



ORAL STATEMENT TO BE DELIVERED AT THE PRESENTATION OF THE ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS, CHRISTOF HEYNS, ON JUNE 12, 2014, DURING THE 26TH SESSION OF THE HUMAN RIGHTS COUNCIL

The American Civil Liberties Union and the Centro de Estudios Legales y Sociales, on behalf of the International Network of Civil Liberties Organization (INCLO) welcome the launch of the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. The report represents a step forward in enhancing the protection of human rights in social protests.

In addition to the ACLU from the United States and CELS from Argentina, the other members of INCLO are: the Association for Civil Rights in Israel, the Canadian Civil Liberties Association, the Egyptian Initiative for Personal Rights, the Irish Council for Civil Liberties, the Hungarian Civil Liberties Union, the Kenya Human Rights Commission, the Legal Resources Centre from South Africa, and Liberty from the United Kingdom.

As domestic human rights organizations from the North and the South, with deep ties to our territories, INCLO members know that protests continue to be an indispensable tool for people to express their grievances.

Based on the work done by INCLO in the report *Take Back the Streets*, we want to highlight three main contributions Heyns' report makes.

- 1) First, the report underlines the importance of establishing guidelines for the use of force by police in social protests, in order to enhance the protection of life.

In many of our countries, where police forces lack specific regulations and guidelines on the use of force and less lethal weapons, we have witnessed numerous instances of direct state repression during protests: mass arrests, unlawful detentions, illegal use of force and the use of toxic chemicals against protesters and bystanders alike; many times ending in numerous deaths and serious injuries.

- 2) Secondly, the report argues for the need for accountability by the State in all cases of police shootings and excessive use of force.

Justice systems in multiple countries appear unwilling or unable to undertake the serious investigations necessary to hold powerful state actors accountable for their violent and repressive actions.

We support the report's call on States to provide a system of investigation and reporting for all police shootings and excessive use of force; a system that also establishes command responsibility in each case investigated.

- 3) Thirdly, the report stresses that international standards have to be developed on the use of force by police during social protests and standards on protection of the right of protest and assembly.

In this regard, the report is progressive as it establishes some definitions for applying the principles of necessity and proportionality in the use of force. This is an important contribution, as both principles are usually defined in vague terms, with not enough specifications to orientate states in developing internal norms in these issues.

Another gap is the lack of regulation on less lethal weapons. Clear and concrete international standards are needed to fight against a self-regulated market of less-lethal weapons.

To move forward with the three contributions from the Special Rapporteurs' report, there are two immediate opportunities: the mandate of the Office of the High Commissioner for Human Rights to consult with States to encourage domestic law revision and reform, and the possibility of the Human Rights Council working on guidelines for the use of less-lethal weapons.

INCLC members will continue to support and accompany these processes, building alliances and collaborating to improve international norms, and promoting these standards at the national level.