

Resolution on the Need to Conduct a Study on Extrajudicial Killings in Africa - ACHPR/Rés.519 (LXXI)

May 12, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 71st Ordinary Session held virtually from 21 April to 13 May 2022

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 4 of the African Charter which enshrines the right to life and prohibits its arbitrary deprivation; Article 5 which prohibits torture, cruel, inhuman or degrading punishment and treatment; and Article 6 which guarantees the right to personal liberty and security of the person;

Considering Article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and Articles 5 and 30 of the African Charter on the Rights and Welfare of the Child which equally guarantee the right to life of women and children respectively;

Considering also 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 further 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 have a heightened responsibility to protect the life of persons in their custody;

Recalling its 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 with a mandate to *inter alia* undertake studies on issues of relevance to extra-judicial, summary or arbitrary killings, adopted at its 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Cote d'Ivoire;

Recalling its Resolution **ACHPR/Res. 408(LXII) 2018** on the expansion of the mandate and composition of the working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa (the Working Group) to include enforced disappearances, adopted at its 63rd Ordinary Session held from 24 October to 13 November 2018 in Banjul, The Gambia;

Recalling further its Resolution **ACHPR/Res. 448 (LXVI) 2020** on the Drafting of Guidelines for the Protection of All Persons from Enforced Disappearances in Africa, adopted at its 66th Ordinary Session held virtually from 13 July to 07 August 2020;

Concerned that extrajudicial killings are increasingly taking place in the continent with impunity, especially within the context of counter terrorism actions and state of emergencies;

Determined to ensure the promotion and protection of human rights by putting an end to extrajudicial killings and addressing impunity for the act of extrajudicial killings on the African continent;

Underscoring the obligation of every African State to ensure the safety and security of all persons living under their jurisdiction;

Noting the absence of a continent specific instrument addressing the problem of extrajudicial killings in Africa and the obligations of States and non-state actors;

Bearing in mind the urgent need to develop a standard-setting framework to effectively address the issue of extrajudicial killings in Africa, particularly within the context of the insecurity faced by many African States, the consistent state of emergencies, and the use of private militias;

Convinced that a study on extrajudicial killings will contribute to providing data and information on the contextual situation, the extent and magnitude of the problem and recommendations to inform the strategies and measures to be put in place to prevent and protect individuals against extrajudicial killings as well as guarantee accountability to, and reparations for victims and persons at risk of extrajudicial killings on the continent;

The Commission:

1. decides to conduct a Study on Extrajudicial Killings in Africa;

2. decides to task the Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa to conduct this Study in collaboration with the Institute of Human Rights and Peace of the Cheikh Anta Diop University of Dakar (Senegal);

3. decides that the conclusions of the Study will be submitted within one year; and

4. calls on all the relevant stakeholders to provide the necessary support to the Study.

Done virtually, on 13 May 2022