

Statement at 26th session of the UN Human Rights Council

Item 3: Interactive Dialogue with Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

THE USE OF FORCE AGAINST PROTESTERS AND HUMAN RIGHTS DEFENDERS

Thank you Mr President.

We welcome the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and, in particular, the focus on the use of force in the context of law enforcement.

We concur with the authoritative legal analysis of the Special Rapporteur in relation to the policing of assemblies and protests, including that the primary function of law enforcement officers in this regard should be facilitating and not interfering with assemblies. International law is clear that force is never justified in relation to lawful and peaceful assemblies and that, in the context of unlawful and non-peaceful assemblies, any force deployed must be strictly necessary, proportionate, and the minimum necessary to achieve a legitimate purpose.

ISHR also welcomes and supports the conclusion that States have a legal obligation to ensure that any use of force resulting in loss of life is the subject of a prompt, public, thorough, impartial and fully independent investigation.

It is in this context that we invite the Special Rapporteur's attention to two situations of concern; namely, the killing of protesters in Egypt, and the killing of human rights defenders working and protesting in relation to issues of corporate accountability.

It is almost a year since the first mass killings of protesters following the ouster of former President Mohamed Morsi in Egypt. We are deeply concerned that, despite compelling evidence of police and army officers repeatedly using excessive and unlawful force, resulting in the death of at least 1000 protesters, these deaths have not been the subject of an effective investigation as required by international law. Moreover, the fact-finding committee established by Interim President Adly Mansour in December 2013 fails basic requirements of independence and transparency.

In accordance with the legal analysis of the Special Rapporteur, we urge Egypt to respect the right to freedom of association and assembly, strictly regulate and desist from the use of force, and ensure that all deaths resulting from such force are subject to prompt, public and impartial investigations, with perpetrators held to account.

Mr President, ISHR is also deeply concerned by the killing of human rights defenders working and protesting in relation to issues of business and human rights.

In April this year, Global Witness released a major report which documents a sharp increase in the killing of human rights defenders working on land and environment issues, many of which implicate corporations and other private actors. The report also documents a lack of accountability for such attacks, with more than 90% being perpetrated with impunity.

Similarly, the most recent report of the Special Rapporteur on Human Rights Defenders documents 'credible reports and allegations indicating that private corporations are involved

in violations against defenders, including stigmatization, threats, harassment, attacks, death threats and killings.'

In this respect, while welcoming the Special Rapporteur's recommendations directed to States, we would like to ask him as to what steps are necessary to more effectively regulate and ensure accountability for the use of force by private actors, including corporations or their agents?

Thank you.