

**Statement of the Centre for Human Rights on the Intersession Report of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Executions**

Madame Chair,  
Honourable Commissioners,

The Centre for Human Rights welcomes the ongoing work of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa to continue placing questions concerning the right to life, the supreme human right, high on the agenda of the African Commission.

In this connection, the Centre would like to highlight the importance of legislation and information about the use of force by law enforcement officials.

As the Commission has highlighted in its General Comment No.3:

*The State must take all reasonable precautionary steps to protect life and prevent excessive use of force by its agents [...]. States must adopt a clear legislative framework for the use of force by law-enforcement and other actors that complies with international standards, including the principles of necessity and proportionality*  
General Comment No.3 (2015) para.27

Information about deaths as a result of action by the police across the continent is extremely difficult to come. However, from those few states for whom information is available it is possible to estimate that the number of people killed as a result of police action numbers in several thousand every year.

Of course, a number of these deaths may well have been a result of a necessary and proportionate decision by the police to use force, but the important point is that, without a proper investigation into the circumstances of the death, we can never know.

As the Commission has highlighted,

*The failure of the State transparently to take all necessary measures to investigate suspicious deaths and all killings by State agents [...] constitutes in itself a violation by the State of [the right to life]*

General Comment No.3 (2015) para.15

The Commission, its Working Group and the Special Rapporteur on policing, are all well placed to require from States, in their various interactions, at least the following information:

- The number of persons in the last year that have died as a result of police action (where possible disaggregated by cause of death, particularly the proportion caused by firearms)
- The number of investigations that have been opened concerning such instances
- The number of such investigations that have found an “unlawful death” and that have then made a recommendation for further action by a prosecutor or equivalent.

Only on the basis of such information can the Commission arrive at a determination of whether African States are adequately safeguarding a wide range of human rights, including the right to life.