

**OASIS INTERNATIONAL SCHOOL MODEL UNITED NATIONS**

Human Rights Council

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**Guiding package**

**Topic 2 :** Extrajudicial killings and excessive use of force by security officers

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11. **ABSTRACT**

Article 3 of the Universal Declaration of Human Rights (UDHR) states that: "Everyone has the right to life, liberty and security of person"[[1]](#footnote-0). The right to life is the absolute human right and the most important right on which we can find all the other essential rights that the community seeks to govern. Since the Second World War, many principles of international law have been established. Under human rights standards, the "right to life", embodied in multilateral declarations and documents, aims to promote and protect the human rights and fundamental freedoms of individuals or groups.

Every man remains innocent until proven otherwise is a universally accepted legal term. The purpose of the judicial administration is to ensure justice in every case before the court. Therefore, no one should be killed for any reason without defending themselves. However, it is an undeniable fact that this is happening around the world under various aggressive covers given by the relevant state authorities.

This subject is one of the main problems facing the United Nations Human Rights Council and to which it is devoted. These rights violations, because of their importance, constitute serious violations of human rights and even, are classified in the war crime parameters as stated in the Statute of the International Criminal Court.

1. **INTRODUCTION**

The right to life is paramount when discussing human rights, and it’s a right that should be protected as recognized by the Universal Declaration of Human Rights. As the Human Rights Council wrote in its first General Comment on the right to life under the International Covenant on Civil and Political Rights: “The deprivation of life by the authorities of the State is a matter of the utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities.”[[2]](#footnote-1) Extrajudicial killings go beyond accepted limits in which a person may be deprived of his life by such authorities. An unethical and inhumane way of killing, targets are mostly people who stand out as threats to state authorities.

 Security officers around the world are obligated to protect others in their state. Sometimes when there are situations of armed conflict, they tend to use excessive force to handle it in order to protect themselves and others. However, there are limits to a security officer’s force, and if they use force over those limits it is in violation of International Law[[3]](#footnote-2) and Human Rights.

 Extrajudicial killings lead to another major issue that violates equality, that issue is impunity. Impunity which is an exemption from punishment or freedom from the consequences of an illegal action allows injustice to furthermore take place in our world. Although the arbitrary deprivation of life is one of the most serious crimes, it is often easy for the governmental authorities not to be condemned for their actions. Extrajudicial killings and excessive use of force by security officers are a large human rights concern in areas all around the world that needs to be recognized and ended.

1. **DEFINITION OF KEY TERMS**
2. **Extrajudicial killings:** The killing of a person by governmental authorities or individuals without the sanction of any judicial proceeding or legal process.
3. **Impunity:** Exemption from punishment or freedom from the consequences of a wrong or illegal action.
4. **Excessive force:** The use of force by a law enforcement officer that exceeds the minimum amount necessary to diffuse an incident.
5. **Security Officer:** A person holding a position of authority, instructed and obligated to protect others and ensure their safety.
6. **Law enforcement:** The department of people who enforce laws, and punish those who violate those laws.
7. **The Judiciary (Judicial System):** The system of courts that interprets and applies the law in a country, state or an international community.
8. **BACKGROUND INFORMATION**

An extrajudicial execution is an act that is done outside the court or judicial forms. It is a type of homicide in which the prisoner, accused or suspected of criminal activity is killed, often at the scene and at the time of his capture. On the other hand, an execution is said to be "summary" when it is made following a sentence pronounced following a summary procedure.

Nowadays, in most cases, private security officers tend to use force or arrests to protect people and property. Yet in some very specific cases, the assurance of respect for legal and operational expectations are no longer applied. This is absolutely due to the lack of state precautions in the planning, preparation and conduct of police operations. This increases the risk of using excessive or disproportionate force. These two constitute in principle a violation of the obligation of States to prevent all forms of torture or ill-treatment. The use of force by these security agents is achieved when the use of force intentionally aims to inflict pain or suffering, with the aim of punishing, intimidating, obtaining confessions or important information. The victim is therefore a person who does not have the opportunity to flee or escape the treatment inflicted (helplessness).

These extrajudicial acts have many disadvantages. First, it leads to the loss of trust in security agents who are supposed to be responsible for protecting citizens. Second, it affects the mental health of any community. In fact, it's a public mental health issue. For many young dark-skinned people, because of the disproportionate and often traumatic experience of police arrest and use of force against them, family members and friends, the combination of race and authority is often *fatal*.

# **MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED**

1. **Major Countries Involved**
* Philippines :

According to The Guardian News and The Rappler, the president of the Philippines “Rodrigo Duterte” confessed that he committed and is still committing extrajudicial killings in his country as part of the war on drugs. It is believed by the president that such actions are necessary to abide by the law.

* Egypt :

On the 14th of August 2013, the egyptian authorities and the security forces violated the civilian’s human rights. At Rabaa al Adawiya and al-Nahda squares in Greater Cairo, the government left at least 900 people dead and thousands more injured (according to Amnesty International) and it is known as the Rabaa massacre. Photographers and journalists who were covering the events have been arrested and until today no one was condemned for these actions.

* Nigeria :

The Nigerian police commit extrajudicial executions, torture, rape and blackmail with impunity. Members of the Nigerian police force regularly carry out summary executions of persons accused or suspected of crime which leads to a dangerous police control. Nigeria's police force is under-resourced, poorly equipped, and politically interfered with, leading to corruption and violence.

* Mexico :

 In Mexico, security forces continue to commit extrajudicial killings, enforced disappearances, and torture. Impunity for these crimes remains the norm. The criminal justice system fails to provide justice to victims of violent crimes committed by governmental authorities. Unlawful killings of civilians by Mexican security forces “take place at an alarmingly high rate” amid an atmosphere of “systemic and endemic impunity”[[4]](#footnote-3). The vast majority of homicides are never prosecuted. The Defense Department stopped registering the numbers of civilians it killed as of 2014.

**b) Major Organizations Involved**

* Baltimore United For Change (Maryland):

Baltimore United For Change aims to fight injustice in the city of Baltimore through grassroots efforts, promoting economic empowerment of African Americans and educating the community on how to take action to build a better future.

* United Against Police Brutality (Minnesota):

To combat police brutality, the CUAPB takes an approach that tackles the whole problem by targeting everyday incidents and trying to find ways to resolve ongoing cases through various methods, including educating communities, demanding legislation and advocating for justice on behalf of victims and families affected by police violence.

* Black Women's Blueprint (New York / National):

The Black Women's Blueprint seeks to empower dark-skinned women and girls by ensuring that the issues they face are included in conversations, action plans and advances in the fight against racial injustice.

* Black Youth Project 100 (National):

The main goal of the Black Youth Project 100 is to create justice and freedom for all African-Americans through leadership development, direct action and education.

* Books and breakfast (Missouri):

The Books and Breakfast program is an extension of Hands Up United, which seeks to cultivate an environment that fosters dialogue on social justice and educational development in African-American communities.

# **UN INVOLVEMENT**

The United Nations has created "The UN Special Rapporteur on Extrajudicial Executions" which is responsible for responding to any claim of human rights violations related to unlawful killings. The mandate was created on the basis of a resolution adopted by the Economic and Social Council in March 1982. Initially in 1992, it included only summary and arbitrary executions, it was expanded to include also extrajudicial executions (Top Office of the United Nations High Commissioner for Human Rights, OHCHR, 2017). This mandate is renewed regularly. The last renewal was approved on June 22, 2017 for a period of three years. The mandate of the Special Rapporteur covers all countries and currently includes three main tasks:

1) Transmit urgent appeals to governments and other actors for persons who may be extrajudicially, summarily or arbitrarily executed.

2) Visit countries in cases where human rights are in doubt and make recommendations to governments on the observations made.

3) Complete annual report presentations to the Human Rights Council and the General Assembly to have the situation of each country on this topic.

# **POSSIBLE SOLUTIONS**

Here are some possible solutions that can be effective, reliable and sustainable:

1. Affirms that no one should be forcibly returned to a country where he is at risk of extrajudicial executions.
2. Recommends that governments should endorse and agree to international treaties providing for extrajudicial executions under the control of the United Nations.
3. Decides that those responsible for arrest and prison guards must have the right and the duty to refuse to obey any order to participate in an extrajudicial execution if they have an order to do so by a superior.

# **GUIDING QUESTIONS**

1. What is your country's position on the subject?
2. What measures can be taken to combat extrajudicial executions in society?
3. Does your country condemn security officers for their excessive use of force?
4. What should the penalty be for extrajudicial killings and excessive use of force by law enforcement officers?
5. What measures can be taken to end extrajudicial killings and limit the excessive use of force by authorities internationally?
6. What measures can be taken to prevent security officers from using excessive force to handle a situation or protect themselves and others?

# **USEFUL LINKS**

* Human Rights Watch. *“Extrajudicial Killings”,* [Online]. Available on : <https://www.hrw.org/tag/extrajudicial-killings>
* OHCHR. "*Fact Sheet; Extrajudicial, Summary or Arbitrary Executions*", [Online]. Available on : <https://www.ohchr.org/Documents/Publications/FactSheet11rev.1en.pdf>
* UNHCR. «*Human rights / Extrajudicial executions*» [Online]. Available on : <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&skip=0&query=extrajudicial+executions&coi=>
* Trial international. *«Extrajudicial executions»*, [Online]. Available on : <https://trialinternational.org/topics-post/extrajudicial-executions/>

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* DANCHIN, peter. "*Article 3*", [Online]. Available on : <http://ccnmtl.columbia.edu/projects/mmt/udhr/article_3.html>, accessed July 5, 2019.
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* UNHCR. "*Human rights / Extrajudicial executions*", [Online]. Available on : [https://www.refworld.org/topic,50ffbce582,50ffbce5ac,,0,,COUNTRYNEWS,EGY.html](https://www.refworld.org/topic%2C50ffbce582%2C50ffbce5ac%2C%2C0%2C%2CCOUNTRYNEWS%2CEGY.html), accessed July 4, 2019.
* REYES, Carlo. “*Extrajudicial killings*” [Online]. Available on : <https://www.change.org/t/extrajudicial-killings-en-us>, accessed July 6, 2019.
* RAPPLER. "*Duterte says his only 'sin' is extrajudicial killings*". Available on : <https://www.youtube.com/watch?v=ealmTIppBXM>, accessed July 6, 2019.
* Human Rights Watch. *“World Report 2019: Mexico”,* [Online]. Available on : <https://www.hrw.org/world-report/2019/country-chapters/mexico>, accessed July 20, 2019.
1. DANCHIN, Peter. "Article 3" [Online]. Available on : <http://ccnmtl.columbia.edu/projects/mmt/udhr/article_3.html> [↑](#footnote-ref-0)
2. Human Rights Committee, General Comment No. 6 on Article 6, the right to life. [↑](#footnote-ref-1)
3. International Law governing the use of force for purposes of law enforcement. With respect to the right to life, such issues include the circumstances in which a law enforcement official may have recourse to the use of firearms and may even intentionally kill. [↑](#footnote-ref-2)
4. According to the United Nations special rapporteur on extrajudicial, summary, or arbitrary executions in 2014. [↑](#footnote-ref-3)