



Last Updated on Thursday, 10 June 2010



The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr Philip Alston, presented his [annual report \(A/HRC/14/24\) to the Human Rights Council](#) on 3 June 2010, together with three thematic reports, a communications report, follow up reports on missions to Brazil and the Central African Republic, reports on missions to Colombia and the Democratic Republic of the Congo (DRC) and a preliminary report on his mission to Albania. This session represents the end of Mr Alston's tenure of the mandate.

On the initiative of the Special Rapporteur, the Council held a minute of silence in memory of Mr [Floribert Chebeya Bahizire](#), the Executive Director of the NGO 'Voix des sans Voix' from the DRC, whom Mr Alston met during his country visit in October 2009. Mr Alston considered the circumstances of the killing of Mr Chebeya to 'strongly suggest official responsibility'. In his closing remarks, Mr Alston advised the Council to respond to Mr Bahizire's death with creativity, given the DRC's harsh reaction to his report. He suggested that forensic support provided to the Congolese authorities without strong formal involvement of the Council might allay fears of 'intervention' in the sovereignty of the DRC. In a [right of reply](#) on 9 June 2010, the DRC announced that the director of the police force had been suspended, and that four forensic doctors from the Netherlands would be joining the chief prosecutor to carry out an autopsy.

Mr Alston spoke of his strong concerns about the potential for impunity for extrajudicial killings. He described it as an 'abdication of responsibility' if the international community does not set up international inquiries into particularly serious allegations, especially in situations where domestic practice has been unconvincing. He cited the attack on the humanitarian flotilla off Gaza and the allegations of up to 30,000 killings in Sri Lanka as examples of situations calling for independent international inquiries. Israel did not respond to the comments, whilst Sri Lanka condemned what it described as the Special Rapporteur's lack of professionalism and integrity in the execution of his mandate. In his answers, Mr Alston was highly critical of the effectiveness of Sri Lanka's efforts at investigating the killings in the final stages of the conflict in mid 2009, saying the country had a '30 year record of setting up failed commissions of inquiry' and therefore an international inquiry was needed.

Interestingly, the Special Rapporteur highlighted two institutional issues from his report for special attention by the Council. Firstly, he underscored the need to revitalise the special procedures' communications procedure, which he felt had 'grown without any real planning or strategic vision'. Secondly, he underscored the need to devise means by which to encourage greater cooperation by States with special procedures, especially in terms of accepting country visits.

Of his three thematic reports, the Special Rapporteur focused on his report on targeted killings. He put specific emphasis on the challenge this practice constitutes to upholding the rule of law, as opposed to 'trampling' on it. The Special Rapporteur expressed particular concern about the expansive interpretation of the right to self-defence used by the US in its fight against terrorism. He highlighted the problem of accountability, particularly in the context of drone killings carried out by the US Central Intelligence Agency. The US did not comment on the specifics of the report. Instead it claimed that the lateness of submission had not allowed time for review of its contents. The Special Rapporteur expressed surprise that the US did not provide a substantive response. He expressed his hope that the US would seek to develop its policies and start regularising the use of armed drones.

Responding to the mission report, Brazil stated that although it welcomed the report of the Special Rapporteur, it did not feel that he had accurately reflected the challenges it faces in addressing such issues as prison overcrowding. The Central African Republic called upon the international community to invest greater finances to assist it in building institutional capacity and Columbia underscored the challenges it faces in terms of combating decades of drug trafficking in a transparent and legitimate manner. Columbia also objected to the allegation that it allowed extrajudicial executions to take place with impunity and the limited attention given in the report to armed groups such as FARC and ELN that commit extrajudicial killings. The DRC 'categorically rejected' the Special Rapporteur's report and overwhelmingly criticised Mr Alston, saying the report lacked objectivity and was 'stuffed with insinuations'. It also accused the Special Rapporteur of having misquoted public officials, and of drawing 'risky conclusions' regarding in particular the upcoming elections in the DRC. In his answers, Mr Alston thanked Colombia, the Central African Republic, and Brazil for their 'fair and constructive' comments. However, he pointed out the 'marked contrast' of the reactions by the DRC and Sri Lanka, who refuted his findings wholesale.

Most States that took the floor in the interactive dialogue were highly appreciative of Mr Alston's work during the six years of his term. They were eager to hear Mr Alston's views on the future of the mandate, and the functioning of the special procedures system in general. Several States picked up the Special Rapporteur's remarks about the lack of cooperation by States with his mandate. The UK regretted the high rate of non-cooperation of States with the special procedures in general. Austria and Switzerland asked for the Special Rapporteur's thoughts on how to address the unsatisfactory level of follow up by States to recommendations and how to foster greater cooperation amongst different parts of the UN system. States also requested more information about the Special Rapporteur's view on the level of cooperation by States in specific situations such as the response of Kenya to the killing of two human rights defenders following Mr Alston's visit to that country, and the level of satisfaction with Iran's response to communications (UK). There were also requests for further information about suggested research on sexual violence and killings in situations of armed conflict (Canada).

However, as it has been the case in all of Mr Alston's appearances in the Council, he was not spared criticism. The US's complaint that the late submission of the Mr Alston's report prevented it from participating fully in the debate, was echoed by several other States, including Algeria, India, Nigeria, Pakistan, and the Russian Federation. The Russian Federation went further, saying that the late submission of reports was 'clearly another example of a flagrant violation of the code of conduct for special procedures' and that it would address this during the review of the Council's work and functioning. Singapore took issue with the Special Rapporteur's view that the death penalty was illegal under international law, which it saw as an infringement of its sovereignty. In his closing remarks, Mr Alston hoped that Singapore would soon adapt its policy on the death penalty to the prevailing international opinion on the issue.