

ACHPR/Res. 437 (EXT.OS/ XXVI1) 2020: Resolution on the Need to Prepare a Study on the Use of Force by Law Enforcement Officials in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 27th Extraordinary Session, held from 19 February to 04 March 2020, in Banjul, The Gambia:

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Considering Article 45(1)(a) of the African Charter which mandates the Commission to "collect documents, undertake studies and researches on African problems in the field of human and peoples' rights;"

Considering Article 4 of the African Charter which enshrines the right to life and prohibits the arbitrary deprivation of life;

Reaffirming Article 6 of the African Charter which enshrines the right to personal liberty and security of the person;

Further reaffirming Article 11 of the African Charter which guarantees the right to freedom of assembly;

Recalling General Comment No. 3 on the African Charter on Human and Peoples' Rights: The Right to Life (Article 4), adopted during its 57th Ordinary Session, held from 4 to 18 November 2015, which provides that States must take all reasonable precautionary steps to protect life and prevent excessive use of force by its agents;

Further recalling the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, adopted during the 21st Extra-Ordinary Session, held from 23 February to 04 March 2017;

Bearing in mind the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in Cuba, from 27 August to 07 September 1990;

Recalling its Resolution ACHPR/Res.79 (XXXVIII) 05 on the Composition and Operationalization of the Working Group on the Death Penalty, and Resolution ACHPR/Res.227 (LII) 2012 on the Expansion of the Mandate of the Working Group on Death Penalty in Africa, to include Extra-Judicial, Summary or Arbitrary Killings in Africa;

Further recalling its decision to appoint a Special Rapporteur on Prisons and Conditions of Detention in Africa at its 20th Ordinary Session held from 21 to 31 October 1996, as well as Resolution ACHPR/Res.306 (EXT.OS/ XVIII) 2015 Expanding the Mandate of the Special Rapporteur on Prisons

and Conditions of Detention in Africa to include issues relating to policing and human rights;

Conscious of the need to prepare a study on the use of force by law enforcement officials in Africa;

The Commission:

- i. Decides to conduct a Study on the Use of Force by Law Enforcement Officials in Africa;
- ii. Decides that the Study will be conducted by the Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, and the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa; and
- iii. Calls on State and non-State actors to contribute to the conduct of the Study.

Done in Banjul, Republic of The Gambia, on 04 March 2020