



African Policing Civilian Oversight Forum

NGO observer status no. 372

**Statement in response to the report of the Special Rapporteur on
Prisons, Conditions of Detention and Policing in Africa**

**75th Ordinary Session of the African Commission on Human and
Peoples' Rights**

**ITEM 5: Activity Reports of the Members of the Commission & Special
Mechanisms**

Honourable Chair, Honourable Commissioners

The African Policing Civilian Oversight Forum (APCOF) is a not-for-profit Trust based in South Africa, working on issues of police accountability and governance across Africa. We welcome the opportunity to make this statement to the Special Rapporteur, Hon. Commissioner Manuela, in response to her activity report.

APCOF is concerned about arbitrary and excessive use of force by law enforcement officials in the policing assemblies and gatherings in a number of countries, including Kenya, Mozambique and Tunisia. As the Special Rapporteur is aware, there is clear and practical guidance to states on a rights-based approach to the use of force in this context, including through African Commission's Guidelines on the Policing of Assemblies by Law Enforcement Officials in Africa, and its General Comment No. 3 on the African

African Policing Civilian Oversight Forum

Building 23B, Suite 16, Waverley Business Park, Wyecroft Road, Mowbray, Cape Town, 7925

PostNet Suite 63 Private Bag x11, Mowbray, 7705

Tel: +27 21 447 2415

www.apcof.org.za

Trust no. IT1900/2012

PBO 930041858, NPO 119 688- NPO

Trustees: T Gandidze (Chair), G Cronje (Treasurer), P Tlakula, E van der Spuy, A Van Wyk, S Africa

Charter on Human and Peoples' Rights on the Right to Life. This includes measures relating to: (1) the preparation for assemblies in order to minimise the need for recourse to force, including risk assessment and contingency planning; (2) the conduct of operations and limitations on the use of force and firearms in an assembly context; and (3) a framework for accountability to respond to incidents of use of force, including lethal force, in assembly management operations.

We urge the Special Rapporteur to promote compliance with the African regional standards on the use of force in the context of public assemblies. In particular, we call on the Special Rapporteur to promote implementation of the Guidelines on the Policing of Assemblies in Africa and General comment No. 3 relating to:

- the need for practically-focused basic and continuous training on rights-compliant use of force for law enforcement officials; and
- the establishment of effective oversight and accountability mechanisms, to investigate any allegations of excessive arbitrary and unlawful use of force.

APCOF is further concerned about the human rights impact of less-lethal weapons in crowd control settings, particularly the risk to the right to life when the equipment is either unsuitable for crowd control situations, or their use fails to comply with strict requirements of necessity and proportionality, in accordance with the African Commission's Guidelines on the Policing of Assemblies by Law Enforcement Officials in Africa. Weapons that cannot be deployed and used safely and effectively, including multiple projectile shotguns, must be strictly prohibited from use in the policing of public assemblies and gatherings. To prevent deaths and injuries and ensure a rights-based approach to their use, less lethal weapons should only be used by law enforcement officials who have received specific training on the particular type of equipment available for use.

We call on the Special Rapporteur to urge state parties to ensure that less-lethal weapons are regulated under national laws, and used in strict

compliance with the requirements of legality, necessity, and proportionality. To support this, we further call on the Special Rapporteur to urge all states to review their training on less lethal weapons to ensure that practical and theoretical training is done in compliance with the Guidelines on the Policing of Assemblies by Law Enforcement Officials in Africa.

Submitted on behalf of APCOF by:

Abdirahman Maalim Gossar

Project and Research Officer

African Policing Civilian Oversight Forum (APCOF)

gossar@apcof.org.za

+27 21 447 2415