

## [Philip Alston: UN must develop an effective response on reprisals](#)

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(Geneva) - Many witnesses and victims with whom I met on country missions when I was UN Special Rapporteur on extrajudicial executions were targeted by the security forces and either harassed or arrested or forced to flee. Several individuals with whom I met paid the ultimate price. They were targeted and killed, almost certainly by the security forces and almost certainly, at least in part, because they had provided me with evidence of serious wrongdoing by those forces. This fact alone underscores the need for the UN human rights system to develop an effective response to such reprisals.

Whenever I was alerted to problems in the course of my country visits I did all I could to convince the relevant government to cease the harassment, and I warned of diplomatic 'consequences' when the key officials were unresponsive. When such admonishments failed, I sought the constructive engagement of other actors. NGOs were deeply concerned but not always well placed to help. In some situations, diplomatic representatives stepped in and sought to ameliorate the situation. United Nations representatives in the country concerned should have been a major source of support but they were often reluctant and on occasion proved to be totally unprepared to become involved.

There is clearly reason to be gravely concerned that individuals who have been courageous enough to provide UN fact-finders with the essential information that they need in order to carry out their missions successfully are subsequently subjected to reprisals carried out or orchestrated by officials of the governments concerned. I encountered these various problems between 2004 and 2010, when my mandate expired. I submitted several reports to the Human Rights Council calling for action to be taken and I am pleased that both the High Commissioner and the Secretary-General have, in recent years, sought to ensure that the necessary attention is paid to these challenges.

The recent proliferation of high-level inquiries undertaken in relation to crisis situations also raises the stakes in terms of the potential for reprisals against those who testify, whether they be victims, serving or former security force members, or civil society representatives.

International Service for Human Rights and other groups play a vital role in relation to the situation of human rights defenders who are attacked or harassed by their governments, but it is important to acknowledge that these groups may not always be well placed to support those who are victimised primarily because they had some direct contact with a UN fact-finding mission. When UN-mandated fact-finders seek or accept information from a witness in furtherance of an international inquiry there is an added responsibility that the UN must discharge in relation to the consequences that might if reprisals are threatened or actually taken against such witnesses.

It is clear that the UN assumes a particular obligation and interest in such cases. First, it incurs a clear ethical responsibility as a result of its engagement with a witness who puts herself at risk in order to provide the information the UN is seeking. Second, the easiest way to undermine the potential for any investigation to lead to prosecutions is to send the message that reprisals will work. And third, future UN inquiries will be undermined if it becomes clear that the UN will not take necessary steps to protect those who work directly with it.

All of the international criminal tribunals have recognised the vital importance of witness protection and the UN needs to strive to ensure that it too can provide at least minimal protection in relation to its own fact-finding activities. The preparation of an annual report is a good starting point, but it is only the first step.

There are of course limits to what the UN should do in such situations. In particular, it should not create unrealistic expectations; it should not provide an incentive for those already at risk to run to the UN in the hope of gaining additional protection; and it should not undertake to do more than is reasonably possible in deeply contested situations.

Against that background, these are the steps that I think should be considered:

- (a) Recognise a responsibility to do whatever can be done to protect witnesses against reprisals linked to their cooperation with the UN.
- (b) Train both UN staff and special procedures mandate-holders in methods of fact-finding which avoid unnecessary risks for witnesses - unskilled fact-finding techniques exacerbate the risks to witnesses.
- (c) Include unpublicised contingency arrangements in planning for fact-finding in especially vulnerable contexts.
- (d) Establish an urgent response procedure when reprisals are threatened or occur. This might be under the auspices of the High Commissioner for Human Rights herself, or of the President of the Human Rights Council.
- (e) Civil society organisations and states through their diplomatic missions should expand arrangements to provide financial and other assistance to individuals who are at risk, including, where necessary, assisting in relocation to a secure place.

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