ACHPR
African Commission on Human and Peoples' Rights

Human Rights our Collective Responsibility

PANEL DISCUSSION ON EXTRAJUDICIAL KILLINGS IN THE CONTEXT OF THE FIGHT AGAINST TERRORISM IN AFRICA

CONCEPT NOTE

I. Background and Context

1. Terrorism in Africa has become a significant security threat, with devastating consequences for the enjoyment of the right to life, liberty, and physical integrity of victims. In addition to these individual costs, terrorism can destabilize governments, undermine civil society, jeopardize peace and security, and threaten socio-economic develoment. Across Africa, from northern Mozambique, Somalia, Kenya, the Lake Chad Basin countries and the Sahel, terrorism has had a real and direct impact on the lives of citizens. The protection of individuals is a fundamental obligation of governments. The primary obligation to protect individuals against the threat of terrorist attacks, and bringing alleged perpetrators of such acts to justice, rests with the State. Legal, operational, and institutional measures must be put in place to respond to terrorist threats.
2. Responses to terrorism by African governments have, in recent years, often posed challenges to human rights and the rule of law. Governments justify these actions as necessary for national security, but they often result in the loss of innocent lives, reinforce cycles of violence, and undermine the rule of law. Reports from human rights organizations, civil society, and regional bodies highlight patterns of abuse, lack of accountability, and the erosion of legal protections. Civil society organizations and the United Nations Office for Human Rights have documented instances where states have engaged in torture and extrajudicial killings by security forces, while the legal and practical safeguards available to prevent torture and extrajudicial killings, such as regular and independent monitoring of detention centers, have often been disregarded. Oversight and accountability measures are necessary to ensure the lawful use of powers, prevent the misuse of authority and abuse of discretion, and ensure compliance with international law and the rule of law.
3. The United Nations, African Union, and the Global Counter Terrorism Forum provide a normative framework for the promotion and respect of human rights in the context of counterterrorism operations. These are a combination of both binding and non-binding but authoritative soft-law standards that guide states in conterterrorism operations. These treaties include but are not limited to the UN Global Counter-Terrorism Strategy[1], whose goal is to ensure respect for human rights for all and the rule of law in counterterrorism operations, calling on states to ensure all measures taken to combat terrorism comply with international human rights law; the UN Special Rapporteur on

[1] UN General Assembly, "The United Nations Global Counter-Terrorism Strategy," Resolution 60/288, A/RES/60/288, adopted on September 20, 2006, https://www.un.org/counterterrorism/un-global-counter-terrorism-strategy.

the promotion and protection of human rights and fundamental freedoms while countering terrorism[2], whose mandate is to make recommendations to states, to gather and exchange information, and to develop a regular dialogue between governments; the OAU Convention on the Prevention and Combating of Terrorism[3], ensuring suspected terrorists' rights are still respected under the national law of the state; and the GCTF Brussels Memorandum on Good Practices for Oversight & Accountability Mechanisms in Counterterrorism[4], amongst others.

4. At the African regional level, the African Commission on Human and Peoples' Rights has developed "Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa" to guide member states in implementing counterterrorism measures while upholding human rights standards.[5]
5. Many of the counterterrorism operations are often committed in retaliation of attacks by Islamist groups against the army, sometimes based on the ethnicity of the population. In Mali, the army has ramped up their fight against both the Al-Qaeda-linked Jama'at Nusrat al-Islam wa al-Muslimeen (JNIM) and the Islamic State in the Greater Sahara (ISGS) since 2022. French troops, which were present in the country since 2013 to help in the counterinsurgency fights, fully withdrew in 2022, while the Russia-backed Wagner group has been fighting alongside the Malian armed forces (FAMA) since December 2021. In their fight against Islamist armed groups, FAMA and Wagner soldiers have committed repeated atrocities, including summary executions, oftentimes targeting ethnic Fulani populations, which are accused of supporting the jihadists.
6. In Burkina Faso, the government has been fighting the same Islamist armed groups since they entered the country from Mali in 2016. These groups control large swaths of the Burkinabè territory, with the ISGS being mostly present in the north-east of the country, and the JNIM in the rest of the territory. The two groups also fight each other and the government in attacks in which civilians always find themselves caught in. In their counterterrorism operations, the army, composed of regular soldiers as well as special forces called the Batallion d'Intervention Rapide (BIR), as well as the Volontaires pour la defense de la patrie (VDP), have committed numerous massacres against civilian populations.
7. In Nigeria, the population has found itself in the middle of the fight between Boko Haram, bandits, and the Nigerian army since the beginning of the conflict in 2009. In their counterterrorism operations, soldiers have been accused of extrajudicial killings, arbitrary arrests, incommunicado detention, and sexual violence. The army was involved in forced abortions on women and girls impregnated by Boko Haram fighters, as well as the intentional killing of children, including babies, fathered by alleged fighters. Nigerian authorities have also conducted numerous erroneous airstrikes in their counterterrorism operations due to suspected terrorist activities which have killed hundreds of civilians over years, with no accountability for the victims and their families.

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[2] UN Human Rights Council, "Mandate of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism," Resolution 49/10, A/HRC/RES/49/10, adopted on April 12, 2022, https://docs.un.org/en/A/HRC/RES/49/10.

[3] African Union, OAU Convention of the Prevention and Combating of Terrorism, adopted on July 1, 1999, https://au.int/en/treaties/oau-convention-prevention-and-combating-terrorism.

[4] GCTF Brussels Memorandum on Good Practices for Oversight & Accountability Mechanisms in Counterterrorism, adopted in September 2024. Document not yet available, the initiative can be found here: https://www.thegctf.org/Initiatives/GCTF-Oversight-and-Accountability-in-Counterterrorism-Initiative.

[5] African Commission on Human and Peoples' Rights, Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa, adopted in April-May 2015, https://achpr.au.int/en/special-mechanisms-reports/principles-guidelines-countering-terrorism.

8. In northern Mozambique, an insurgency by several Islamist armed groups, including ISIS-linked groups, has been taking place in the Cabo Delgado province since 2017. In its counterterrorism operations, Mozambican security forces have been accused of extrajudicial killings, sexual violence, torture, and arbitrary detention of civilians who they accused to be terrorists, based on no evidence.
9. Against this backdrop, during the 83rd Ordinary Session, the ACHPR will conduct a panel discussion on the extent of extrajudicial killings in counterterrorism operations, examine their impact on communities, and explore strategies for strengthening human rights protections while effectively combating terrorism.

II. Objectives of the Panel

The panel discussion aims to:

- Highlight trends and case studies of extrajudicial killings linked to counterterrorism efforts in Africa.
- Examine the legal and human rights implications of these actions under African and international law.
- Discuss the role of regional and international mechanisms in preventing and addressing such violations.
- Identify strategies for enhancing accountability and oversight of security operations.

III. Programme

The panel will be moderated by Commissioner Idrissa Sow, Chair of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Executions and Enforced Disappearances in Africa.

10 min	Opening remarks	**Commissioner Idrissa Sow**, Chairperson of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Executions and Enforced Disappearances in Africa
8 min	HRW research and case studies of extrajudicial killings in CT operations, and the need for oversight and accountability of CT operations from a human rights perspective	**Mr. Allan Ngari,** Africa Advocacy Director HRW
8 min	Perspective on security sector reforms	**Mr. Ousmane Diallo,** Researcher, Francophone West Africa, Amnesty international

8 min	Perspective of UN bodies and special procedures with emphasis on the context of the fight against terrorism	**Ms. Aua Balde**, Member of the Working Group on Enforced or Involuntary Disappearances
20 min	Questions and comments from participants	Answers to questions by all panelists
5 min	Concluding remarks	**Commissioner Idrissa Sow**, Chairperson of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Executions and Enforced Disappearances in Africa

IV. Expected Outcomes

It is anticipated that the panel discussion will:

- Increase awareness of the scale and impact of extrajudicial killings in counterterrorism operations.
- Generate concrete recommendations for the strengthening oversight and accountability in member states in counterterrorism operations, which can inform policy frameworks, including reparations for victims of counterterrorism operations.
- Encourage collaboration between governments, human rights bodies, and civil society.

V. Date, time & venue

The panel discussion will be held on **24 October 2025** from **10:00 to 11:00** during the 85th Ordinary Session of the ACHPR at the Banjul International Conference Centre, The Gambia.

VI. Languages

Arabic, English, French and Portuguese interpretation will be available during the panel discussions.