



African Policing Civilian Oversight Forum

**NGO observer status no. 372**

**Statement in response to the report of the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa**

**73<sup>rd</sup> Ordinary Session of the African Commission on Human and Peoples' Rights**

**20 October to 9 November 2022**

**Banjul, The Gambia**

**ITEM 10: Activity Reports of the Members of the Commission & Special Mechanism**

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum welcomes the opportunity to make this statement in response to the activity report of the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa. We are a not-for-profit Trust based in Cape Town, South Africa, working on issues of police accountability and governance in Africa.

Our statement draws on the findings and observations of an APCOF data-led research report about policing in South Sudan, as part of our ongoing efforts to promote the implementation of regional human rights standards for policing

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in Eastern Africa.

First, APCOF is concerned about high levels of extrajudicial executions and arbitrary killings in South Sudan.<sup>i</sup> As the Chairperson may be aware, despite the existence of domestic, regional and international legal and human rights framework that explicitly prohibits extrajudicial and arbitrary killings, the number of documented cases and incidents of extrajudicial executions and arbitrary killings in South Sudan is concerning.

We note that existing regulatory framework on the use of force by law enforcement officials does not comply with the African Commission's interpretation of Article 4 of the African Charter as it relates to the use of force. In particular, we are concerned that there is no specific legislative or policy instrument on the use of force by law enforcement officials. This has resulted in the omission of general principles that regulate the use of force in all circumstances, namely precaution, non-discrimination, necessity, proportionality, and accountability.

We are further concerned about limited efforts to operationalise human rights values and standards through the provision of basic and continuous training to law enforcement officials, to ensure they have full knowledge and understanding of their powers and functions, their limitations and the rights and freedoms of citizens.

**We urge the Chairperson** to call on South Sudan to comply with its Charter obligations under articles 1 and 4 to prevent arbitrary and summary execution of suspects by law enforcement officials, including through effective investigation, prosecution and punishment of perpetrators.

**We call on the Chairperson** to engage South Sudan and recommend the adoption of a comprehensive legislative instrument on the use of force that complies with domestic and regional human rights instruments including General Comment 3, and ensure all law enforcement officials are provided with practically-focused basic and continuous training on human rights.

Second, APCOF remains concerned about the absence of a civilian oversight and accountability mechanism for policing services in South Sudan. In particular, we are concerned that the absence of a system of civilian oversight and review is inconsistent with the need to hold the police accountable to the public and ensure they provide accountable and rights-compliant policing services.

**We further call on the Chairperson** to urge South Sudan to comply with its obligations to provide transparent and accountable policing, and establish and capacitate an independent and effective civilian police oversight structure, and provide policing services that comply with domestic and regional human rights instruments, including the African Commission's Resolution 103a on Police Reform, Accountability and Civilian Oversight in Africa.

**Submitted on behalf of APCOF by:**

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<sup>i</sup> Between 1 June and 31 August 2022, for instance, United Nations Mission In South Sudan documented 84 arbitrary killings, see United Nations Security Council, Situation in South Sudan, Report of the Secretary General S/2022/689, 13 September 2022, page 11. In addition, between February and May 2022, UNMISS documented at least 173 civilian deaths, See UNMISS Attacks Against Civilians in Southern Unity State, South Sudan, page 11.