

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/MWI/CO/1)

MALAWI

(...)

C. Principal subjects of concern and recommendations

(...)

Pretrial detention

(...)

12. **The State party should ensure that the regulations governing pretrial detention are scrupulously respected and that such detention is resorted to only in exceptional circumstances and for limited periods and in accordance with the law, taking into account the principles of necessity and proportionality and the presumption of innocence, and envisage using alternatives to remand detention, as laid out in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa (Luanda Guidelines) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The State party should advance its efforts to operationalize the case management system and set up a formal procedure to track the detention of all persons deprived of liberty through a consolidated and automated registry of proceedings that marks the expiration date of the allowed duration of pretrial detention and the date of completion of prison sentences. It should also promote the use of alternatives to pretrial detention, in accordance with international standards, and strengthen training for judges in this regard.**

(...)

Confessions obtained through torture or ill-treatment

(...)

16. The State party should:

(a) **Take legislative and other necessary measures to amend section 176 of the Criminal Procedure and Evidence Code and ensure that confessions, as well as any other statements, made as a result of torture shall not be invoked as evidence in any proceedings, except when they are used as evidence against a person accused of torture as evidence that such statement was made, and that such cases are investigated;**

(b) Develop training modules for law enforcement officers on non-coercive interviewing and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), introduce advanced investigative tools and establish a sound system of gathering forensic evidence;

(...)

Conditions of detention

(...)

18. The Committee calls upon the State party to intensify its efforts to bring the conditions of detention into line with the Nelson Mandela Rules and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). The State party should, in particular:

(a) Take all necessary legislative and other measures, including the enactment of the prison bill, to reduce overcrowding in prisons, especially by making more use of alternatives to detention, and continue to implement plans to develop and renovate the infrastructure of prisons and other detention facilities;

(...)

Follow-up procedure

47. The Committee requests the State party to provide, by 25 November 2023, information on follow-up to the Committee's recommendations on pretrial detention, confessions obtained through torture or ill-treatment and conditions of detention (see paras. 12, 16 (a) and (b) and 18 (a) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the present concluding observations.

(...)
