting to torture or any other act of cruel, inhuman or degrading treatment or punishment".

Ad clause 6

22. Ad clause 6(1)(c): It is contended that the current reference to and requirement of being "lawfully present" in South Africa (or any other area of territorial sovereignty) in order for a competent court to enjoy jurisdiction in terms of this Bill, is limiting as it would exclude the possibility of prosecuting alleged perpetrators who have entered South Africa (or any other area of territorial sovereignty) illegally after having committed acts of torture elsewhere.
23. As elaborated elsewhere in this submission, the inclusion of the word "lawfully" in this clause presupposes that any person, who has entered South Africa (or any other area of territorial sovereignty) *unlawfully* or illegally, could not be tried in South Africa for offences committed in terms of the Bill, and would therefore probably be subject to deportation in terms of section 32(2) of the Immigration Act 13 of 2002. It is also prudent to consider that in terms of section 29(1)(b) of the Immigration Act 13 of 2002, any person against whom a warrant is outstanding, or a conviction has been secured in South Africa or a foreign country in respect of, among others, the crime of torture, is a prohibited person who would not qualify for a visa, admission into South Africa or any form of residency. In those circumstances (save for when the Director-General, for "good cause" declare otherwise), such an alleged perpetrator can arguably, never be in South Africa "lawfully".
24. It is contended that the current wording creates two possible concerns:
- a. First, it is submitted that it makes it impossible for courts to vest jurisdiction where an alleged perpetrator is found to be illegally in South Africa which in turn would prevent South Africa from fulfilling its international obligations with regard to International Criminal Law (refer to *Southern*

African Litigation Centre & Another v National Director of Public Prosecutions & Others (77150/09) [2012] ZAGPPHC 61 (8 May 2012)); and

- b. Secondly, it creates the position where an alleged perpetrator who is found to be illegally in South Africa, could be deported without due consideration for his or her own human rights. In the recently decided *Minister of Home Affairs & Others v Tsebe & Others* and *Ex Parte Minister of Justice and Constitutional Development & Another v Tsebe* (CCT 110/11 & 126/11 [2012] ZACC16), the Court reaffirmed its position that the fundamental rights provided for in sections 10, 11 and 12 of the Constitution were not only reserved for citizens of South Africa. In this regard, the Court held that every foreigner who enters South Africa – whether legally or illegally – enjoys these rights and the State's obligations contained in section 7(2), without any qualification.

25. The inclusion of the word "lawfully" in this clause therefore serves no purpose and is in addition to the provisions and requirements of Article 5(2) of the Convention. It is hence advisable to consider omitting the word "lawfully" altogether (also refer to section 4(3)(c) of the Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002).

Ad clause 8

26. Article 10(2) of the Convention requires each State Party to include the prohibition of torture or other acts of cruel, inhuman or degrading treatment or punishment in the "*rules or instructions issued in regard to the duties and functions of any such person*". This means that States Parties have a positive duty to ensure that, apart from criminalising the respective prohibited acts and besides the duty to educate and inform public officials about the prevention of those prohibited acts, any act of torture or other acts of cruel, inhuman or degrading treatment or punishment, are unambiguously prohibited in terms of departmental policies, standard operating procedure or national directives. The Bill in its current draft, whether in clause 8 or elsewhere, is silent on the obligations as imposed by Article 10(2).

27. Following Article 10(2), Article 11 of the Convention furthermore requires of States Parties to "*keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction*". The latter obligation is currently also not incorporated in this Bill or any other Act.

28. Although it could be assumed that, following criminalisation of certain acts, corresponding instructions would be included in departmental policies, standard operating procedures or national directives, it is nevertheless strongly advisable to consider including such positive obligations as required by Articles 10(2) and 11 of the Convention in the Bill. This will give effect to specific international obligations in terms of the latter articles as well as sections 198(c), 199(5) and 199(6) of the Constitution.

Additional concerns

29. Article 3(1) of the Convention: The Bill (whether directly or through amendment of other legislation) currently fails to give effect to Article 3(1) of the Convention which determines that "*[n]o State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture*".
30. The Convention places a positive obligation on States Parties not to expel, return (deport) or extradite any persons to any State where such persons may be subjected to torture. This Article does not only seek to prevent negligence on the side of States Parties when expelling, returning or extraditing persons, but also to positively prevent so-called extraordinary renditions where persons would be handed over by one country to other countries where they could be subjected to acts of torture or other acts of cruel, inhuman or degrading treatment or punishment.
31. As referred to elsewhere, section 12(1) of the Constitution determines that everyone has the right to freedom and security of the person, which includes the right not to be treated or punished in a cruel, inhuman or degrading way.
32. In this regard, the Constitutional Court in *Kaunda & Others v President of the Republic of South Africa* (2004 (10) BCLR 1009 (CC)), emphasised the centrality of the advancement of human rights and freedoms in our society when it held that "*...the provisions of section 7(2) are relevant, not as giving our Constitution extraterritorial effect, but as showing that our Constitution contemplates that government will act positively to protect its citizens against human rights abuses*".
33. In the *Tsebe*-case, the Constitutional Court reaffirmed its earlier decision in *Mohamed & Another v President of the Republic of South Africa & Others* (2001 (7) BCLR 685 (CC)) requiring the State to act within the ambit of section 7(2) of the Constitution. In this regard, the Court held that if any public official, without the requisite assurance, hands over anyone from within South Africa, or under the control of South African officials, to another country to stand trial knowing that such person runs the real risk of a violation of his right to life, right to human dignity and right not to be treated or punished in a cruel, inhuman or degrading way in that country, that official acts in breach of the duty provided for in section 7(2) of the Constitution. In the *Tsebe*-matter, the Court went further than its *Mohamed*-dictum by also requiring the Government to not only seek assurance, but also *obtain* such assurance, before deporting or extraditing any person.
34. Although the Court primarily dealt with the question of capital punishment in the *Mohamed* and *Tsebe*-judgements, there is little doubt that the Court's interpretation of section 12(1) of the Constitution and the right not to be treated or punished in a cruel, inhuman or degrading manner, would certainly also apply to acts of torture as defined by the Convention. Thus, in line with the Court's posture in both cases, it could rightfully be argued that when the Government deals with a foreigner who is within the borders of South Africa and who would face the real risk of infringement of his or her human rights should such individual be extradited, deported or in any way be surrendered to another country in which he or she would be

exposed to such violations, the Government must at the very least, seek and obtain assurance that such a person will not be exposed to any act amounting to torture.

35. It could furthermore be argued that in terms of Article 3(1) of the Convention and South Africa's international obligations, even where the Government has obtained aforementioned assurance but remains of the opinion that there are "*substantial grounds for believing that [a person] would be in danger of being subjected to torture*", the Government may not expel, return or extradite such person to the country in question. In determining whether "substantial grounds" exist, Article 3(2) of the Convention determines that "*the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights*". In this regard, North Gauteng High Court in the *Southern African Litigation Centre*-case dealt with this matter to some extent when it considered whether the rule of law existed in Zimbabwe in context of alleged acts of torture perpetrated against the Applicants.
36. Section 11(b)(iii) of the Extradition Act 62 of 1962 recognises that there are some circumstances in which the Government should refuse to extradite a person. These circumstances do, however, not include torture or any other form of cruel, inhuman or degrading treatment or punishment. The Immigration Act 13 of 2002 appears to silent on any special circumstances in which the Government may not deport a person. In its current draft, the Bill (whether directly or indirectly through the amendment of other relevant legislation) does not seek to prevent the Government from expelling, deporting or extraditing any person to another country where such person may be exposed to acts of torture or other acts of cruel, inhuman or degrading treatment or punishment.
37. It is hence strongly advised that the Bill, together with the Extradition Act 62 of 1962 and Immigration Act 13 of 2002, be amended so as to give effect to the provisions of Article 3(1) of the Convention and sections 7(2) and 12(1) of the Constitution as interpreted by the Constitutional Court in the *Mohamed and Tsebe*-judgements.
38. Article 13 of the Convention: Article 13 of the Convention determines that "*[e]ach State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities*". This Article also determines that States Parties must "*ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given*".
39. It is therefore contended that in order to give effect to Article 13, it is crucial to ensure that the Bill determines that:
 - a. a victim of torture or other acts of cruel, inhuman or degrading treatment or punishment has a right to level a complaint regarding such activities. Such a right would include –
 - i. an unlimited right to disclose any of the aforementioned acts (whether in terms of the Protected Disclosures Act 26 of 2000 or any other relevant Act, including this Bill); and

- ii. a right to access relevant information related to those alleged acts and circumstances surrounding such alleged acts;
- b. a victim of, or witness to the aforementioned acts is protected against all ill-treatment or intimidation related to such a complaint and testimony; and
- c. no other Act may prevent information about, or related to alleged acts of torture or other acts of cruel, inhuman or degrading treatment or punishment to be withheld or disclosed on any grounds, including, but not limited to those of national security and security classification.

40. Article 16 of the Convention: Article 16(1) of the Convention determines that "[e]ach State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

41. As reflected in the title of the Convention, this international agreement does not only seek to prevent and punish "torture", but also "other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture". As outlined in the definition of "torture" – both in Article 1 of the Convention and clause 3 of the Bill – the act of torture comprises three cumulative elements:

- a. the intentional infliction of severe mental or physical suffering;
- b. by a public official, who is directly or indirectly involved; and
- c. committed for a specific purpose.

42. Thus, even where an act would exclude any of the aforementioned cumulative elements (and therefore would fall short of the definition of "torture"), such an act could still amount to cruel, inhuman or degrading treatment or punishment – for instance, where an act was not inflicted "intentionally" (but occurred due to negligence), where an act was not committed for a specific purpose, or where an act caused pain or suffering not considered "severe". Some guidance can be taken from the *Elements of Crimes for the International Criminal Court* in the *Rome Statute of the International Criminal Court* with reference to the term "inhuman treatment" which is defined as the infliction of "severe physical or mental pain or suffering" in the absence of the requirement that the treatment be inflicted for a specific purpose. This document also defined the notion of "outrages upon personal dignity" as acts which humiliate, degrade or otherwise violate the dignity of a person to such a degree "as to be generally recognized as an outrage upon personal dignity". The *Elements of Crimes* adds that the cultural background of the victim needs to be taken into account, thereby covering treatment that is humiliating to someone of a particular nationality or religion. Similarly, "degrading treatment" was defined by the *European Commission of Human Rights* as treatment or punishment that grossly humiliates a victim before others, or drives such victim to act against his or her will or conscience".

43. In terms of Article 16(1) of the Convention, States Parties are obligated to prevent such acts. As is the case with torture, this prohibition is also absolute and non-derogable. Therefore, any act that falls short of the definition of torture because it lacks one or more of the elements may still be covered under the

prohibition outlined in Article 16 of the Convention. Public officials often assume that, since other forms of cruel, inhuman or degrading treatment or punishment do not fall within the definition of "torture", those acts could be permitted in extreme circumstances. Any such assumption is, without doubt, incorrect and in violation of International Human Rights Law and International Humanitarian Law, which respectively prohibit the ill-treatment of persons deprived of their liberty everywhere and at all times.

44. The Bill (or any other Act) currently fails to give effect to Article 16(1) of the Convention as other acts of cruel, inhuman or degrading treatment or punishment are not criminalised or prevented in any form or manner. The Convention equally requires of States Parties to incorporate the provisions and obligations provided for in Articles 10, 11, 12 and 13 of the Convention *mutatis mutandis* in relation to such other acts.
45. It is therefore advisable to consider criminalising other acts of cruel, inhuman or degrading treatment or punishment which does not amount to torture as defined in the Bill and to align the other provisions of the Bill with the requirements of Articles 10, 11, 12 and 13 of the Convention in so far it is applicable to any other acts of cruel, inhuman or degrading treatment or punishment.

Conclusion

46. Torture and other acts of cruel, inhuman or degrading treatment or punishment cannot be justified in any circumstance. The prohibition thereof, in terms of International Law, is absolute, non-derogable and recognised as *jus cogens* (a peremptory norm of International Law), which supersedes any inconsistent provision in another treaty, customary law or national legislation. States are therefore never permitted to, temporarily or otherwise, limit the prohibition on torture under any circumstance whatsoever.
47. Almost no country is immune from practices that amount to torture and ill-treatment. The only aspects that differ are the intensity and scale of those abuses and the preventative response by Governments.
48. Unfortunately, one does not have to look far to find various references to South Africa amounting to potential transgressions of the Convention (for example, Dorasamy A, "Trauma, Torture and Ridicule", *IOL News*, 21 March 2010; Ramagaga T, "The Problem of Torture in South African Prisons", *ISS News* <http://www.iss.co.za>, 2 August 2011; Editorial Staff "Sent to Die – Shocking Fate of Suspects in Alleged Rendition Deal with Zim Cops", *The Sunday Times*, 23 October 2011; Underhill G, "Torture Charges Drawn Up against Hawks Members", *Mail & Guardian*, 12 March 2012; Tolsi N, "South Africa Ignores Deportee Torture Claims", *Mail & Guardian*, 9 March 2012; Mambondiyani A, "South African Ruling on Zimbabwe Torture Draws Applause and Criticism" www.hinkafricapress.com, 11 June 2012).
49. In this regard, the Bill is, in principle, welcomed since incorporation of the Convention (which was ratified fourteen years ago) and criminalisation of torture and other acts of cruel, inhuman and degrading treatment or punishment are long overdue. As elaborated in this submission, the Bill does, however, fall short of effective incorporation of all international obligations as created by the Convention and should be strengthened in order to address the aforementioned deficiencies.

50. According to *Preventing Torture: An Operational Guide for National Human Rights Institutions* (Asia Pacific Forum of National Human Rights Institutions, Association for the Prevention of Torture and the Office of the United Nations High Commissioner for Human Rights, May 2010), the development of a comprehensive strategy for torture prevention requires an integrated approach composed of three interrelated elements:

- a. a legal framework that prohibits torture (including ratifying relevant international human rights treaties, effective incorporation into national law of all obligations in terms of international human rights treaties and respecting soft law in relation to the prohibition of torture and deprivation of liberty);
- b. effective implementation of this legal framework (including training and education, procedural measures including departmental policies, investigation and punishment and repatriation of victims); and
- c. mechanisms to monitor the legal framework and its implementation (including internal administrative control mechanisms, independent mechanisms, international mechanisms and the media and civil society).

51. The Bill (and other relevant legislation through effective amendment by virtue of this Bill) should reflect these aforementioned interrelated elements in so far as it will give effect to obligations created by the Convention – including a comprehensive legal framework, effective implementation of such framework and mechanisms to monitor and ensure implementation.

52. CFCR would like to contribute positively to the promotion and protection of our constitutional democracy by ensuring all measures for the effective incorporation of South Africa's international obligations as required by the Constitution are considered, weighed and implemented. In this regard and if required, CFCR will be available to engage in oral submissions to the Committee in order to elaborate on this submission, whether during the public hearings or at any such time as the Committee may see it fit.

53. We trust that our submission will be of assistance in guiding the Committee's deliberations on the Prevention and Combating of Torture of Persons Bill [B21 – 2012] aimed at incorporating all international obligations as required by the Constitution and international agreement.

Yours sincerely



Adv Johan Kruger
Director