

## Communiqué

### *Guy Yambo death in custody case:*

### **African Commission declares Congo responsible, orders Congo to compensate victim's family and adopt measures to improve prison conditions**

**Banjul, 19 May 2021:** The African Commission on Human and Peoples' Rights (the Commission) has found Republic of Congo responsible for the death of Guy Yambo, a Congolese man who died in police custody in Brazzaville in 2007. The case was filed by Institute for Human Rights and Development in Africa (IHRDA) and Observatoire Congolais des Droits de l'Homme (OCDH), on behalf of the victim's family, against Congo in 2011, and the Commission communicated its decision to the parties on 10 May 2021.

According to the facts of the case, Guy Yambo had gone missing on 11 January 2007, with the family searching to no avail, until about two weeks later when they received a summons from the Brazzaville police, only to be informed that the victim had been killed in their custody following injuries sustained from assaults by another inmate. No autopsy was conducted as the family lacked the funds requested by the forensic medical officer. While the death declaration attested to death in custody following injuries inflicted on the victim, the death certificate which was delivered about one-and-a-half months later evoked road accident as cause of death. Upon suspicion of a deliberate attempt by authorities to manipulate and/or conceal information on the death of Guy Yambo, in May 2007 the family sued the Commissioner of the Police station concerned before the Brazzaville High Court, where the case remained passive till 2011, while the said Commissioner got transferred to another station.

The plaintiffs then filed the case before the Commission, alleging violation of several rights enshrined in the African Charter on Human and Peoples' Rights and several other international human rights instruments to which Congo is a party, notably the right to life, the right to personal liberty, the right to fair trial, and the right to dignity.

In its decision, the Commission declares Congo is responsible for the death of Guy Yambo, and is in violation of the alleged rights. The Commission urges Congo to pay financial reparation worth One hundred and fifty thousand US Dollars (USD 150,000) to each of Guy Yambo's two surviving children. In addition to effectively investigating the circumstances surrounding Guy Yambo's death and prosecuting the perpetrators, the Commission urges Congo to adopt legislative and administrative measures that render obligatory the duty to investigate any case of death in custody, as well as measures to improve detention procedures and conditions in Congo.

IHRDA Executive Director, Mr. Gaye Sowe, has described the Commission's decision as "an important milestone in efforts to enhance detention procedures and conditions, and to combat impunity in Congo and Africa as whole".



On his part, OCDH Executive Director, Mr. Trésor Chardon Nzila, observed that, “Though the case procedure took long, this decision revives hope in Guy Yambo’s family for remedy and accountability in the damages they have suffered”.

The full decision is available at <https://ihrda.uwazi.io/en/entity/10zabd6qijfr>.

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