



CHRI

COMMONWEALTH HUMAN RIGHTS INITIATIVE

Volume 17
No: 2, 2010

NEWSLETTER

What happened in Jamaica?

Look inside to find out what happened in Jamaica during the violent summer of 2010.



Modified Landscape Photograph of a Jamaican Beach
Photographed by Joshua Smith, United States
Modified by Chenthilkumar Paramasivam, India

[For private circulation only]

The Commonwealth Human Rights Initiative (CHRI) is an independent international NGO mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth

Commonwealth Human Rights Initiative (CHRI)

International Advisory Commission:
Sam Okudzeto – Chairperson.

Members:

Eunice Brookman-Amissah
Murray Burt
Yash Ghai
Alison Duxbury
Neville Linton
B.G. Verghese
Zohra Yusuf
Maja Daruwala

Executive Committee (India):

B.G. Verghese – Chairperson

Members:

Anu Aga
B.K. Chandrashekar
Bhagwan Das
Nitin Desai
K.S. Dhillon
Harivansh
Sanjoy Hazarika
Poonam Muttreja
Ruma Pal
R.V. Pillai
Kamal Kumar
Maja Daruwala – Director

Executive Committee (Ghana):

Sam Okudzeto – Chairperson

Members:

Anna Bossman
Neville Linton
Emile Short
B.G. Verghese
Maja Daruwala – Director

Executive Committee (UK):

Neville Linton – Chairperson

Lindsay Ross – Deputy Chairperson

Members:

Frances D'Souza
Austin Davis
Meenakshi Dhar
Derek Ingram
Claire Martin
Syed Sharfuddin
Elizabeth Smith

CHRI was founded in 1987 and is currently constituted by the

Commonwealth Journalists Association
Commonwealth Lawyers Association
Commonwealth Legal Education Association
Commonwealth Parliamentary Association
Commonwealth Press Union
and
Commonwealth Broadcasting Association

These sponsoring organisations felt that while Commonwealth countries had both a common set of values and legal principles with which to work, they required a forum from which to promote human rights. It is from this idea that CHRI was born and continues to work.

Headquarters, New Delhi

B-117, Second Floor
Sarvodaya Enclave
New Delhi - 110 017
India
T: +91-11-43180200
F: +91-11-26864688
info@humanrightsinitiative.org

Africa, Accra

House No.9,
Samora Machel Street Asylum Down,
Opposite Beverly Hills Hotel,
Near Trust Towers,
Accra, Ghana
T/F: +233 302971170
chriafrika@humanrightsinitiative.org
chri_info@yahoo.com.au

United Kingdom, London

Institute of Commonwealth Studies
School of Advanced Study, University of London
2nd Floor, South Block, Senate House
Malet Street, London, WC1E 7HU
T: +44(0) 207 862 8857
F: +44(0) 207 862 8820
chri@sas.ac.uk

CONTENTS

Published by:

Commonwealth Human Rights Initiative

Headquarters, New Delhi

B-117, Second Floor
Sarvodaya Enclave
New Delhi - 110 017
INDIA

T: +91-11-43180200

F: +91-11-26864688

info@humanrightsinitiative.org

www.humanrightsinitiative.org

Editors:

R Iniyan Ilango

Coordinator, Human Rights
Advocacy Programme, CHRI

Tennille Duffy

Programme Officer, Access to Justice
(East Africa), CHRI

Designer:

Chenthilkumar Paramasivam

Printed by:

Printworld

Cover Story

What happened in Kingston, Jamaica?

Carolyn Gomes, Executive Director, Jamaicans for Justice

Page 2

Features

Reform in the Commonwealth: Working Towards Better Policing in East Africa

Tennille Duffy, CHRI

Page 6

Looking at the Challenges that Would Hinder Effective Implementation of Right to Information in Ghana

Selina Tom-Johnson, CHRI

Page 10

Nigeria Out of Step with International Standards as Police Killings Continue

Karen Tanenbaum, CHRI

Page 12

New UK Policing Approach

Colin Warburton, Policing and Counterterrorism Consultant

Page 16

Special Story

Update on the Elections in Rwanda

Frederick Cowell, CHRI

Page 18

WHAT HAPPENED IN KINGSTON, JAMAICA?

Cover Story

Carolyn Gomes, Executive Director, Jamaicans for Justice

The convulsion that shook parts of Jamaica's capital city Kingston over the period 19 May to 1 June 2010, and which continues to have after-effects on the life of the island, was a long time in the making.

The immediate events were precipitated by the decision of the government to sign the authority to proceed with an extradition request for Christopher "Dudus" Coke, who the United States of America has charged with drug smuggling and gun-running. This decision came after months of indefensible dithering on whether to sign the request and at the expense of boatloads of political capital by the Prime Minister of Jamaica, Bruce Golding, who stood in Parliament and said he was prepared to "pay a political price" to defend Mr. Coke. He, and the nation certainly have.

What ensued when the Minister of Justice capitulated and signed the authority to proceed with the extradition, and the warrant for Coke's arrest was issued by the courts, could have been predicted, certainly should have been anticipated and does not appear to have been sufficiently planned for.

PART I Background is Important

The ties between politics and the euphemistically called "community

leaders", "dons" or "area leaders", in Jamaica dates back to the 1940s and the formation of the two dominant political parties, the Peoples National Party (PNP) and the Jamaica Labour Party (JLP). Newspaper articles of that era speak of the politicians being seen with and accompanying "persons of ill repute" as they canvassed for votes. Political rivalry was on occasion expressed with stone and bottle throwing at opponents and sometimes more violent knife and cudgel fights.

In the 1970s this political rivalry, tinged with violence, changed in character and became a deadly ideological struggle between the left-leaning PNP government of Prime Minister Manley and the right wing JLP opposition led by Edward Seaga. Society split along cold war lines and politicians of both parties became involved in arming and supplying their "foot soldiers" with bullets to defend the cause. These "soldiers" were mostly poor, under-educated and unemployed young men living in urban ghettos which were (and still are) aligned with one or the other political party.

These enclaves of political alignment, now called "garrison communities", were deliberately created by politicians, under the rubric of "urban renewal" to ensure victory in particular areas at election time. Obtaining housing in these communities required well-

documented allegiance to a party and such allegiance was violently insisted on by the party "enforcers". Resistance to this control brought arson and murder.

The first such enclave was Tivoli Gardens, built under a JLP government, but the advantage of having reliable voting blocks (returning on occasion 105 per cent of the eligible vote for one party) was quickly seen and replicated. Today, Jamaica is thought to have 12-15 garrison constituencies, some for the PNP, and a smaller number for the JLP.

The ideological struggle of the 1970s using "soldiers" from these "garrison communities" culminated in the bloody election of 1980 in which Manley's PNP was resoundingly defeated and Seaga's JLP took power. Caught in the societal division was the under-resourced, paramilitary-style Jamaica Constabulary Force, and political allegiance tainted every aspect of policing from arrests and detentions to killings. Gang leaders aligned to powerful politicians were untouchable by the police and whole areas of the city under their control gradually became no-go areas for law enforcement. Inevitably, some police became involved in the criminality.

From the 1980s onward, the politically aligned gangs became increasingly involved with illegal activities independent of their

political masters. Drug smuggling links established to transport marijuana were readily converted to the shipment of the much more lucrative cocaine, trans-shipped from Columbia, through Jamaica and on to the US and Europe.

Payment for this facilitated trans-shipment often took the form of guns and bullets. Increasingly well-organised and well-armed gangs, headed by leaders called “dons” whose violent skills were honed in the struggle of the 1970s, while still

notorious Christopher “Dudus” Coke and his company “Incomparable”.

Coke assumed the leadership of the violent “Shower Posse” gang (they got their name from their willingness to “shower” their enemies with bullets) based in Tivoli Gardens some time after the death of its leader Lester Lloyd Coke (aka “Jim Brown”) his father. The older Coke was burnt to death in the 1990s by an unexplained fire in the jail cell in which he was awaiting extradition to the USA.

importing guns and ammunition into Jamaica. These arms were used to enforce his rule over the rackets (and legitimate businesses) in “his area” in the western part of the city.

The loyalty of the residents of Tivoli (and wider areas of Western Kingston) was bought by the generosity of the “don”, who provided school fees and lunch money for countless youngsters and by his willingness to enforce “the rules” and “protect” the residents. Tivoli Gardens has the lowest crime

There was even talk in civil society that Mr Coke knew too much about the workings of the politics/crime nexus in Jamaica to be allowed to talk to US law enforcement.

expressing undying allegiance to political parties, became increasingly independent of politicians for their livelihood. These gangs and dons took charge (often violently) of larger and larger areas of the island running extortion rackets, shipping drugs and guns, and increasingly getting involved in “legitimate” enterprises.

By the start of the twenty-first century the Government of Jamaica was awarding millions of dollars worth of state contracts for the provision of “security services” or garbage collection or “construction” to businesses openly headed by persons of very ill repute, who guaranteed their own protection by supporting and funding the two political parties. One of those who benefited from government contracts was the

Tivoli Gardens, “the mother of all garrisons”, is unshakably loyal to the JLP and was until 2005 represented in Parliament by Edward Seaga, former Prime Minister. The intertwining of politics and criminality was illustrated by the fact that Mr Seaga, delivered the eulogy at the funeral for Lester “Jim Brown” Coke, an indicted criminal.

In 2005, when Bruce Golding needed a safe seat in order to enter Parliament, he stood for elections for the constituency of Tivoli Gardens. He could only do that with the acquiescence of “Dudus” Coke who was, by this time, the undisputed “don” of the area. As leader of the “Shower Posse” he is alleged to have been shipping marijuana and cocaine to the US and Europe and

rate in the island but the police force dare not enter. The generosity to the children was coupled with the opportunity for work provided by the “legitimate” business activities of the “don”, including the world famous “Passa Passa” Street party which he promoted weekly in the area. This loyalty could be called upon to “protect” the don and his men or to turn out protestors to support his causes.

Given this background, the arrival of the extradition request from the US for Mr Coke in August 2009 put Prime Minister Golding solidly on the horns of a dilemma. Signing the request and issuing a warrant for the arrest of Coke was likely to result in mayhem in Western Kingston, his constituency. Coke had seen what

happened to his father in police custody, and was unlikely to surrender quietly. The loyalty the “don” had bought in Tivoli, and the firepower he had accumulated was likely to be used to defend him against the legitimate forces of law and order.

Coke was also smart enough to have linkages with other important gangs in the city across the political divide, relationships which he would call on to resist arrest. And Coke is a very important financial supporter of the Prime Minister’s JLP. There was even talk in civil society that Coke knew too much about the workings of the politics/crime nexus in Jamaica to be allowed to talk to US law enforcement.

On the other hand, the United States of America had spent years and millions of dollars investigating Christopher Coke and his criminal organisation and was insisting that Jamaica honour the extradition request and not entertaining any objections of the Jamaican authorities.

The PM dithered, found reasons not to sign the extradition request, and employed lobbyists in America to try and “resolve a treaty dispute” on behalf of Coke. Finally, the weight of public opinion, outraged by the naked protection of a notorious gangster by the government, forced the Prime Minister to concede and the Minister of Justice to agree to sign the request for extradition. By that time Coke had nine months to prepare his exit strategy and he immediately put it on display.

PART II The Battle for West Kingston

On 17 May the Prime Minister, in a broadcast to the nation, indicated that the authority to proceed with the extradition would be signed. Rumours to that effect had earlier caused panic in the city resulting in a mass exodus from downtown Kingston which spread rapidly to the suburbs as commerce ground to a halt hours earlier than normal. By the next day, barricades began appearing at the entrances to Tivoli Gardens and tension gripped the city as Government Senator Tom Tavares-Finson (also attorney for Coke) warned: “Don’t use it [the extradition warrant] to murder innocent people in West Kingston. Don’t do it; it will not put us anywhere.”

The Police High Command issued calls for Coke to surrender himself and the tension mounted over the next few days as the barricades got thicker and higher. Thousands of residents of Tivoli Gardens and surrounding areas staged a march protesting the innocence of “Dudus” and announcing their willingness to die for him. The protestors, mainly women, and dressed in white, marched on Parliament where the police turned them away but not before they had scared the Parliament staff. While many of the protestors were genuine in their protestations on behalf of “Dudus” it is unlikely that anyone in those communities could have refused to march and remained unscathed.

By the weekend, confrontation between the security forces and the residents of western Kingston led by their “don” was clearly imminent. The newspapers carried headlines such as “Dudus: The man who holds a nation hostage...” and “No War, No Peace” and the tension continued to mount.

On Sunday 23 May the gangs and the gang leaders took the “war” to the security forces attacking four police stations in western Kingston and ambushing police on patrol. One station was looted and burned to the ground, two policemen were killed and six others shot and injured. This violence, which appeared planned and coordinated, forced the hand of the government who by nightfall declared a limited state of public emergency for the Kingston metropolitan region. The following day the Jamaica Defence Force (the army) accompanied, we are told, by some police personnel began an assault on the solidly barricaded Tivoli Gardens community supposedly to execute the warrant for the arrest of Christopher “Dudus” Coke.

The battle that followed played out on television screens across the world though pictures from inside the areas under assault were impossible to obtain, as the army prohibited media access. After three days, the army was said to be in control of Tivoli Gardens, 73 persons were dead, “Dudus” was still at large and allegations of abuse and extra-judicial shootings and killings by police and soldiers were mounting.

Over the course of the next week over 600 persons, mostly young men, were detained for “processing” by the police which mostly consisted of checking names, fingerprints and photographs against lists of wanted men. Most of these 600 were subsequently released but unknown numbers were detained under the State of Emergency regulations that permit the Minister of Security to order the detention of any person for 28 days.

At the time of writing the objectives of the actions of the security forces have been extended to include the “cleaning up of garrisons”, an effort to “crush crime” and the recapture of the country. In an address to Parliament on 1 June 2010 the PM declared:

The operation carried out in west Kingston involves more than an effort to execute a warrant of arrest on Christopher Coke. That may have been the catalyst but it is more than that. It is the beginning of a concerted effort to dismantle the aggressive criminal networks that have embedded themselves in communities in many urban areas and even in some rural communities. It is a campaign that will be sustained and intensified. It is a campaign that will target criminal gangs wherever they exist, irrespective of their political alliances or whether they have any such alliances.

The Public Defender (the National Human Rights Body) has been given the mandate to investigate allegations of abuse and extra-judicial killings.

Autopsies are yet to be conducted on the majority of those killed during the period and allegations of “tampering with crime scenes” abound from both citizens and security forces. The security forces seem emboldened by the extraordinary powers they have been given by the declaration of the State of Emergency and calls that they made for reputed criminals to turn themselves in for questioning have been heeded by dozens of men but not Christopher “Dudus” Coke. The country’s horrendous murder rate has halved since the start of the security operation as gang members who are normally responsible for 70 per cent of Jamaica’s homicides, lie low.

Human rights defenders try to sort out fact from allegation but grow increasingly concerned that members of the security forces are acting with virtual impunity to abuse citizens simply on the basis of their gender or place of abode. Civil society remains on edge wondering if the unsavoury links between politics and criminality which led inexorably over decades to this low point in Jamaica’s history, will really be severed.

The entire country hopes that concrete actions to improve social conditions and services in depressed “garrison communities”, to clean up the Jamaica Constabulary Force and purge it of corruption, and to improve the delivery of justice will actually follow. Whether or not this convulsion will result in a real cure of the underlying illness or simply the application of a sledgehammer remains to be seen. ■



REFORM IN THE COMMONWEALTH: WORKING TOWARDS BETTER POLICING IN EAST AFRICA

Features

Tennille Duffy, Programme Officer, Access to Justice (East Africa), CHRI

I – Development of Common Standards for Policing

Policing in East Africa is often criticised for its brutality, corruption, lack of accountability, and for being an instrument wielded against the people by those in power. The East African countries of Kenya, Uganda, Tanzania, Rwanda and Burundi have, in common, a history of colonisation followed by various conflicts and political turmoil post-independence. Any development of the police organisations of these countries, or efforts towards substantial reform, have remained largely stalled due to the failings of post-colonial regimes, a lack of political will and generally poor governance.

The contemporary political landscape in East Africa is, however, witnessing some change—the most significant at the regional level being the integration of the five republics in the East African Community (EAC). The aim of the EAC is stated as: “widening and deepening cooperation among the Partner States in, among others, political, economic and social fields for their mutual benefit.” There is an ongoing debate about how best to achieve defence objectives, as well as peace and security in the region, and policing is a primary feature of this debate. Police agencies are

increasingly cooperating on training and cross-border operations, demonstrating that the harmonisation of policing is indeed a priority for the EAC.

In addition to the drive and desire to harmonise policing, recent events in which the nature of policing in the region has come under scrutiny mean that reform of the police is very much on the agenda in several

Aware of these developments and the current political context, CHRI noted that there was no single set of guiding principles that existed for the region against which collaborative projects, protocols, harmonisation and reforms could be constructed and assessed. Working together with the African Policing Civilian Oversight Forum (APCOF), CHRI began work in 2008 to develop a set of Common Standards for Policing

Working together with the African Policing Civilian Oversight Forum (APCOF), CHRI began work in 2008 to develop a set of common standards for policing in East Africa. Those standards are set out at the end of this article.

countries. The violence that rocked Kenya following the elections in late 2007, and more recent public order disturbances in Uganda where police used lethal force, are two examples of issues that continue to ignite the debate. Whilst various efforts at police reform have been made over the years, it is certainly the case now that the region is receiving international attention when it comes to how the police, and security forces in general, conduct themselves.

in East Africa. The impetus behind the project was the belief that a guiding set of regional standards had an important role to play in the EAC. The project received support from the East African Police Chiefs Cooperation Organisation (EAPCCO) and the EAC. Following a series of consultations with stakeholders – police, civil society, national human rights institutions, policy and lawmakers from each country – the Common Standards were arrived at.

II – Implementation and Utility of the Common Standards

The Common Standards are a composite of the international and regional framework for human rights, policing and security, with a particular focus on the instruments of the UN, AU and EAC that are common to the five states of East Africa. Further, the Standards were drafted following a series of consultative workshops in all five East African countries. In this way, the Standards are a consensus-built document that reflect the political and legal commitments to policing already made by the five countries. The utility of this approach is in the articulation of the Standards as a single text for use by all stakeholders.

The Common Standards have already proved useful in the work that CHRI and APCOF do in the region. One of the ready applications of the Standards is as a kind of universal tool that laws, legislation and policy can be measured against. For example, the National Security chapter of the Draft of the Kenya Constitution deals with policing, as do several provisions in the Bill of Rights. In line with their advocacy in the region, a Memorandum analysing the relevant articles of the Draft as against the Common Standards was submitted to the Committee of Experts by CHRI and APCOF. This exercise, and this kind of analysis, can be conducted by all stakeholders who use the Common Standards.

CHRI and APCOF are also working on long-term implementation of the Common Standards across the East African region. As the region heads toward a series of national elections over the next three years, the role of the police and security forces in dealing with public-order issues is, rightly so, coming under scrutiny. Citizens simply seeking to participate in the election process do not deserve a repeat of the violence-much at the hands of the police, or not dealt with properly and professionally by them-that has overshadowed so many elections in the region in the past. To this end, CHRI and APCOF are working with civil society partners in Uganda, to conceptualise a programme on public order management encompassing all stakeholders, and especially the police, to manage critical incidents, such as public actions, that are anticipated ahead of the 2011 election there.

A critical part of this proposed intervention is the use of the Common Standards to develop a monitoring tool. As the Common Standards address key aspects of policing elections – such as political independence, public order policing, lawful use of force, protection of human rights, policing in accordance with the rule of law and due process – they provide an ideal base to work from. They can be used to develop and implement a framework, consisting of a set of measures and indicators, to assess police capacity to manage critical incidents associated with the election process. The high-level support that the Standards have at the regional level

further reinforce their utility in providing a benchmark against which an assessment of the role and actions of the police during elections can be made. This will, ultimately, help to work towards the goal of peaceful elections in Uganda.

Intervention and advocacy efforts such as these not only demonstrate the usefulness of the Common Standards – they also demonstrate the growing concern to achieve democratic and accountable policing across the East African Community. Citizens, given a voice through civil society, are keen for change and resources such as the Common Standards can inform efforts at an in-country level, whilst keeping police in step throughout the region. The Common Standards can help ensure that there is an effective framework for transparent, democratic and accountable policing. Without such a framework, police will continue to remain vulnerable to threats which undermine the protection of civil and political rights and efforts to create an environment to maximise the enjoyment of economic, cultural and social rights – efforts central to the success of a united East African Community. ■

Turn over to read
Common
Standards for
Policing in East
Africa, developed
by CHRI and
APCOF

Common Standards for Policing in East Africa

The common standards set out below are a composite of the international and regional framework for human rights, policing and security, with a particular focus on the instruments of the UN, AU and EAC that are common to the five states of East Africa. In this way, the standards reflect the political and legal commitments to policing already made by the five countries. The utility of this approach is in the articulation of the standards in a single document for use by all stakeholders. The complete list of sources for the standards is at Appendix A.

1. Role of the police

The police will:

- a. Protect life, liberty and security of the person.
- b. Maintain public safety and social peace.
- c. Adhere to the rule of law as an essential element to human security, peace and the promotion of fundamental rights and freedoms.

2. Policing in Accordance with the Rule of Law

- a. The police will fulfil their functions in accordance with the rule of law. The police will:
 - i. Not arbitrarily arrest or detain and will only deprive persons of their liberty in accordance with the law.
 - ii. Promptly inform accused persons of the reason for their arrest and any charges brought against them – this must be communicated to the accused persons in a way and manner they understand.
 - iii. Act in a manner that upholds the presumption of an accused person’s innocence until proven guilty in accordance with the law.
 - iv. Ensure that arrested persons are brought promptly before an authorised and competent judicial authority.
 - v. Ensure that, upon arrest, detention and charge, there is a presumptive right to bail or bond.
 - vi. Ensure the right of a detained person to challenge the lawfulness of their detention and recognise the enforceable right to compensation if an arrest or detention is deemed unlawful by the courts.
 - vii. Ensure that arrested and detained persons have access to interpreters and legal assistance, as required.
 - viii. Ensure that arrested and detained persons are treated humanely and kept under humane conditions.

3. Police Actions

The police will act in a manner that:

- a. Ensures they discharge the duties assigned to them by law equitably, diligently and with a high degree of professional responsibility and will, at all times, strive to maintain a community service focus.
- b. Upholds the right to life, liberty and security of the person by only using force and firearms when strictly necessary and only to the extent required for the fulfilment of their lawful duty.
- c. Ensures all citizens enjoy their fundamental rights and freedoms without discrimination.
- d. Upholds the absolute prohibition on the use of torture and other cruel, inhuman or degrading treatment or punishment. The police will not inflict, instigate or tolerate any act of torture, cruel, inhuman or degrading treatment or punishment. No circumstances will override this prohibition, including threats of war, political instability or periods of emergency.
- e. Ensures all persons deprived of their liberty are treated with humanity and respect for their inherent dignity. They will:

- i. Consider and treat all persons deprived of their liberty as innocent until proven guilty by a competent judicial authority.
 - ii. Keep persons awaiting trial separate from convicted persons.
 - iii. Provide all persons deprived of their liberty with adequate food and clothing, unless the detained person elects to provide their own.
 - iv. Facilitate assistance from medical practitioners.
 - v. Inform family and friends of the detention and allow detained persons to maintain contact with those persons to the extent that such contact is consistent with the administration of justice, security and the good order of the place of detention.
 - vi. Allow all persons deprived of their liberty to access legal assistance and receive visits from their legal advisors which are within the sight, but not hearing, of officers.
- f. Adheres to the absolute prohibition on extra-judicial executions and the government will legislate to ensure that such actions are investigated and prosecuted as a matter of priority and as punishable criminal offences under law. Police will not derogate from this principle on account of war, armed conflict or other national emergencies.
 - g. Ensures victims are treated with compassion and dignity, which includes access to prompt, fair and inclusive mechanisms of redress that respect the privacy of victims. They will make known and provide victims with assistance, including psychological, medical and social services. The police organisation will ensure that officers receive training to sensitise them to the diverse needs of victims.
 - h. Does not discriminate against women, juveniles and minority communities. Police who are in frequent contact with suspects, offenders, victims and witnesses from these groups should receive sensitisation training.
 - i. recognises the right of all persons to peaceful assembly without restriction insofar as this right is consistent with the rule of law, democracy, public peace and security, and the rights of others. Regarding unlawful but peaceful assemblies, police will avoid the use of force and, if force is necessary, only use force to the minimum extent. In violent assemblies, police will use less dangerous means of crowd control but if force becomes necessary, only use the minimum force necessary.

4. Police Organisations

- a. The police will account for violations by officers against citizens' human rights.
- b. The police will implement basic standards for the recruitment of officers, including selection of candidates by proper screening processes to ensure that they exhibit appropriate moral, psychological and physical qualities for the role. Recruitment will ensure that the police organisations are representative of the community as a whole, with ethnic, gender, language and religious compositions reflective of the population they serve.
- c. The police will ensure members receive comprehensive and ongoing training on their rights and obligations.
- d. Police personnel will not only refrain from engaging in acts of corruption and abuse of power, but will rigorously oppose and combat all such actions. States are required to implement measures to facilitate the investigation of corruption and abuse of power and to take preventative measures, including police anti-corruption training and enacting domestic legislation, that criminalises such actions.
- e. In fulfilling their mandate, the police will cooperate with role-players within and outside the criminal justice system, including citizens and civil society organisations.
- f. States must promote bilateral, regional, multilateral and global law enforcement and crime prevention cooperation and assistance. To further this aim, states should take measures to prevent crime at a domestic level, strengthen information sharing and facilitate technical assistance, including exchange programmes and training.

LOOKING AT THE CHALLENGES THAT WOULD HINDER EFFECTIVE IMPLEMENTATION OF RIGHT TO INFORMATION IN GHANA

Selina Tom-Johnson, CHRI, Africa Office



Efforts to have a right to information law in Ghana started way back in 2001 and since then a number of bills on Right to Information (RTI) have been drafted, with the latest version being that of 2010. The bill has made some headway in the legislative process and there is hope that the law may be

passed soon. Currently, it is being scrutinised by the Joint Committees on Constitutional, Legal and Parliamentary Affairs; and Communications who have received memoranda from the public and will soon be holding regional consultations on the same.

Pushing strongly for the passage of the RTI law is the Ghana Coalition on the Right to Information for which the Commonwealth Human Rights Initiative, Africa Office serves as a secretariat and resource hub. The coalition has, since 2003, been working to identify and address

several concerns of the bill before it is passed into law, in order to ensure that Ghana passes a law that conforms to international human rights standards as well as best practices. One of the main concerns that has been raised and which most government agencies and departments have expressed apprehension about is the implementation of the law once it is passed. It is undisputed that in order to achieve a successful RTI law, strategic steps must be taken in creating and promoting awareness on the right to information law. The success of Ghana's RTI law will depend heavily on its implementation process.

Promoting awareness through advocacy, research, publications, and organising workshops for the sensitisation of the public on the right to information law are key to achieving a law that is enduring, effective, and successful. So far, the Ghana Coalition on the Right to Information has held regional seminars and travelling conferences in six of the nine regions in Ghana. Booklets and pamphlets containing messages on the right to information have been created and disseminated to different individuals, organisations and the Attorney General's Department. The coalition has also used the media through several radio and television interviews and news articles to inform the masses about the right to information. Nonetheless, the lack of public support or awareness on the law still persists. It has been observed that most Ghanaians, including

those in the middle class, are still oblivious to the Right to Information bill and its proposed objectives. It is imperative that Ghanaian constituents are conscious about the impact this bill will have on their lives since it's a bill that is being enacted on behalf of the people. Suggestions have been made by the Coalition to develop a grass-root campaign in promoting greater awareness for the right to information cause. The main objective of this movement would be to extend education about the law, the implementation process and strategies to every nook and cranny in the nation. In order to achieve this feat, the Coalition agrees that the message has to be in the language of the people. Therefore, the

There has to be commitment to openness and transparency.

information must be conveyed in the languages of the various ethnic groups. Further, the movement's agenda and message must be discussed in schools, neighbourhoods, churches, mosques, businesses and various public agencies.

On 20 June 2010, the coalition organised a breakfast meeting with some of the representatives from key implementing agencies and further strategies for the implementation of the right to information were discussed. The panel acknowledged that promoting a culture of openness as an implementation mechanism for the right to information and

raising support and sensitisation on the right to information were the first steps in the implementation process. As such, there would be a need for training of government officials so that they can gradually move away from the culture of secrecy and embrace that of openness.

It is immensely important that Ghana starts to confront these challenges to the implementation process of the right to information law before the bill comes into law. It is undeniable that the first and most fundamental challenge that Ghana has to deal with is political commitment. There has to be commitment to openness and transparency. If the Executive or the

leader of a government, agency or organisation is not committed, it stifles the effectiveness of right to information. The panel discussed different solutions to curbing this challenge. A consensus was reached that the government must have a strategic plan for implementation that sets out clear agendas. Presently, the proposed bill before Parliament lacks timelines, deadlines and even a commencement date for its enforcement. For the process to be efficient, timelines and targets are to be created and enforced. It was suggested that in order to exhibit commitment to the bill, there should be an office or officer in the Office

Continued to page no. 13

NIGERIA OUT OF STEP WITH INTERNATIONAL STANDARDS AS POLICE KILLINGS CONTINUE

Karen Tanenbaum, Intern, CHRI, Access to Justice (Police Reform - East Africa)

On the 6 and 7 June 2005, six Nigerian youths, later internationally known as the “Apo Six”, were killed by Nigerian police. Shortly after 1 a.m., a young woman, rejected an off-duty officer’s advances at a nightclub. The rejected officer left and walked to a checkpoint outside the club, told the officers there that armed robbers were nearby, and ordered them to shoot as the group’s car approached. Four died on the spot, while the other two, including the young woman, were taken to the station. After her family could not come up with a ransom quickly enough to have her released from custody, the woman and her friend were also killed. Police planted guns on the bodies of all six victims and claimed that they were armed robbers and had fired first.

As a result of the unusually high press coverage of the Apo Six killings, the government eventually rejected the police story and apologised to the innocent victims’ families. Yet no officers have been convicted of the crime and the officer who ordered the killings, Danjuma Ibrahim, was released on medical bail in 2006. Nevertheless, the fact that an investigation, much less the commencement of a prosecution, took place at all after the killings, makes the Apo Six case exceptional.

Five years on from the Apo Six case, extrajudicial or unlawful killings by police remain a problem across Africa. The audacity and impunity with which they are committed in Nigeria, however, has recently drawn sharp and heightened criticism, both locally and internationally.

“The label of ‘armed robber’ is very often used to justify the jailing and/or extrajudicial execution of

much less convicted of, armed robbery. The controversial Force Order No. 237 of the Rules for Guidance in Use of Firearms by the Police authorises use of deadly force against someone *suspected* of armed robbery (or any offence punishable by death or at least seven years imprisonment) if that person is attempting to flee the police and the officer cannot “by any other means” arrest or re-arrest them. Since

The crime of armed robbery is a capital offense in Nigeria, punishable by death. However, as in the case of the Apo Six, there is rarely any hard evidence to support allegations before the police take lethal action.

innocent individuals [...] for reasons ranging from a refusal to pay a bribe to insulting or inconveniencing the police,” reports UN Special Rapporteur on extrajudicial killings, Mr. Philip Alston. The crime of armed robbery is a capital offense in Nigeria, punishable by death. However, as in the case of the Apo Six, there is rarely any hard evidence to support allegations before the police take lethal action.

In some cases, police are authorised to use lethal force even before a person is formally charged with,

attempting to escape lawful custody is a felony punishable by seven years in prison, the police may shoot to kill any “suspect” escaping custody, even the most petty thief.

These permissive rules “provide close to a *carte blanche* to the police to shoot and kill at will”, according to Alston. He urges that Force Order No. 237 be reformed and aligned with the UN’s Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which emphasise proportionality over the blanket use of deadly force. That is,

police should only be able to use deadly force against a suspect who poses a direct threat to the lives of others. Even then, shooting to kill should be a last resort. To date, however, the operational doctrine on the use of force remains, and most certainly violates the guarantee of the right to life found in both the Nigerian Constitution and the African Charter on Human and Peoples' Rights. Alston also urges that armed robbery be removed from the list of capital offences, as there is rarely sufficient evidence to support the draconian punishment, and the label is as often used to cover up police crimes rather than to punish civilian criminal acts.

While amending the Force Order or the penalty for armed robbery may be relatively simple steps to take, there remain many other barriers to reforming Nigeria's police system. Along with much of Africa, Nigeria is a case study in the impracticability of attempting to protect constitutional rights without adequate financial and human resources. As of 2007, there were only five forensic officers for the entire country. Officers lack the training and tools to provide any meaningful, evidence-based policing, and it is reported that over 90 per cent of criminal prosecutions are based exclusively on confessions, often obtained by torture or other means of coercion. As a recent Open Society Initiative report states, "Without the infrastructure and skills to support criminal investigations, the NPF is institutionally unable to respect the

presumption of innocence [guaranteed in the Nigerian Constitution]."

Legislative reform must therefore be accompanied by increased police training on the use of restraint and proportionate force, and on alternative methods of interrogation. More importantly, because of widespread and deeply entrenched corruption within the force, there must be an external police oversight body with actual investigative powers that can respond to civilian reports of police abuse. Without independent oversight to monitor police activities, any increases in police funding or legislative reform would likely be meaningless.

Another step is to alter the public perception that such broad police powers are necessary, even desirable, for a safe and stable society. In November 2007, the Acting Inspector-General of Police, Mike Okiro, was promoted after publicly boasting that the police had killed 785 "armed robbers" and arrested an additional 1,628 in his first 100 days in office.

Nigerians must not accept indiscriminate police killings as a lawful exercise of police power or a necessary component of crime fighting. When officers label a victim of police abuse as a criminal, they exacerbate public fear of criminals and legitimise future abuses by creating a perceived need for more heavy-handed police "protection." This creates a situation where anyone described by police as a "criminal"

loses all rights, even those that should be irrevocable, like the right to life and due process. In reality, however, true incidences of armed robbery show no sign of abating as police abuses increase. Given that simple fact, citizens must demand that the police exercise restraint, use their powers lawfully and protect the constitutional rights of all, whilst truly serving the public by actually tackling crime via proper, efficient and accountable policing. Removing armed robbery as a capital offence that warrants a "shoot to kill" response and amending Force Order 237 will be a critical step in the right direction. ■

Continued from page no. 11

of the President to oversee the implementation of the strategic plan or the law in the various government ministries, departments and agencies.

Another challenge to the implementation process is that Ghana has not prepared any guidelines for the use of officials throughout the government or assigned functions to each government institutions. The Public Service Commission has set up a committee to start developing draft manuals and it is hoped that it shall engage civil society organisations for technical assistance.

One of the major challenges to the implementation process is the poor record keeping that prevails in most of the government ministries, departments and agencies. The

record managing practice of creating, storing, retrieving and disposing of records is rather inefficient so far, in spite of a comprehensive Public Records and Archives Administration Act, 1997 that clearly imposes a duty on public bodies to maintain proper records. The situation on the ground is such that retrieving a record frustrates the entire objective and spirit of a right to information law. Mastering the gospel of record management is at the heart of record keeping and a nation cannot survive or evolve without efficient record keeping. It is also absolutely necessary that records are kept. In each government department and public institutions, an in-house system for requesting and managing information must be created solely for the function of keeping records. The administrative head of each department has the responsibility of keeping records. Also, those within the administration have a responsibility to ensure that records are kept. Record management is a professional duty that must be taken by the professional. Therefore, the selection of people being trained for this work and those performing the training are very important. There needs to be collaboration between Information Communication Technology (ICT) and record management. However, the issue of record keeping is a complex issue that could be discussed more in depth at another time.

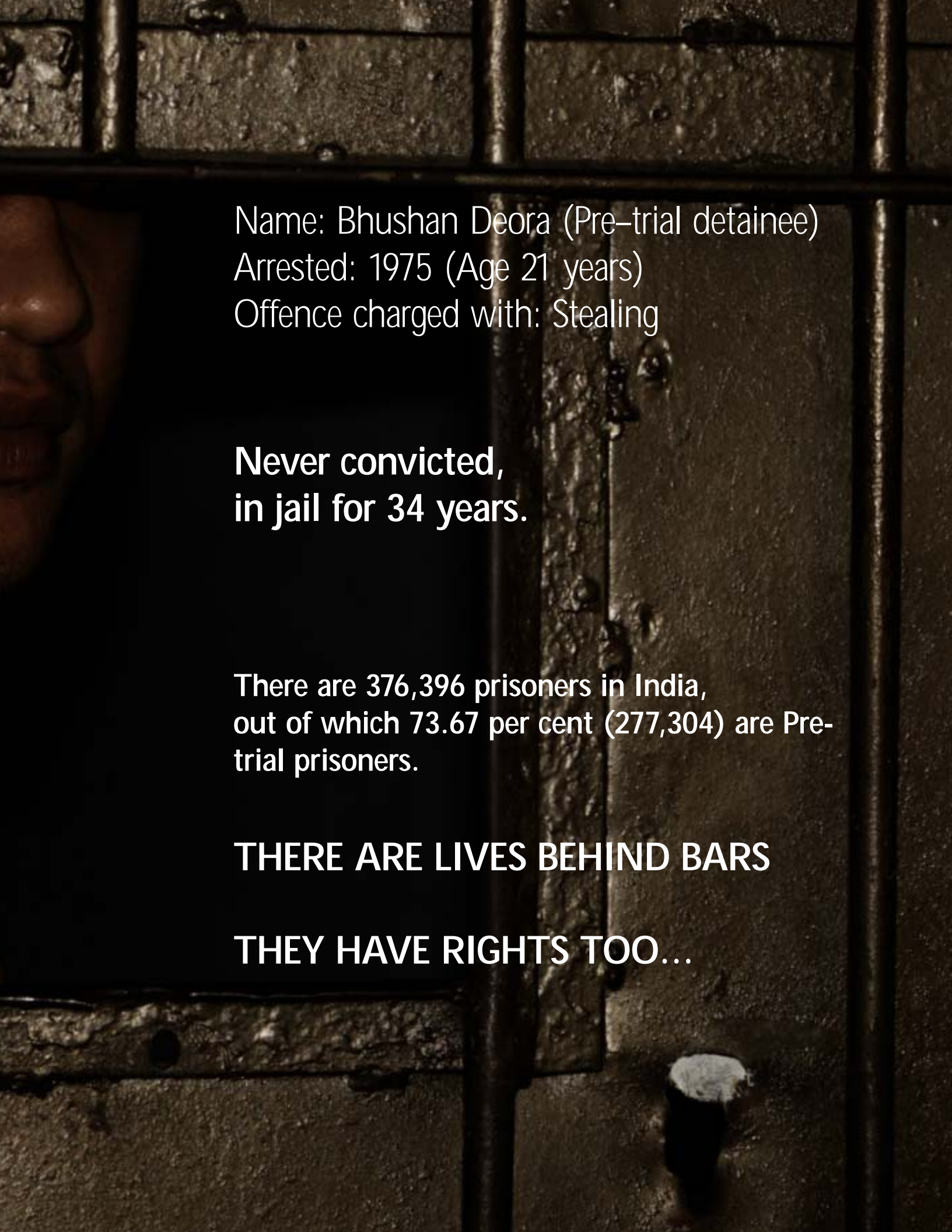
Access to information is the cornerstone of every democracy and in order to make sure that openness,

transparency and accountability are attained Ghana needs to address its concerns and challenges before embarking on its implementation process. In terms of advocacy, the focus should be on implementing agencies that will be able to carry out the objectives of the Right to Information law, but even before it is passed, there is a need for more buy-in for the law from the public, particularly the ordinary people, but also from the politicians who would rather that the bill does not see the light of day. As such, the struggle continues! ■

CHRI's Prison Reform Programme is focused on increasing the transparency of a traditionally closed system and exposing malpractice. A major focus is highlighting failures of the legal system that result in terrible overcrowding, unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this.

Another area of concentration is reviving the prison oversight systems that have, till now, completely failed. We believe that attention to these areas will bring improvements in the administration of prisons as well as having a knock-on effect in the administration of justice overall.





Name: Bhushan Deora (Pre-trial detainee)
Arrested: 1975 (Age 21 years)
Offence charged with: Stealing

**Never convicted,
in jail for 34 years.**

There are 376,396 prisoners in India,
out of which 73.67 per cent (277,304) are Pre-
trial prisoners.

THERE ARE LIVES BEHIND BARS

THEY HAVE RIGHTS TOO...

NEW UK POLICING APPROACH

Colin Warburton, Policing and Counterterrorism Consultant

The newly elected coalition government in the UK has made it clear that policing is once again going to change. Budgetary cuts are certain, but with it reforms that will lessen bureaucratic processes and bring in greater accountability of Chief Constables to the local community is the aim.

Since its inception in the early 1800s the UK police have been evolving and improving. The first London Metropolitan Police Act was passed in 1829 when Sir Robert Peel was Home Secretary and established the London Metropolitan Police Force. This superseded the local Watch in London but the City of London was not covered. Other police establishments organised in that period also remained outside the Metropolitan Police viz, the Bow Street Runners, the constables attached to Magistrates, and the Marine or River Police.

By 1839, all these establishments were absorbed by the London Metropolitan Police Force. It was also during this period that other cities, towns and rural communities in the United Kingdom formed their local police forces, all answerable to the local community but partly funded by the Central Government in London. Indeed, to this day all police services in the United Kingdom are funded on a ratio of 51 per cent by Central Government and 49 per cent from the local

authorities responsible for the local police service.

Another rationalisation of policing was undertaken in 1968 and a large reduction in the number of police forces was achieved through amalgamating several small forces into larger regional and county police forces. The amalgamation was to improve efficiencies and accountability to the local communities. Today, the whole of the United Kingdom is policed by a total of 43 police services, 36 in England and Wales, six in Scotland and one in Northern Ireland. All the Police Services in the main, work to the same laws passed by Parliament. However, one of the most important aspects of policing in the UK is that successive governments have rightly decreed that there will not be a UK National Police Services as this concentration of oversight and control could possibly lead to the police being used for political purposes and also takes away the ability of local Chief Constables to be accountable to local communities and answerable to locally elected members of the community.

Police services of the United Kingdom have always been proud of their approach to policing their local communities and through national programmes and developments have led the world in community Policing and investigation capabilities. Many of the investigative techniques which

are commonly used around the world today, such as DNA, were developed in the UK. The UK has a strong record of protecting human rights and in 1986 the Police and Criminal Evidence Act resulted in all arrested persons having free access to lawyers and all interviews with suspects being tape recorded. To-day the emphasis on police accountability, transparency and best practice is paramount, as indeed is the internal Professional Standards Department and the Independent Police Complaints Commission which deals with all aspects of alleged police wrongdoing.

The richly deserved reputation for being a world leader in policing methods and techniques has come at the price of massive increases in the cost of policing: increases in staff and financial support for every new method of investigation and technology. So expensive has the cost become that the new coalition government has called for a reduction in budget between 25 per cent and 40 per cent. Such a reduction is clearly going to impact policing.

In the months ahead, local Chief Constables and Commissioners are going to have to make hard decisions about where these cuts must fall. A parallel with the National Health Service (NHS) illustrates the dilemma. The NHS is free and on a par with the best health care in the world when dealing with major

illnesses, but in reality, struggles to meet everyday requests for treatment in its overburdened casualty departments. Similarly, UK police services are world leaders in dealing with major crime and terrorist incidents but also struggle to deal with less serious incidents and reports of minor crime. The reduction in public services may impact more heavily the services that local communities expect from their police.

The newly appointed Home Secretary has also promised to look

want the police to be crime fighters, not form-fillers; out on the streets as much as they think necessary, not behind their desk and chained to a computer. Perhaps most importantly of all, I want to free you by stopping all the initiatives and gimmicks that emanate from central government. When policing priorities are dictated by the news-cycle rather than what works, you only get the most superficial, short-term change. We've got to entrench long-term thinking, working with laws that

between the performance of local hospitals, and residents should be able to do the same with local police forces. So we will give the public much more information about crime in their streets, with each neighbourhood, having a detailed crime map of the crimes in their area. With this information in hand, they will then be allowed to challenge you, and your performance, in local beat meetings every month. These reforms add up to a massive transfer of power from me, the Home Secretary, to the

Police Services of the United Kingdom have always been proud of their approach to policing their local communities and through national programmes and developments have led the world in community policing and investigation capabilities.

into untangling the knot of health and safety rules and free the police from the bureaucratic red tape it is presently tied up in. Over the past few years, the police have become increasingly bogged down in paper work to such an extent that police officers are reportedly spending more time completing forms than they are on patrolling the streets and reassuring the community by their visible presence.

The government will also look at dismantling the targets in disguise - the Key Performance Indicators, which set national, one-size-fits-all priorities for local forces, and instead allow the police to pursue the crimes and criminals they believe they should. She continued:

“Let me be absolutely clear: I

we've got and the powers that you already have to score the line between right-and-wrong in our neighbourhoods. This is what we mean by democratic, not bureaucratic, accountability directly involving local people in developing local policing strategies providing a clear and visible link between the police and the public; and, of course, giving communities the power to kick people out of office if things go wrong. I won't politicise police. I know the concerns you have that individuals might result in the politicisation of the police force or, worse still, interfere with your operational independence. Parents expect to be able to compare standards between schools in their area, patients

people. They will be in charge, and everyone - from Commissioners, to Chief Constables to you on the street - will have to answer to them in a big way. So, this is the deal - more freedom to the police professionals; more power to the people.”

The statement coming from the UK Central Government is positive. It will be extremely difficult for Chief Constables to continue to provide excellent service with such devastating cuts but one of the benefits will surely be the ability of the police to return to their main task of protecting the public and local communities whilst continuing to be both transparent and accountable in their approach to policing. ■

UPDATE ON THE ELECTIONS IN RWANDA

Special Story

Frederick Cowell, Legal Officer, CHRI London

The level of political oppression continues to mount in Rwanda in the lead up to the 9 August Presidential election. On 7 March, the President Paul Kagame was interviewed for the Commonwealth News whilst on an official visit to Marlborough House in London. He stated that all Rwandan elections should be conducted in a “free and fair manner”.

Reports however indicate that political freedoms remain a problem in Rwanda. There has been little progress on the issues raised in the previous CHRI Newsletter. Neither the Green Party nor the UDF Inkingi has been able to officially register as political parties and get their candidates on to the ballot paper. Ms Victorie Ingabire Umunhoza, the Chair of the UDF and Bernard Ntaganda, the Founding President of PS Imberakuri and the only registered opposition candidate for the presidential election, continue to express deep concern about the state of political freedoms within the country. All opposition parties continue to face harassment. Mr Ntaganda has complained of having his office and correspondence subject to official surveillance, his supporters harassed by low-level functionaries from the ruling RPF and his campaign rallies subject to police harassment. On 26 May the police tried to conduct a search, without a search warrant, of the

party’s headquarters and throughout the month of May police in Kigali have been trying to arrest Mr Ntaganda.

On 15 May, Mr Ntanga and Ms Ingabire issued a joint communiqué calling for the election to be postponed due to the excessive intimidation of candidates. The government has dismissed the calls responding that the opposition leaders are worried that they will lose. On 1 June, the Permanent Consultative Council of Opposition Parties in Rwanda wrote an open letter to the Representative of the European Union, requesting that the EU exert its financial and political influence to pressure the Rwandan government into holding free and fair elections. A new electoral code was promised but still has to be released and the Electoral Council, the body which is responsible for the practice and conduct of elections in Rwanda, is still dominated by supporters of the RPF.

The press will be an important factor in the conduct of elections and whilst a number of foreign journalists continue to operate in Rwanda, there has been a renewed crackdown on domestic media sources. On 13 April the Media High Council suspended independent Kinyarwanda language newspapers *Umuseso* and *Umuwugizi* for six months. The two newspapers

are accused of insulting President Kagame, inciting the army and police to insubordination and frightening the public, in violation of Article 83 of Rwanda’s media law. The suspension comes at a time of tension between the government and the media who criticise the constant harassment of political opponents by the government and the consequent lack of political space to facilitate free and fair elections. The ban will effectively prevent the two newspapers, both of whom are critical of President Kagame, from covering the general elections.

It is not the first time that both newspapers have run into problems with the government. In 2005, the Media High Council recommended the banning of *Umuseso* and again in July 2009 threatened to ban the newspaper. The editor of *Umuwugizi* was charged with defamation and invasion of privacy in November 2009 and fined. Unsurprisingly, the ban came after President Kagame, during a speech to parliament, promised to close down newspapers that were spreading rumours. In view of the fact that a large population of Rwandans speak only Kinyarwanda and most do not have internet access, the banning of these two local newspapers means that the voters will not have independent news covering the elections. The High Media Council, despite its autonomous nature guaranteed in

Article 73 of Rwanda’s media law, is heavily influenced by the government.

The crack-down on independent media sources looks set to continue. On 2 June, Agnes Uwimana, the publisher and editorial director of *Umurabyo*, a Kinyarwanda bi-weekly was summoned by the Media High Council. The Board Chairman Arthur Asiimwe said that the paper was “guilty of publishing falsehoods”. Some reports state that the tabloid is also accused of

has complained that she is being subject to a repeated campaign of public harassment from the police and has been unable to run her campaign. Peter Erlinder, a former lawyer at the International Criminal Tribunal for Rwanda and a Professor of Law at William Mitchell Law School in Minnesota, was scheduled to assist Ms Ingabire in her defence.

He was arrested on 28 May and interrogated for over five hours at the end of which time he was

continues to be characterised by a large degree of uncertainty and a lack of clear information.

Professor Erlinder filed a civil lawsuit in April 2010 against Kagame alleging the Rwandan president was responsible for triggering the genocide. He attempted to serve President Kagame with court papers when he was on a state visit to the United States but was unable to do so. Professor Erlinder has repeatedly admonished the prosecutor at the RPF for not prosecuting and failing

The ban will effectively prevent the two newspapers, both of whom are critical of President Kagame, from covering the general elections.

promoting the double genocide ideology by stating in one of its editions that “all Rwandans slaughtered each other during the (1994) genocide”. In June, Jean Leonard Rugambage, the acting editor for *Umuwugizi* newspaper, was murdered outside his home in Kigali and in another incident the exiled journalist Dominique Makel was the subject of an abduction attempt in Kampala.

Since her arrest on 21 April, Ms Ingabire has been on conditional release pending further investigations into allegations of terrorism and genocide trivialisation. The court ordered that she be banned from leaving Kigali and is required to report to the authorities twice a month. She

admitted to hospital. On the 2nd of June, a number of unverified official reports emerged that Professor Erlinder had attempted suicide whilst in jail. These reports have been denied by Professor Erlinder’s family and friends and it is not known what the provenance of the story is. Kennedy Ogetto, one of a team of four lawyers representing Professor Erlinder, said that he had not been informed of the suicide attempt when he visited the Professor on 2 June. Associate Professor of Law, Mark A. Edwards, a colleague of Professor Erlinder said that this action was out of sorts with the man he knew and has speculated “that the Rwandan government is trying to construct a narrative that might explain Erlinder’s demise”. This story

to indict senior figures in the RPF over their involvement in the 1994 genocide.

Lt Gen Faustin Kayumba Nyamwasa, the former Chief of Staff of the Rwanda Army, had fled in February amid rumours that he was being personally threatened following a falling out with Kagame. Since then he has been living in exile in South Africa. In June, he was wounded by assassins outside his new home in Johannesburg. Four people—reportedly from Tanzania, Somalia and Mozambique—have been charged with his attempted murder. South African news reports on the involvement of Rwandan secret service agents in this matter has caused some diplomatic tension between the two countries. ■

NEWS FROM CHRI

CHRI Africa, Accra

CHRI has been active in getting the word out on Right to Information (RTI) in Ghana, and tackling issues as the time comes for the implementation of a new law on RTI. On 8 June 2010, CHRI organised a breakfast meeting for workers in the government Ministries, Departments and Agencies on Implementation of the RTI Bill once it becomes law. Participants from various Ministries, Departments and Agencies such as the Ministry of Communication, the Ministry of Justice and Attorney-General's Department, Public Service Commission, National Commission for Civic Education, Commission on Human Rights and Administrative Justice, etc were in attendance. At the meeting, we educated these workers on the systems that will need to be in place for the RTI law to be effectively implemented. Some useful ideas and recommendations were generated by the group – including recommendations for mass education of the public in local languages and the creation of an independent commissioner.

On 9 June 2010, CHRI organised and participated in a Parliamentary Workshop on the RTI Bill for members of the Joint Committee on Constitutional, Legal and Parliamentary Affairs and Communications. At the end of the workshop, members of the Committee assured the Coalition of their commitment to the RTI Bill and promised to carefully consider the recommendations made during the workshop.

Beyond Ghana, the regional coordinator was one of the Discussion Leaders for the Workshop on the Role of Parliamentarians in the Protection of Migrant Workers at the 56th Commonwealth Parliamentary Conference of the Commonwealth Parliamentary Association held in Nairobi, Kenya, 10-19 September 2010.

CHRI HQ New Delhi

Human Rights Advocacy

Throughout April 2010 CHRI followed the formation of the Commonwealth Eminent Persons Group on Reforms. Following years of advocacy by CHRI and others the Group was established and mandated by Commonwealth Heads of

Government Meeting (CHOGM) 2009 to inquire into reforming the Commonwealth. In April 2010 CHRI made a submission to the Commonwealth Secretariat inputting into the terms of reference for the Eminent Persons Group. Further CHRI also worked with other Commonwealth organisations to prepare a joint letter to the Commonwealth Secretariat asking them to allow civil society to make a similar input into the Commonwealth Ministerial Action Group's (CMAG) self review which once again was mandated by CHOGM 2009 following years of advocacy by CHRI and others. The latter efforts bore fruit with the Secretary-General proposing this to governments that sit on the CMAG. In May 2010 CHRI was invited to make submissions to the CMAG self review and in June 2010 CHRI made its submissions.

CHRI further participated at the International Federation for Human Rights's Congress in Armenia in April 2010.

In May 2010 CHRI worked with international partners in campaigning around the UN Human Rights Council elections. Further CHRI worked with its Asian partners to address the new President of the Human Rights Council and appraise him about the need to uphold human rights standards at the Council. From April to August 2010 CHRI engaged with the Working Group on Human Rights in India and the UN a new civil society collective that engages India in the UN context-CHRI is a member of this network.

From June to August 2010 CHRI worked on human rights abuses and constriction of political space in the run up to elections in Rwanda. CHRI also submitted a stakeholders report to the UN Human Rights Council for Rwanda's country review under the Universal Periodic Review. Following this in July 2010 CHRI issued a statement on the pre-election scenario in Rwanda.

Police Reform

CHRI has recently published a book *101 Things You Wanted to Know about the Police but were too Afraid to Ask*. The English publication has now been translated into Hindi, Gujarati, and Kannada. It has been widely disseminated including in Bangladesh, Pakistan and the Maldives after being adapted to country specific needs. As a welcome move the Andhra Chapter of the Confederation of Indian Industries (CII) has offered to print and disseminate 10,000 copies of the book.

We held a two-day training workshop in Dhaka from 28-29 August on the "Role of Police in a Democratic Society". The participants included various civil society organisations, lawyers and members of the police. Following the workshop, we held the release of *101 Questions* in Bangla. The release was attended by over 170 people and received wide media coverage. We have printed 1000 copies of *101 Questions* that will be disseminated throughout Bangladesh by our partners.

We have just signed an MOU with the Orissa Police Academy for improved overall training of the police. We will now be doing a module based on a practical understanding of human rights issues related to police functioning in the field. A training workshop will be conducted every month for the different batches of recruits and promotees undergoing training at the Academy. This module will follow the Academy's human rights curriculum and will be used for widening the understanding of human rights as well as reinforcing the lecture teaching.

Prison Reform

CHRI has joined hands with the National University of Juridical Sciences, Kolkata to initiate a project titled "Shadhinota – Towards Legal Empowerment of Inmates" whose first Legal Aid Camp was held on 28 August 2010 in the Presidency Correctional Home.

In Maharashtra, we have an ongoing litigation on sub-jails. The litigation was an outcome of our report on sub-jails exposing the pathetic conditions prevalent in these institutions. The Bombay High Court was inclined to treat the report as a PIL and the matter is currently in court.

Right to Information

In Gujarat, in collaboration with Nagrik Adhikar Kendra (NAK), Kalol, CHRI has developed a model proactive disclosure scheme for Gram Panchayats. At a ceremony held in June this year, the State Chief Information Commissioner declared Malav to be a fully compliant Gram Panchayat vis-à-vis its proactive disclosure obligations under the RTI Act. The district administration has invited CHRI and NAK to scale up this exercise and cover 25 per cent of the gram panchayats in the district.

We assisted the World Bank and the Indian Institute of Public Administration (IIPA) in April to hold a South Asia-level Workshop: "Right to Information – Towards More Open

and Transparent Governance in South Asia". CHRI was invited to be a member of the steering committee that was set up to organise and conduct the workshop. We prepared a post-workshop note on the status of RTI in Maldives to be incorporated in the final report.

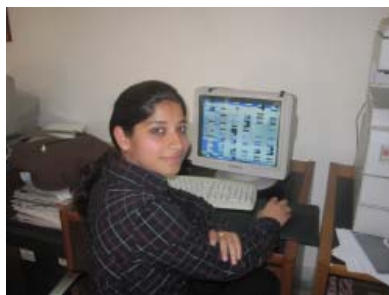
As part of our broad strategy to promote awareness about RTI amongst the marginalised communities, during the months of May and July we conducted four capacity building workshops for representatives of the Robi Das, Bedey, Harijan and Munda communities in Bangladesh. These workshops were held in collaboration with our partner-Research Initiatives Bangladesh (RIB) and resourced by both CHRI staff and our Gujarat partner, NAK.

In July this year in collaboration with the Centre for Civil Society we held a policy round table for MPs to discuss ways and means of making the record of debates and deliberations of Parliament accessible to people at the constituency level.

CHRI London

The Liaison Officer continued CHRI's work at an international level, attending the FIDH (International Federation for Human Rights) Conference on Justice in Armenia on 20-23 April 2010. They also attended and made a presentation on CHRI's work on policing in the Commonwealth at the two day international workshop, *Policing and the Policed in the Post-Colonial State* on the 29-30 April 2010, organised jointly by the Institute of Commonwealth Studies and the Open University.

WORKING WITH US



CHRI is an independent, non-partisan, international non-governmental organisation, working for the *practical* realisation of human rights across the Commonwealth. It has offices in Accra, and London, and is headquartered in New Delhi.

Our present work focuses on police reforms, prison reforms and promoting access to information. We also overview the human rights situation in all 53 countries of the Commonwealth, looking especially at the situation of human rights defenders, compliance with international treaty obligations and monitoring the performance of Commonwealth members of the United Nations Human Rights Council.

Activities include making periodic submissions to appropriate international and national forums, clause-

by-clause analysis of draft bills, bringing out research reports, networking and capacity-building training for governments and civil society. Further information can be found at www.humanrightsinitiative.org.

The Commonwealth Human Rights Initiative (CHRI) is looking for young and dynamic staff for its programme teams, to be based at its headquarters in New Delhi, India. Applicants should have a good academic background in law, social sciences or other relevant fields; must be able to learn quickly; work independently; have excellent communication, writing and research skills; and should be able to work within tight schedules.

CHRI also accepts short-term interns/students and welcomes longer-term graduates/volunteers on stipendary positions at its offices in Delhi, Accra and London.

Seriously interested?

Visit our website for job opportunities.

Send us your applications (your resume, references, writing sample, and a cover letter) for staff and volunteer positions to:

radhey@humanrightsinitiative.org

For copies
of our  publications

Send us your full postal address with PIN code and contact numbers to:

Commonwealth Human Rights Initiative

B-117, Second Floor, Sarvodaya Enclave

New Delhi - 110 017, INDIA

T: +91-11-43180200; F: +91-11-2686-4688

info@humanrightsinitiative.org