

NWMMUN 2010



The Premier
Model United Nations Conference
in the Northwest

Background Guide:
Human Rights Council



Northwest Model United Nations | November 12-14 | Hotel Deca Seattle



October 1, 2010

Dear Delegates,

Welcome to the 2010 Northwest Model United Nations (NWMUN) Conference and the Human Rights Council (HRC)! We are immensely pleased to present to you the background guide, written by your highly experienced and capable Director, Liz Kelly, and Chair, Alex McCarty. We are very excited to work with you in November and appreciate the hard work and research you are undertaking in preparation for a great conference in November!

The topics for this year's Human Rights Council are:

I. Protecting The Right To Development

II. Preventing Summary, Extrajudicial And/Or Arbitrary Executions In Conflict-Affected Situations

Every participating delegation is required to submit a position paper prior to attending the conference. NWMUN will accept position papers by **Sunday, November 7th at 11:59 pm Pacific Time. Please submit all position papers to: positionpapers@nwmun.org**. Please refer to the sample position paper on the NWMUN website for paper requirements and restrictions. Delegates' adherence to these guidelines is crucial, because it not only ensures a well-prepared committee, but is also a key component of the awards process.

We wish each of you the best as you prepare for this conference and committee. We urge you to move beyond the background guide as you learn more about both the country you will represent and the topics we will be discussing. Please do not hesitate to direct any questions or concerns toward your President or the Secretary-General. We look forward to meeting you at the conference!

Sincerely,

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[Committee History for the Human Rights Council](#)

The United Nations created an international standard for human rights in 1948 when the General Assembly adopted the Universal Declaration of Human Rights.¹ This landmark document has shaped how the United Nations, and the world, views and defends human rights. Currently, the Office of the High Commissioner for Human Rights (OHCHR) oversees three charter-based bodies and eight treaty-based bodies responsible for monitoring and protecting human rights.²

OHCHR serves as the Secretariat of United Nations Human Rights Council (HRC) and is responsible for coordinating with other United Nations bodies, NGOs, and member states to help improve human rights.³ OHCHR accomplishes its goals by concentrating on three themes: standard-setting, monitoring, and implementation. It employs experts to assist the eleven bodies under its mandate and coordinate their efforts.⁴ Furthermore, OHCHR is responsible for supporting “special procedures” by supplying them with personnel, logistical, and research support.⁵ “Special procedures” are working methods created to attend to countries with human rights problems or thematic human rights problems.⁶

The United Nations Commission on Human Rights (CHR) was the predecessor to the HRC. Established in 1946, the organization consisted of 18 member states. The Commission on Human Rights was created in order to discover, investigate, and to report specific and wide spread human rights violations.⁷ This committee worked to define human rights by creating the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social, and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966); called the International Bill of Human Rights. Due in large part to the selection of members, which in turn was due to the CHR’s status as a subsidiary body of the Economic and Social Council, the Commission was ineffective and after numerous attempts at reform, was abolished altogether; the international community proposed a new body to deal with human rights issues that would be a subsidiary of the General Assembly itself.

The Human Rights Council, created on March 15, 2006, is comprised of 47 member states that are responsible for assessing, and making recommendations for action on, human rights violations.⁸ The election process considers the petitioning member’s contribution to maintaining and promoting human rights. While not necessary, the standard practice is for candidates to provide documentation of their contributions to human rights, both domestically and internationally, to demonstrate their commitment to the organization.⁹

On 18 June 2007, one year after its first meeting, the Human Rights Council agreed on a series of proposals that established the procedures, mechanisms and structures to form the basis for its future work.¹⁰ This package, adopted as HRC resolution 5/1, included the Council’s agenda, programme of work

¹ United Nations, *The Universal Declaration of Human Rights*, <http://www.un.org/en/documents/udhr/index.shtml>

² United Nations, Office of the High Commissioner for Human Rights, *Human Rights Bodies* <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

³ *Ibid.*

⁴ United Nations, Office of the High Commissioner for Human Rights, *What we do*, <http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>

⁵ United Nations, Office of the High Commissioner for Human Rights, *Human Rights Bodies* <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

⁶ United Nations, Office of the High Commissioner for Human Rights, *Special Procedures of the Human Rights Council*, <http://www2.ohchr.org/english/bodies/chr/special/index.htm>

⁷ United Nations, *Commission on Human Rights*, <http://www.unhchr.ch/html/menu2/2/chr.htm>

⁸ United Nations, Office of the High Commissioner of Human Rights, *UN Human Rights Council*, <http://www2.ohchr.org/english/bodies/hrcouncil/>

⁹ United Nations, Office of the High Commissioner of Human Rights, *Suggested Elements for Voluntary Pledges and Commitments for Candidates for Election to the Human Rights Council*, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

¹⁰ United Nations, Human Rights Council, *About the Human Rights Council*, n.d.

and rules of procedure, and made modifications to the system of expert advice and the complaint procedure inherited from the Commission on Human Rights, the HRC's predecessor body.¹¹ Resolution 5/1 also set out the modalities for the operation of the Council's new Universal Periodic Review mechanism, and established a process for reviewing, rationalizing and improving all special procedures mandates.¹²

Two sections of the package were created in order to review human rights in member states.¹³ The Universal Periodic Review segment of the package is used to review UNHRC member states by requesting documentation and testimony from the state in question and by using a summary of reports, prepared by the OHCHR, from treaty bodies and special procedures.¹⁴ The Complaints Procedure segment was created to allow individuals and organizations the ability to voice complaints about human rights to the UNHRC.¹⁵

Recent reports released by UNHRC concern human rights violations in Palestine and other Arab countries, as well as the degenerating condition of the world's food supply. The HRC continues to support the special procedures created by the Commission on Human Rights as well. As the HRC is still a relatively new forum, it is still growing with many opportunities for action.

Membership and Elections

Membership of the Council consists of 47 States, elected directly and individually by secret ballot by a simple majority vote of the General Assembly.¹⁶ The human rights records and voluntary human rights pledges and commitments of candidate States are to be taken into account when electing member States.¹⁷ The Council's member States serve staggered three year terms and are not eligible for immediate re-election after two consecutive terms.¹⁸

If a member State of the Council commits gross and systematic violations of human rights, the General Assembly, by a two-thirds majority of the members present and voting, may suspend its rights of membership in the Council.¹⁹

Leadership

At present the President of the Council is H.E. Mr. Alex Van Meeuwen (Belgium).²⁰ The Vice-President and Rapporteur is H.E. Mr. Hisham Badr (Egypt), and the other Vice-Presidents are H.E. Mr. Dian Triansyah Djani (Indonesia), H.E. Mr. Carlos Portales (Chile), and H.E. Mr. Andrej Logar (Slovenia).²¹

¹¹ *Ibid.*

¹² United Nations, Human Rights Council, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007, http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=68&t=11.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ United Nations, Human Rights Council, *About the Human Rights Council*, n.d.

¹⁷ United Nations, General Assembly, *Election of the Human Rights Council 2010*, <http://www.un.org/en/ga/64/elections/hrc/index.shtml>

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ United Nations, Human Rights Council, *Membership of the Human Rights Council*, <http://www2.ohchr.org/english/bodies/hrcouncil/membership.htm>

²¹ *Ibid.*

*Current Members*²²

Angola (2010)	Argentina (2011)	Bahrain (2011)	Belgium (2012)
Bolivia (2010)	Bosnia and Herzegovina (2010)	Bangladesh (2012)	Burkina Faso (2011)
Cameroon (2012)	Chile (2011)	Brazil (2011)	Cuba (2012)
Djibouti (2012)	Egypt (2010)	China (2012)	Gabon (2011)
Ghana (2011)	Hungary (2012)	France (2011)	Indonesia (2010)
Italy (2010)	Japan (2011)	India (2010)	Kyrgyzstan (2012)
Madagascar (2010)	Mauritius (2012)	Jordan (2012)	Netherlands (2010)
Nicaragua (2010)	Nigeria (2012)	Mexico (2012)	Pakistan (2011)
Philippines (2010)	Qatar (2010)	Norway (2012)	Russian Federation (2012)
Saudi Arabia (2012)	Senegal (2012)	Republic of Korea (2011)	Slovenia (2010)
South Africa (2010)	Ukraine (2011)	Slovakia (2011)	United States (2012)
Uruguay (2012)	Zambia (2011)	United Kingdom (2011)	

*The year listed beside the states' names is the year in which their term expires. All terms expire on 31 December.*²³

²² *Ibid.*

²³ *Ibid.*

I. Protecting the Right to Development

The right to development is the right to a process of development in which all human rights and fundamental freedoms are realized. This definition is derived from the definition of development itself. Development is a process. Development is not an event that happens on a particular day, nor is it a final product that materializes at a particular hour.

[...]

The right to development goes further in identifying the notion of well-being with the realization of fundamental freedoms, so development becomes a process of improvement of well-being or the improved realization of fundamental freedoms.

[...]

These rights are not only economic, social and cultural rights but also civil and political rights. In other words, in a human rights framework - development is a process of realization of all human rights. When that process of development is claimed by the people as a human right itself, we get the right to development.²⁴

Introduction

The “right to development” (RTD) is defined as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”²⁵ In order to realize this right, principles such as the promotion of social progress and better standards of life, recognizing the right to non-discrimination, the right to participate in public affairs, adequate standard of living, and the creation of favorable conditions for the enjoyment of other civil, political, economic, social and cultural rights must be upheld.²⁶ RTD provides a link between the civil and political rights and economic, social and cultural rights, and as a result of filling this gap, is considered by many states among the most fundamental rights.²⁷

Background and International Framework

The right to development is rooted in the Charter of the United Nations (1945), the Universal Declaration of Human Rights (1948), and other international human rights instruments, including most notably the Declaration on the Right to Development (1986).²⁸ In the lead-up to the creation of the Declaration, several important decisions were made within the United Nations, specifically the passage of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant for Economic, Social and Cultural Rights (ICESCR), both in 1966.²⁹ Additionally, International Court of Justice jurist Kéba Mbaye’s 1972 call for recognition of a Right to Development at the Commission on Human Rights (CHR) led to that body’s adoption of a resolution in 1977, and a second in 1979, officially recognizing the existence of a Right to Development in the CHR – seven years prior to its recognition by the General Assembly.³⁰

²⁴ Essex Human Rights Review, *The Right to Development, Interview with Dr. Arjun Sengupta*, 2004, page 1, <http://projects.essex.ac.uk/ehrr/VIN1/Interview1.pdf>.

²⁵ United Nations, General Assembly, *Declaration on the Right to Development (A/RES/41/128)*, 1986, <http://www.un.org/documents/ga/res/41/a41r128.htm>.

²⁶ Office of the High Commissioner for Human Rights, *Development – Right to development*, <http://www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx>.

²⁷ Centre for Development and Human Rights, *The Right to Development: A Primer*, 2004, New Delhi: Sage Publications, p. 44

²⁸ <http://www2.ohchr.org/english/issues/development/right/index.htm>.

²⁹ Sneyd, Right to Development, http://www.globalautonomy.ca/global1/glossary_entry.jsp?id=CO.0044; Sengupta, et al, *Reflections on the Right to Development*, 2005, page 127.

³⁰ Sengupta, et al, *Reflections on the Right to Development*, 2005, page 127.

The follow-up to these documents, the Declaration on the Right to Development, was adopted by the United Nations General Assembly as resolution 41/28, and lay out several basic concepts, including: (a) full sovereignty over natural resources, (b) self-determination, (c) popular participation in development, (d) equality of opportunity, and (e) the creation of favorable conditions for the enjoyment of other civil, political, economic, social and cultural rights.³¹

Member States came together to discuss and support the right to development at the World Conference on Human Rights, held in Vienna in 1993.³² The Vienna Declaration and Programme of Action, resulting from this conference, recognize that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.³³ In 1998, the CHR established the Intergovernmental Working Group on the Right to Development, which reviews implementation of the *Declaration on the Right to Development*, reviews reports submitted by States and the UN on how their work helps this implementation, and prepares an annual report to the CHR and the High Commissioner for Human Rights on the status of implementation and possible activities to assist countries in their national implementation efforts.³⁴ Simultaneously, they established the office of the Independent Expert on the Right to Development, first held by Dr. Arjun Sengupta.³⁵ In 2004, to provide additional technical expertise to the Working Group, the Commission on Human Rights established the High-Level Task Force on the Implementation of the Right to Development.³⁶

Rights of Indigenous Peoples in Relation to Development

Indigenous people currently live on 50% of the world's resources and have felt increasing pressure to sell their homelands or to be pushed off the land.³⁷ In response to this pressure, the United Nations developed the Declaration on the Rights of Indigenous Peoples (UNDRIP).³⁸ The declaration includes a provision guaranteeing the right of indigenous peoples to choose whether or not to develop their own lands.³⁹ The declarations also protects against development schemes from outside pressure through the "free prior and informed consent" clause.⁴⁰

The resolution was adopted with an overwhelming majority of Member States in support; the exceptions were the United States, Canada, New Zealand and Australia.⁴¹ Australia and New Zealand have since indicated their support for the resolution, which is a large step forward for the indigenous tribes within the two countries now able to expect the protections the declaration offers.⁴² Civil society organizations such

³¹ United Nations, General Assembly, *Declaration on the Right to Development (A/RES/41/128)*, 1986, <http://www.un.org/documents/ga/res/41/a41r128.htm>.

³² Kirchmeier, *The Right to Development - where do we stand?*, 2006, page 8, <http://www.fes-globalization.org/publicationsGeneva/FESOccPapers23.pdf>.

³³ *Ibid.*

³⁴ United Nations, Office of the High Commissioner for Human Rights, *The Intergovernmental Working Group on the Right to Development*, <http://www.ohchr.org/EN/Issues/Development/Pages/WGRightToDevelopment.aspx>.

³⁵ Essex Human Rights Review, *The Right to Development, Interview with Dr. Arjun Sengupta*, 2004, page 1, <http://projects.essex.ac.uk/ehrr/V1N1/Interview1.pdf>.

³⁶ United Nations, Office of the High Commissioner for Human Rights, *High-Level Task Force on the Implementation of the Right to Development 14 to 18 November 2005, Palais des Nations, Geneva*, <http://www2.ohchr.org/english/issues/development/taskforce.htm>.

³⁷ *Ibid.*

³⁸ International Forum on Globalization, *IFG Programs: Indigenous Rights*, <http://www.ifg.org/programs/indigenousrights.htm>.

³⁹ United Nations, General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007, <http://www.un.org/esa/socdev/unpfii/en/drip.html>

⁴⁰ International Forum on Globalization, *IFG Programs: Indigenous Rights*, <http://www.ifg.org/programs/indigenousrights.htm>.

⁴¹ *Ibid.*

⁴² International Working Group on Indigenous Affairs, *Declaration on the Rights of Indigenous Peoples*, <http://www.iwgia.org/sw248.asp>.

as the International Forum on Globalization have programs in place advocating for the adoption of the Declaration by the United States, Canada, and regional organizations.⁴³

The United Nations Permanent Forum on Indigenous Issues (UNPFII), a subsidiary body of the Economic and Social Council (ECOSOC), provides advice and expert recommendations, raises awareness, and prepares and disseminates information about Indigenous peoples.⁴⁴ The UNPFII supports workshops to bring together experts to discuss issues relating the Indigenous peoples.⁴⁵ The goal of these efforts is ultimately to shape a new paradigm that has strong focus on collective solidarity, benefit-sharing, preservation of traditional lands, gender considerations, and respect for traditional experiences.⁴⁶

Right to Accessible Medicine

Millions of people around the globe are without proper medical treatment for preventable and/or curable diseases. Access to proper medication is first mentioned in Article 25 of the Universal Declaration of Human Rights (UDHR), which states that, "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including...medical care and necessary social services."⁴⁷ More recently, the Millennium Development Goals expanded on the UDHR to call for universal access to medicine for HIV/AIDS, malaria and other major treatable diseases.⁴⁸ World Health Organization analyses of key health indicators conclude that efforts so far have been met with mixed success.⁴⁹

Access to Medicine Index is a civil society organization that measures pharmaceutical companies based on their efforts to improve global access to medicine. Some of these criteria include donations of drugs, access to medicine management, public policy influence and lobbying, research and development in neglected diseases, patenting and licensing, drug manufacturing, distribution and Ccapability advancement, equitable pricing, and other philanthropic activities.⁵⁰

The prevention and treatment of HIV/AIDS is also an important aspect of development and accessing medications. According to the Millennium Development Goals 2008 Report, Antiretroviral drugs are adding years to people's lives; however, the supply and access to these drugs are limited to the poor.⁵¹ Many states in Africa still have populations where over 90% of those infected with HIV/AIDS are still without the proper medications to treat their disease.⁵²

International Technology Transfer

Technology transfer is the sharing of information and knowledge across borders. There are several players in this transfer system including technology developers interested in reducing cost and uncertainty of the transfers; exporting states and agencies, and recipient states and civil society organizations. One challenge preventing greater technology transfer is the concern of developers over intellectual property rights and profitability of their work; these developers argue that while it may hurt short-term

⁴³ *Ibid.*

⁴⁴ United Nations Permanent Forum on Indigenous Issues, *About Us / Mandate*, http://www.un.org/esa/socdev/unpfii/en/about_us.html.

⁴⁵ *Ibid.*

⁴⁶ Roy, *Indigenous Peoples: Human Rights, Dignity and Development with Identity*, 2009, <http://www.ifad.org/english/indigenous/documents/ip.pdf>.

⁴⁷ The Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/index.shtml>.

⁴⁸ UN Millennium Development Declaration, <http://www.un.org/millennium/declaration/ares552e.htm>.

⁴⁹ Matrix of Essential Drugs, http://www.un.org/esa/policy/mdggap/mdggap_matrix_drugs.html

⁵⁰ Access to Medicine Index, *Methodology Index 2008*, http://www.atmindex.org/research_and_assessment/method.

⁵¹ United Nations, *The Millennium Development Goals Report for 2008*, 2008, http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG_Report_2008_En.pdf.

⁵² *Ibid.*

accessibility, the long-term viability of technology development is protected when developers are able to make money and own rights to their work.⁵³

On the other hand, technology importers are interested in obtaining the technology at minimal cost. Due to these conflicting views on the market of technology transfer, policy making in this area should be developed with great care by states and international arenas.⁵⁴ Current policies favor the developers and leave little rights to the developing countries; these policies include the World Trade Organization's Trade-Related Aspects of Intellectual Property Rights (TRIPS).⁵⁵ Channels of technology transfer include trade in goods, foreign direct investment, and technology licensing. The most common currently is the temporary transfer of students, scientists, and managerial and technical personnel to universities, laboratories, and conferences.⁵⁶

The challenges facing developing countries in this area include the "Two Gap" theory on difficulties transferring technology.⁵⁷ The theory claims the major issues facing these developing states are saving enough capital to create and maintain a technological base, and the cost of the technology far exceeding the entire annual revenue of the state.⁵⁸

Debt Relief

Developing countries with large debts tend to have lower economic growth rates than countries with small or no debt.⁵⁹ For this reason, the issue of debt relief is of great political importance to them. If these states cannot pay off creditors, then the cost to develop will be too great to improve the human conditions within the borders.⁶⁰ High debts can also lead to instability, causing further financial and economic stagnation.⁶¹ Debt also deters foreign investment, as foreign businesses often believe that the debt will be repaid by levying high taxes on corporations.⁶²

There are paths that creditors and debtors can utilize in the effort to improve economic growth, including increased lending, reduction of interest rates, and debt forgiveness.⁶³ Evaluating the national situation as a whole, and its resources is especially important when considering debt relief.⁶⁴

Global Development Partnerships

Global Development Partnerships are "shared responsibilities and mutual commitments between developed and developing countries and international organizations."⁶⁵ This definition is fairly consistent with a contemporary interpretation of the Right to Development.⁶⁶

⁵³ Maskus, *Encouraging International Technology Transfer*, 2004, http://www.iprsonline.org/unctadictsd/docs/CS_Maskus.pdf.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ Magic, *International Technology Transfer*, 2003, http://userweb.cs.utexas.edu/~fussell/courses/econtech/public-final-papers/Peter_Magic_International_IP_Rights.pdf.

⁵⁸ *Ibid.*

⁵⁹ Raghuram, *Finance & Development, June 2005 - Straight Talk - Debt Relief and Growth*, 2005, <http://www.imf.org/external/pubs/ft/fandd/2005/06/straight.htm>.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ Piron, *The Right to Development: A Review of the Current State of the Debate for the Department for International Development*, 2002, <http://www.odi.org.uk/resources/download/1562.pdf>.

⁶⁶ *Ibid.*

These partnerships include mutual commitments and shared responsibilities in a partnership approach to development. This includes special attention on “how to monitor the implementation of these commitments by all parties, and what are appropriate and effective accountability and enforcement mechanisms.”⁶⁷

The current views on these development partnerships are that developing countries’ governments need to be involved in discussions concerning rights-based approaches to development assistance. It is also important to hear from developing countries’ officials their views on how their national development strategies contribute to the realization of human rights, and how this relates to the Right to Development.⁶⁸

The New Partnership for Africa (NEPAD), created in October 2001, is a prime example of a global development partnership.⁶⁹ This program was created by African leaders, and uses African resources as well as international resources as available.⁷⁰ The agreement is a series of mutual commitments that recognize that Africa holds the key to its own development.⁷¹ The agreement is seen as an agreement between African leaders to their people and to the rest of the world to rebuild the continent. The responsibilities of the leaders in the partnership includes “conflict prevention; promoting and protecting democracy and human rights and maintaining the rule of law; promoting the role of women in development; macro-economic stability; promotion of productive sectors, education and health.”⁷²

The agreement between these developing states and the multilateral institutions includes “conflict prevention; promoting and protecting democracy and human rights and maintaining the rule of law; promoting the role of women in development; macro-economic stability; promotion of productive sectors, education and health.”⁷³ These partnerships have the potential to bring together multilateral efforts to recognize the responsibilities of African leaders in rebuilding Africa.⁷⁴ The partnership also recognizes the need for debt relief and the relief of other issues, which would come from outside support.⁷⁵

Conclusion

The international framework dating back to 1957 has set in motion the documents and events that have lead to the Right to Development as an essential human right. The framework is especially important to understand because of the detailed and delicate nature of the political implications for developing states in the Right to Development arena. The Right to Development in relation to indigenous peoples is essential in understanding which groups are the most affected by the lack of this right. This right is essential, for example, in the fight against plagues like hunger and disease worldwide.

The Right to Development includes the need for accessible medicines. Governments and WTO have been very heavily involved in this aspect of the Right to Development. The trading of technologies among countries is essential to growth in the developing world. The expansion of these programs will be greatly needed as technology changes and expands itself.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

Debt relief is also an important debate with the Right to Development, because of the limits debt puts on growth. It is important to understand that the causality between debt and growth is not certain and other solutions than debt relief or debt forgiveness must be considered. Development partnerships are also important to consider with the Right to Development. Without multilateral efforts, this essential right would never have had the clarity of language to achieve full development and implementation. In conclusion, the Right to Development is an essential right that has not been as high of a priority in the past as other human rights have been. This multi-faceted issue is important to consider because of its far reaching implications on the health of the global population, on technology, and on the development of a truly global society.

Questions to Consider

- There is great dispute over the ambiguous definition of the Right to Development. The definition has developed countries very anxious that the Right to Development could be interpreted to the “right to everything.” Does the definition of the Right to Development need modifications so that it is more narrowly defined?
- What are the roles of states and the international community in implementing the Right to Development? Is it a concept that should only apply to individual rights within states, or does it require the international community to reinforce the commitment?
- How effective have the efforts of IGOs and NGOs been in ensuring indigenous peoples the right to development?
- How should states and their respective trade agreements balance the right to accessible medicines and new technologies with intellectual property rights?
- Are previous lending agreements between creditors and indebted countries contradictory to the Right to Development? Should countries facing the aftermath of civil war and natural disasters be treated with priority when discussing debt relief? Should human rights conditionalities be placed on future lending?

II. Preventing Summary, Extrajudicial and/or Arbitrary Executions in Conflict-Affected Situations

Introduction

Summary, extrajudicial and arbitrary executions are some of the most egregious violations of basic human rights, depriving individuals of their inherent right to life. This topic in particular refers to the following situations:

“(a) Violations of the right to life in connection with the death penalty; (b) Deaths in custody; (c) Deaths due to the use of force by law enforcement officials; (d) Violations of the right to life during armed conflicts; (e) Expulsion of persons to a country where their lives are in danger; (f) Genocide; (g) Breach of the obligation to investigate violations of the right to life; (h) Breach of the obligation to provide compensation to victims of violations of the right to life.”⁷⁶

Although, in most circumstances, targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may actually be legal if the victims are “combatants.”⁷⁷ This is in contrast to other terms with which “targeted killing” has sometimes been interchangeably used, such as “extrajudicial execution,” “summary execution,” and “assassination,” all of which are, by definition, illegal.⁷⁸ This is the reason why reaching clarity on the scope and use of these acts, and ensuring there are strong international mechanisms in place to prevent, protect and punish perpetrators when acts do occur, is crucial. The Human Rights Council has the role of investigating violations of human rights, and following up on them in order to protect civilians and their rights in situations of armed conflict.

International Legal Framework

There are multiple international legal standards which guide work on this issue, including Article 3 of the Universal Declaration of Human Rights (UDHR) and Articles 6, 14 and 15 of the International Covenant on Civil and Political Rights (ICCPR).⁷⁹ These documents reinforce the “inherent right of every person to life,” specifically enumerating that this right shall be “protected by law and that no one shall be arbitrarily deprived of life.”⁸⁰ Additionally, the following instruments address elements of this issue:

- *The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* (Economic and Social Council resolution 1989/65 of 24 May 1989);
- *The Safeguards guaranteeing protection of the rights of those facing the death penalty* (Economic and Social Council resolution 1984/50 of 25 May 1984) and their implementation (Economic and Social Council resolution 1989/64 of 24 May 1989);
- *The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (General Assembly resolution 3452 (XXX) of 9 December 1975);

⁷⁶ United Nations, Commission on Human Rights, *Extrajudicial, summary or arbitrary executions: Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolution 1993/71 (E/CN.4/1994/7)*, 1993,

<http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/5915de1108eea5938025672a00548aad?Opendocument>.

⁷⁷ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, p. 3,

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

⁷⁸ *Ibid.*

⁷⁹ Office of the United Nations High Commissioner for Human Rights, *Extrajudicial, summary or arbitrary executions: International Standards*, <http://www2.ohchr.org/english/issues/executions/standards.htm>.

⁸⁰ *Ibid.*

- The *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (General Assembly resolution 39/46 of 10 December 1984);
- The *Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders* (Economic and Social Council resolution 663 C (XXIV) of 31 July 1957 and 2706 (LXII) of 13 May 1977);
- The *Basic Principles for the Treatment of Prisoners* (General Assembly resolution 45/111 of 14 December 1990);
- The *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (General Assembly resolution 43/173 of 9 December 1988);
- The *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* ("The Beijing Rules") (General Assembly resolution 40/33 of 29 November 1985);
- The *Convention on the Rights of the Child* (General Assembly resolution 44/25 of 20 November 1989);
- The *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, 27 August-7 September 1990);
- The *Code of Conduct for Law Enforcement Officials* (General Assembly resolution 34/169 of 17 December 1979);
- The *Geneva Conventions* of 12 August 1949 and the Additional Protocols thereto of 1977;
- The *Declaration on the Protection of Women and Children in Emergency and Armed Conflict* (General Assembly resolution 3318 (XXIX) of 14 December 1974);
- The *Convention relating to the Status of Refugees* (General Assembly resolution 429 (V) of 14 December 1950);
- The *Convention on the Prevention and Punishment of the Crime of Genocide* (General Assembly resolution 260 A (III) of 9 December 1948);
- The *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (General Assembly resolution 40/34 of 29 November 1985).⁸¹

Conflict-affected situations

Both international humanitarian law (IHL) and human rights law apply in the context of armed conflict; whether a particular killing is legal is determined by the applicable *lex specialis*, or body of law for that type of situation.⁸² To the extent that IHL does not provide a rule, or the rule is unclear and its meaning cannot be ascertained from the guidance offered by IHL principles, it is appropriate to draw guidance from human rights law.⁸³

⁸¹ United Nations, Commission on Human Rights, *Extrajudicial, summary or arbitrary executions: Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolution 1993/71 (E/CN.4/1994/7)*, 1993,

<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/5915de1108eea5938025672a00548aad?OpenDocument>.

⁸² Human rights law and IHL apply coextensively and simultaneously unless there is a conflict between them. E/CN.4/2005/7, paras. 46-53; A/HRC/4/20, paras. 18-19; A/HRC/11/2/Add.5, paras. 71-73, 83; A/HRC/4/20/Add.1, pp. 342-58; E/CN.4/2006/53/Add.1, pp. 264-65; A/HRC/4/20/Add.1, pp. 358-61. In situations that do not involve the conduct of hostilities – e.g., law enforcement operations during non-international armed conflict – the *lex generalis* of human rights law would apply.

⁸³ ICJ, *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion) [1996] ICJ rep. 226, para 25 (Nuclear Weapons); *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] I.C.J. Rep. (Wall Opinion) para. 106; *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v. Uganda), [2005] I.C.J. Rep., para. 216 (Armed Activities).

Under humanitarian law, targeted killing is only lawful when the target is a “combatant” or “fighter” or, in the case of a civilian, only for such time as the person “directly participates in hostilities.”⁸⁴ In addition, the killing must be militarily necessary, the use of force must be proportionate so that any anticipated military advantage is considered in light of the expected harm to civilians in the vicinity, and everything feasible must be done to prevent mistakes and minimize harm to civilians.⁸⁵ These standards apply regardless of whether the armed conflict is between States (an international armed conflict) or between a State and a non-state armed group (non-international armed conflict); this latter case includes the killing of alleged terrorists. Reprisal or punitive attacks on civilians are prohibited.⁸⁶

Within armed conflict, groups that are targeted illegally, who are not combatants, include the following:

Civilians in Armed Conflict

Protection of the rights of civilians in situations of armed conflict is a large issue that cannot be dealt with fully in this topic. In terms of extrajudicial, summary or arbitrary killings, civilians can become unintentional targets through the use of cluster bombs, drones, air strikes, human shields, perfidious attacks, and suicide bombings.⁸⁷ With the shift in warfare away from conventional means, the impact on civilians has increased exponentially.

Women

Women constitute a major “victim group” as defined by the work and findings of the Special Rapporteur, and are targets of crimes such as honor crimes, witchcraft killings, and “femicide.”⁸⁸ Women are particularly vulnerable during times of armed conflict and to attacks by vigilante groups, who often perpetrate gender-based crimes.⁸⁹

Refugees

Refugees are one group which is particularly targeted for “summary or arbitrary executions,” and refugees are at risk of being further displaced or targeted by counterinsurgency operations.⁹⁰ On this issue, the Special Rapporteur noted that extrajudicial killings in the context of global migration have become of increasing concern.⁹¹ The issue is increasingly highlighted as people find it necessary to move, both inside and outside their countries, for political, economic, social or other reasons, as the world population grows. The Special Rapporteur’s report highlights that all human beings possess the right to

⁸⁴ International Institute of Humanitarian Law, *The Manual on the Law of Non-International Armed Conflict*, 2006.; Geneva Conventions Common Article 3, AP I, art. 52(1) and (2); API, art. 50(1); International Humanitarian Law Research Initiative, *HPCR Manual and Commentary on International Law Applicable to Air and Missile Warfare*, Harvard University Program on Humanitarian Policy and Conflict Research, 2009, <http://www.ihlresearch.org/amw/manual>.

⁸⁵ Proportionality requires an assessment whether an attack that is expected to cause incidental loss of civilian life or injury to civilians would be excessive in relation to the anticipated concrete and direct military advantage. API, arts. 51(5)(b) and 57; Henckaerts & Oswald-Beck, *Customary International Humanitarian Law Rules*, ICRC (2005) (ICRC Rules) Rule 14;

United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

⁸⁶ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, p. 3, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

⁸⁷ Project on Extrajudicial Executions, *UN Special Rapporteur on Extrajudicial Executions Handbook*, 2010, Ch. 1, <http://www.extrajudicialexecutions.org/LegalObservations>.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, Ch. 8, p. 1.

⁹⁰ *Ibid.*, Ch. 8, p. 36.

⁹¹ United Nations, General Assembly, *Extrajudicial, summary or arbitrary executions: Note by the Secretary-General (A/55/288)*, 2000, p. 6, [http://www.extrajudicialexecutions.org/application/media/55%20GA%20SR%20Interim%20Report%20\(A-55-288\).pdf](http://www.extrajudicialexecutions.org/application/media/55%20GA%20SR%20Interim%20Report%20(A-55-288).pdf).

life, and that governments have a responsibility to protect this right within their territories under their jurisdiction for all people within their borders, whether their citizens or not.⁹²

Other Groups

Other groups at risk during armed conflict for targeted, extrajudicial and arbitrary executions include human rights defenders and humanitarian aid workers.

Role of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

The United Nations created the position of Special Rapporteur on extrajudicial, summary or arbitrary executions in 1982, becoming the second of what were to become known as the 'thematic' mandates established by the UN Commission on Human Rights (CHR) (replaced by the Human Rights Council in March 2006).⁹³ The main substantive legal framework, as indicated by the CHR in its resolution 1992/72, and the General Assembly in its resolution 45/162 of 18 December 1990, comprises the Universal Declaration of Human Rights and articles 6, 14 and 15 of the International Covenant on Civil and Political Rights. These standards, which are universal, are interpreted within the context of other United Nations instruments, enumerated in the sixth preamble paragraph of CHR resolution 1992/72.⁹⁴

The job of the UN Special Rapporteur is to respond to cases of extrajudicial killings around the world by holding governments to account when they directly or through agents are responsible for killings, as well as for when they do not intervene to prevent or respond to killings taking place within their borders.⁹⁵ In principle, all governments should cooperate with the UN Special Rapporteur, and the Human Rights Council requires them to do so. In practice, the level of cooperation varies significantly.⁹⁶

Currently, Philip Alston is the Special Rapporteur on extrajudicial, summary or arbitrary executions, and has been since his appointment in July 2004.⁹⁷ His predecessors are Asma Jahangir (1998-2004), Bacre Waly Ndiaye (1992-1998), and S. Amos Wako (1982-1992).⁹⁸

The work of the Special Rapporteur reflects the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (especially articles 6, 14 and 15), and the Convention on the Rights of the Child (especially article 37), as well as other treaties, resolutions, conventions and declarations adopted by United Nations bodies relating to violations of the right to life.⁹⁹

The legal framework includes principles and guidelines specified in:

1. The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
2. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
3. The Rome Statute of the International Criminal Court;
4. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.¹⁰⁰

⁹² *Ibid.*

⁹³ New York University, Project on Extrajudicial Executions, *About the position of UN Special Rapporteur on extrajudicial executions*, <http://www.extrajudicialexecutions.org/About>.

⁹⁴ Office of the United Nations High Commissioner for Human Rights, *Extrajudicial, summary or arbitrary executions: International Standards*, <http://www2.ohchr.org/english/issues/executions/standards.htm>.

⁹⁵ New York University, Project on Extrajudicial Executions, *About the position of UN Special Rapporteur on extrajudicial executions*, <http://www.extrajudicialexecutions.org/About>.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ New York University, Project on Extrajudicial Executions, *About the mandate*, <http://www.extrajudicialexecutions.org/About>.

¹⁰⁰ *Ibid.*

The Special Rapporteur's principal methods of work include, when credible and sufficient information is available, requesting government intervention for emergencies, and presenting complaints to accused governments, with evidence available and a request for response and clarification from the state.¹⁰¹ The Special Rapporteur, at all times, also releases press statements, conducts visits to countries where alleged incidents are occurring to investigate himself, and works broadly to promote the objectives of the Commission on Human Rights and the General Assembly.¹⁰²

Targeted Killings

Targeted killing is “an intentional, premeditated and deliberate use of lethal force, by States or their agents acting under colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. In recent years, a few States have adopted policies, either openly or implicitly, of using targeted killings, including in the territories of other States,” and often justified as a “legitimate response to terrorist threats” and a “necessary response to the challenge of ‘asymmetric warfare.’”¹⁰³ There is no strict definition of “targeted killing”; the term is rather derived from the Israeli policy of “targeted killings of alleged terrorists in the Occupied Palestinian Territories.”¹⁰⁴ Under International Humanitarian Law (IHL), “targeted killing is only lawful when the target is a ‘combatant’ or ‘fighter’ or, in the case of a civilian, only for such times as the person ‘directly participates in hostilities.’”¹⁰⁵ Additionally, the killing must be “militarily necessary,” proportionate and every possible precaution must be taken to prevent harm against civilians.¹⁰⁶

Criminal acts have been re-characterized so as to justify addressing them within the framework of the law of armed conflict.¹⁰⁷ New technologies, and especially unarmed combat aerial vehicles or “drones”, have been made it easier to kill targets, with fewer risks to the targeting State.¹⁰⁸ The result of this has been a highly problematic blurring and expansion of the boundaries of the applicable legal frameworks – human rights law, the laws of war, and the law applicable to the use of inter-state force. Even where the laws of war are clearly applicable, there has been a tendency to expand who may permissibly be targeted and under what conditions.¹⁰⁹ Moreover, the States concerned have often failed to specify the legal justification for their policies, to disclose the safeguards in place to ensure that targeted killings are in fact legal and accurate, or to provide accountability mechanisms for violations.¹¹⁰ Most troublingly, they have refused to disclose who has been killed, for what reason, and with what collateral consequences.¹¹¹ The result has been the displacement of clear legal standards, often described as a “license to kill,” and a lack of accountability.¹¹²

In terms of the legal framework, many of these practices violate applicable legal rules.¹¹³ To the extent that customary law is invoked to justify a particular interpretation of an international norm, the starting point must be the policies and practice of the vast majority of States and not those of the handful which

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, p. 3, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

¹⁰⁴ *Ibid.*, p. 4.

¹⁰⁵ *Ibid.*, p. 4.

¹⁰⁶ *Ibid.*, p. 10.

¹⁰⁷ *Ibid.*,

¹⁰⁸ *Ibid.*,

¹⁰⁹ *Ibid.*,

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*,

¹¹² *Ibid.*

¹¹³ *Ibid.*

have conveniently sought to create their own personalized normative frameworks.¹¹⁴ It should be added that many of the justifications for targeted killings offered by one or other of the relevant States in particular current contexts would in all likelihood not gain their endorsement if they were to be asserted by other States in the future.¹¹⁵

According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, other examples of “targeted killings” include:

- “The April 2002 killing, allegedly by Russian armed forces, of “rebel warlord” Omar Ibn al Khattab in Chechnya;¹¹⁶
- The November 2002 killing of alleged al Qaeda leader Ali Qaed Senyan al-Harithi and five other men in Yemen, reportedly by a CIA-operated Predator drone using a Hellfire missile;¹¹⁷
- Killings in 2005 – 2008 by both Sri Lankan government forces and the opposition LTTE group of individuals identified by each side as collaborating with the other;¹¹⁸
- The January 2010 killing, in an operation allegedly carried out by 18 Israeli Mossad intelligence agents, of Mahmoud al-Mahboub, a Hamas leader, at a Dubai hotel.¹¹⁹ According to Dubai officials, al-Mahboub was suffocated with a pillow; officials released videotapes of those responsible, whom they alleged to be Mossad agents.”¹²⁰

Role of New Technology

One particularly controversial issue is the use of robotic technology (also referred to as “drones”) for targeted killings. It has been suggested by policymakers and academics alike that drones are prohibited weapons under humanitarian law, because “they cause or have the effect of causing, necessarily indiscriminate killings of civilians, such as those in the vicinity of a targeted person.”¹²¹ Over the past decade, the number and type of unmanned or robotic systems developed for, and deployed in, armed conflict and law-enforcement contexts has grown at an astonishing pace.¹²² The speed, reach, capabilities and automation of robotic systems are all rapidly increasing. Unmanned technologies already in use or in later stages of development — including unmanned airplanes, helicopters, aquatic and ground vehicles — can be controlled remotely to carry out a wide array of tasks: surveillance, reconnaissance, checkpoint security, neutralization of an improvised explosive device, biological or chemical weapon sensing, removal of debris, search and rescue, street patrols, and more.¹²³ They can also be equipped with weapons to be used against targets or in self-defense.¹²⁴ Some of these technologies are semi-automated, and can, for example, land, take off, fly, or patrol without human control.¹²⁵ Robotic sentries, including towers equipped with surveillance capacity and machine guns, are in use at the borders of some countries.¹²⁶ In the foreseeable future, the technology will exist to create robots capable of targeting and killing with minimal human involvement or without the need for direct human control or authorization.¹²⁷

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*, p. 4.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*, p. 4.

¹²⁰ *Ibid.*, p. 5.

¹²¹ *Ibid.*, p. 24.

¹²² United Nations, General Assembly, *Interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/65/321)*, 2010, <http://www.un.org/docs/journal/asp/ws.asp?m=A/65/321>.

¹²³ *Ibid.*

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

While the use of lethal robots in the context of war is not unprecedented, their development and use has dramatically increased since the attacks of 11 September 2001, the Afghanistan and Iraq conflicts, and the enormous growth in military research and development that the conflicts precipitated.¹²⁸ Military experts have noted that the two conflicts are serving as real-time laboratories of “extraordinary development” for “robotic warfare.”¹²⁹ Drones were originally developed to gather intelligence and conduct surveillance and reconnaissance. More than 40 countries now have such technology.¹³⁰ Some, including Israel, Russia, Turkey, China, India, Iran, the United Kingdom and France either have or are seeking drones that also have the capability to shoot laser-guided missiles ranging in weight from 35 pounds to more than 100 pounds.¹³¹ The appeal of armed drones is clear: especially in hostile terrain, they permit targeted killings at little to no risk to the State personnel carrying them out, and they can be operated remotely from the home State.¹³² However, it is also conceivable that non-state armed groups could obtain this technology.¹³³

In his most recent report, the Special Rapporteur urged the international community to consider that the “public debate over the legal, ethical and moral issues arising from its use is at a very early stage, and very little consideration has been given to the international legal framework necessary for dealing with the resulting issues.”¹³⁴ Given that, the report recommended consideration to the “legal, ethical and moral implications of the development and use of robotic technologies, especially but not limited to uses for warfare. The report recommended that international actors emphasize, in addition to remedying these challenges, a proactive approach to ensure that the evolution of these technologies progresses in a way that promotes compliance with IHL and human rights law.”¹³⁵

Case Study: Situation in the Occupied Palestinian Territories, particularly Gaza

On December 27, 2008, Israel launched "Operation Cast Lead," a 22-day military campaign with the stated aim of “suppressing rocket fire from Gaza into Israel.”¹³⁶ Numerous civil society organizations allege that parties on both sides of the conflict committed serious violations of laws of war, some of which amount to war crimes.¹³⁷ In Gaza during this 22-day campaign, more than 700 civilians died in the fighting, while 3 civilians in Israel lost their lives.¹³⁸ Laws-of-war violations by Israeli forces included “drone-launched missile attacks that killed 29 civilians, the killing of 11 civilians holding white flags, and the use of white phosphorus munitions in densely populated areas. Hamas and other Palestinian armed groups violated the laws of war by firing hundreds of rockets deliberately or indiscriminately into

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, p. 3, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

¹³¹ *Ibid.*

¹³² United Nations, General Assembly, *Interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/65/321)*, 2010, <http://www.un.org/docs/journal/asp/ws.asp?m=A/65/321>.

¹³³ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, p. 3, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

¹³⁴ United Nations, General Assembly, *Interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/65/321)*, 2010, <http://www.un.org/docs/journal/asp/ws.asp?m=A/65/321>.

¹³⁵ *Ibid.*

¹³⁶ Human Rights Watch, *Israel – Gaza Conflict: December 2008 – January 2009*, n.d., <http://www.hrw.org/en/middle-east-n-africa/israel-and-occupied-territories>.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

civilian areas in Israel.”¹³⁹ More recently, on 31 May 2010, nine people were killed, and many others injured following the interception by Israeli forces of the humanitarian aid flotilla bound for Gaza.¹⁴⁰

Violations of human rights committed by Hamas

According to international human rights organizations operating in the region, the “unlawful violence by Hamas forces in the Gaza Strip since late December 2008 falls into several categories: killings and maimings by masked gunmen known or suspected to be affiliated with Hamas; executions of suspected collaborators; extra-judicial killings, torture, and other mistreatment; and arbitrary detention.”¹⁴¹ These acts constitute serious violations of the “human rights to life, to liberty and security of the person, to freedom from torture or cruel, inhuman or degrading treatment or punishment, to be protected against arbitrary arrest and detention, to a fair and impartial legal proceeding; and to freedom of opinion and expression, including freedom to hold opinions without interference.”¹⁴²

Violations of human rights through, in particular, targeted killings, committed by Israel

In the 1990s, Israel categorically refused to admit to targeted killings, stating, when accused, that “the [Israeli Defense Force] wholeheartedly rejects this accusation. There is no policy and there never will be a policy or a reality of willful killing of suspects . . . the principle of the sanctity of life is a fundamental principle of the I.D.F.”¹⁴³ In November 2000, however, the Israeli Government confirmed the existence of a policy under which it justified targeted killings in self-defense and under international humanitarian law (IHL) because Israel believed that the Palestinian Authority was failing to prevent, investigate and prosecute terrorism and, especially, suicide attacks directed at Israel.¹⁴⁴ This was reinforced by a 2002 legal opinion by the Israeli Defense Force Judge Advocate General on the conditions under which Israel considered targeted killings to be legal; only part of this opinion was publicly issued.¹⁴⁵

The majority of Israeli targeted killings have reportedly taken place in “Area A,” the area of the West Bank that under the Oslo Accords are under the control of the Palestinian Authority.¹⁴⁶ The targets have included members of various groups, including Fatah, Hamas, and Islamic Jihad, who, Israeli authorities claimed, were involved in planning and carrying out attacks against Israeli civilians.¹⁴⁷ Means used for targeted killings include drones, snipers, missiles shooting from helicopters, killings at close range, and artillery. One study by a human rights group found that between 2002 and May 2008 at least 387 Palestinians were killed as a result of targeted killing operations.¹⁴⁸ Of these, 234 were the targets, while the remaining 153 were “collateral casualties.”¹⁴⁹

¹³⁹ *Ibid.*

¹⁴⁰ United Nations, Human Rights Council, *Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance (A/HRC/15/21)*, 2010, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/15/21.

¹⁴¹ Human Rights Watch, *Under Cover of War: Hamas Political Violence in Gaza*, 2009, <http://www.hrw.org/en/reports/2009/04/20/under-cover-war-0>.

¹⁴² United Nations, Human Rights Council, *Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48)*, 2009, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.

¹⁴³ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

By engaging in targeted killings, Israel is violating Palestinian civilians' right to life by engaging in directed and targeted killings.¹⁵⁰ The right to life includes both the negative obligation to respect life and the positive obligation to protect life. The Human Rights Committee has stated that States parties should take measures not only to prevent and punish deprivation of the right to life by criminal acts, but also to prevent arbitrary killing by their own security forces.¹⁵¹ No exception is made for acts during war.¹⁵²

The right to life also includes a procedural component that requires adequate investigation of any alleged violation "promptly, thoroughly and effectively through independent and impartial bodies" for "failure by a State party to investigate allegations of violations could in and of itself give rise to a separate breach of the" International Covenant on Civil and Political Rights.¹⁵³ The Israeli investigation of the Israeli armed forces for the aforementioned offenses lacks transparency and credibility.¹⁵⁴ The failure of Israel to comply with the procedural requirement adds to the frustration and anger felt by survivors, who have received no credible explanation for what occurred.¹⁵⁵ The term "targeted killing," which was discussed earlier, "is not a term defined under international law. Nor does it fit neatly into any particular legal framework."¹⁵⁶ Rather, it came into common usage in 2000, after Israel made public a policy of "targeted killings" of alleged terrorists in the Occupied Palestinian Territories.¹⁵⁷

It is not just the action or inaction of Israel which is a cause of concern, but the culture within the security structures. One example of this culture was demonstrated by the testimony of an Israeli Colonel in a September 2010 civil trial in Israeli court related to the death of Rachel Corrie, an American activist from Olympia, Washington killed by an Israeli bulldozer in Gaza in 2003.¹⁵⁸ The colonel, who drafted operating regulations for Israeli bulldozers under IDF control but was not directly involved in Corrie's killing, stated that "in a war zone there are no civilians."¹⁵⁹ Additionally, Human Rights Watch has reported "on Facebook [in September 2010], a former Israeli posted photos of herself posing with blindfolded Palestinian detainees and described it as "the best time of my life." These posts caused furious responses inside and outside Israel, but she told reporters that she didn't "understand what's wrong" with the photos and wrote on her Facebook page: "War has no rules!"¹⁶⁰

During and just after Israel's military operations, human rights organizations and the media began reporting on allegedly unlawful civilian deaths. Nevertheless, senior IDF officials dismissed calls for an investigation into alleged abuses. "Commanders during the fighting shouldn't be losing sleep because of the investigations," the head of the IDF's international law department after the operation.¹⁶¹ "It's

¹⁵⁰ United Nations, Human Rights Council, *Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48)*, 2009, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.

¹⁵¹ United Nations, Human Rights Council, *General comment No. 6: Right to Life*, 1982, para. 3.

¹⁵² United Nations, Human Rights Council, *Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48)*, 2009, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ United Nations, Human Rights Council, *Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48)*, 2009, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.

¹⁵⁶ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (A/HRC/14/24/Add.6)*, 2010, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>.

¹⁵⁷ *Ibid.*

¹⁵⁸ Esved, *Yes, War Does Have Rules*, Human Rights Watch, 2010, <http://www.hrw.org/en/news/2010/09/24/yes-war-does-have-rules>.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ Human Rights Watch, *Turning a Blind Eye: Impunity for Laws-of-War Violations during the Gaza War*, 2009, <http://www.hrw.org/en/reports/2009/08/13/white-flag-deaths-0>.

impossible not to make mistakes in such a crowded environment, under pressure.”¹⁶² Charges of laws-of-war violations against Israeli soldiers and officers, he added, amount to “legal terrorism.”¹⁶³

Human Rights Watch analysis of the situation concludes:

*These anecdotal examples, collected by several international human rights organizations, are not random or unique, they highlight an ongoing issue that prolonged military action often fosters amongst its troops. For the situation in the Occupied Palestinian Territories, these statements by members of the Israel Defense Forces (IDF) display a lack of awareness of the laws of war and point to a gap in training and enforcement that Israel's military leaders should remedy.*¹⁶⁴

The evidence collected following the 31 May 2010 situation involving the “Gaza Flotilla” has resulted in the conclusion that a humanitarian crisis occurred, and there is no legal justification for Israel’s actions.¹⁶⁵ According to the report of an international fact-finding mission deployed by the Human Rights Council, “the conduct of the Israeli military and other personnel towards the flotilla passengers was not only disproportionate to the occasion but demonstrated levels of totally unnecessary and incredible violence. It betrayed an unacceptable level of brutality,” which cannot be justified or condoned, and constituted a grave violation of human rights law and international humanitarian law.¹⁶⁶ The conduct of the Israeli military and other personnel towards the flotilla passengers “was not only disproportionate to the occasion but demonstrated levels of totally unnecessary and incredible violence, and betrayed an unacceptable level of brutality. Such conduct cannot be justified or condoned on security or any other grounds and constituted a grave violation of human rights law and international humanitarian law.”¹⁶⁷

Recent United Nations system consideration of the issue

In April 2009, the President of the Human Rights Council established an international independent Fact Finding Mission (FFM) with the mandate to determine if the actions taken by Israel in Gaza between 27 December 2008 and 18 January 2009 were violations of international human rights or humanitarian law.¹⁶⁸ The inception of the mission followed the adoption on 12 January 2009 of resolution S-9/1 by the United Nations Human Rights Council at the end of its 9th Special Session.¹⁶⁹

On 29 September 2009, the FFM published a report on the violations of human rights which occurred; referred to as the “Goldstone report” and supported by the HRC, it has not had the desired effect, as neither Israel nor Hamas has held the perpetrators of these violations to account by conducting credible, independent investigations.¹⁷⁰ To this date, both Israel and Hamas continue to violate international law, yet neither takes action to hold accountable or punish perpetrators.¹⁷¹

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ Esved, *Yes, War Does Have Rules*, Human Rights Watch, 2010, <http://www.hrw.org/en/news/2010/09/24/yes-war-does-have-rules>.

¹⁶⁵ United Nations, Human Rights Council, *Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance (A/HRC/15/21)*, 2010, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/15/21.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ United Nations, Human Rights Council, *United Nations Fact Finding Mission on the Gaza Conflict*, <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

¹⁶⁹ *Ibid.*

¹⁷⁰ Human Rights Watch, *Israel – Gaza Conflict: December 2008 – January 2009*, n.d., <http://www.hrw.org/en/middle-east-africa/israel-and-occupied-territories>.

¹⁷¹ *Ibid.*

In February 2010, UN General Assembly resolution 64/254 of 26 February called for the second time on both parties to conduct thorough and impartial investigations, setting a deadline of July 2010.¹⁷² A majority of European Union member states supported the resolution, including permanent Security Council members France and the United Kingdom.¹⁷³ In follow-up to this, via resolution 13/9, the Human Rights Council decided, in the context of the follow-up to the report of the International Independent Fact-Finding Mission (Goldstone report), “to establish a committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards.”¹⁷⁴

Following the flotilla incident, on 2 June 2010 the Human Rights Council, in resolution 14/1 on “The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy,” decided “to dispatch an independent international fact-finding mission to investigate violations of international law, including international humanitarian law and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance” to Gaza.¹⁷⁵ The Security Council also released presidential statement 2010/9 on the situation, also calling for a “full investigation” with “prompt, impartial, credible, international standards.”¹⁷⁶ The report by the Committee of Independent Experts “highlighted the inadequacies of domestic investigations into allegations of violations – including war crimes and possible crimes against humanity – identified in the September 2009 report of the UN Fact-Finding Mission led by Justice Richard Goldstone.”¹⁷⁷

As a follow-up, Resolution A/HRC/15/L.34 regarding “Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9” was passed on 29 September 2010 by the Human Rights Council in its 15th session.¹⁷⁸ A total of 27 member states of the Human Rights Council voted in favor of the resolution and one voted against it, with nineteen abstentions, including all EU states that have a seat on the Council.¹⁷⁹ In the resolution, the Council “urged the Palestinian Independent Commission of Investigations to complete its investigations in order to cover the allegations contained in the report of the Independent International Fact Finding Mission in the Occupied Gaza Strip.”¹⁸⁰ The report also condemned Israel for failing to cooperate with the Committee as it assessed Israel’s response to the international calls for independent

¹⁷² United Nations, General Assembly, *Second follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict*, (A/RES/64/254), 2010, <http://www.un.org/docs/journal/asp/ws.asp?m=A/RES/64/254>.

¹⁷³ *Ibid.*

¹⁷⁴ United Nations, Human Rights Council, *Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict* (A/HRC/13/L.30), 2010, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/13/L.30.

¹⁷⁵ United Nations, Human Rights Council, *The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy* (A/HRC/14/L.1), 2010, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/14/L.1.

¹⁷⁶ Permanent Mission of France to the United Nations in New York, *Israel/Palestinian Territories*, <http://www.franceonu.org/spip.php?article3929#Latest-developments-in-New-York>.

¹⁷⁷ Amnesty International, *Public Statement: Human Rights Council Fails Victims of Gaza conflict (15/023/2010)*, 2010, <http://www.amnesty.org/en/library/asset/MDE15/023/2010/en/896bdea4-2683-4092-946a-cb7367ba0c18/mde150232010en.html>

¹⁷⁸ United Nations, Human Rights Council, *Follow-up to the report of the independent international fact-finding mission* (A/HRC/15/L.33), 2010, <http://www.un.org/docs/journal/asp/ws.asp?m=A/HRC/15/L.33>.

¹⁷⁹ United Nations, Human Rights Council, *Press Release: Council adopts texts on follow-up on Report of Fact-Finding Mission on flotilla attack and on Committee of Independent Experts on Gaza conflict*, 2010, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10393&LangID=E>

¹⁸⁰ *Ibid.*

and credible investigations.¹⁸¹ Finally, the resolution extended the mandate of the Committee of Independent Experts¹⁸²

In response to this resolution, international human rights organizations called for the Human Rights Council to take more concrete action to “recognize the inadequacies of the investigations conducted by Israel and the Hamas *de facto* administration,” by calling “on the International Criminal Court Prosecutor to urgently seek a determination from the Pre-Trial Chamber on whether the Court has jurisdiction to investigate crimes committed during the Gaza conflict” and referring the report to the General Assembly and the Security Council.¹⁸³ At present the HRC, has not indicated whether they will take any or all of these actions on the issue.¹⁸⁴

Finally, the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 has been active in monitoring the situation in the OPT and reporting to the Human Rights Council and the General Assembly. For the past several years, the Special Rapporteur has been operating without the cooperation of Israel.¹⁸⁵ Israel has denied the Special Rapporteur access to the OPT, which violates Israel’s responsibility as a member of the United Nations.¹⁸⁶ Additionally, this policy has prevented the Human Rights Council from completing its purpose, and denied residents of the OPT the opportunity “to convey grievances regarding violations of international humanitarian law or international human rights law, thus interfering with the ability of the United Nations and Member States to exercise their responsibilities to stop these violations.”¹⁸⁷ In the most recent report, the Special Rapporteur “called for the full implementation of the Goldstone Report and for consideration to be given to promoting human rights through the ‘Boycott, Divestment, and Sanctions’ campaign,” a remarkable statement and call to action against a member state by a Special Rapporteur.¹⁸⁸

Election-Related Killings

Election-related killings are a “widespread, but understudied, phenomenon” which violates “not only the right to life but also the right to participate in the democratic process” and undermines the legitimacy of an election and the resulting government.¹⁸⁹ In conflict-affected situations, particularly in the aftermath of conflict, “clientism and patrimonialism elections” organized prior to the full demobilization of armed groups, the presence of a culture of violence and impunity, and lack of electoral capacity and infrastructure can all cause election-related violence and killings.¹⁹⁰ Although data is scarce, some academic studies estimate 25.4% of all countries which held elections in 2001 experienced electoral

¹⁸¹ *Ibid.*

¹⁸² *Ibid.*

¹⁸³ Amnesty International, *Public Statement: Human Rights Council Fails Victims of Gaza conflict (15/023/2010)*, 2010, <http://www.amnesty.org/en/library/asset/MDE15/023/2010/en/896bdea4-2683-4092-946a-cb7367ba0c18/mde150232010en.html>

¹⁸⁴ *Ibid.*

¹⁸⁵ United Nations, Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk* (A/HRC/13/53/Rev.1)*, 2010, <http://www.un.org/docs/journal/asp/ws.asp?m=A/HRC/13/53/Rev.1>.

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

¹⁸⁸ Security Council Report, *August 2010: Israel / Palestine*, 2010, http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.6156387/k.69C0/August_2010brIsraelPalestine.htm#humanrights

¹⁸⁹ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Election-related violence and killings (A/HRC/14/24/Add.7)*, 2010, [http://www.extrajudicialexecutions.org/staging/application/media/14%20HRC%20Election%20violence%20\(A.HRC.14.24.Add7\).pdf](http://www.extrajudicialexecutions.org/staging/application/media/14%20HRC%20Election%20violence%20(A.HRC.14.24.Add7).pdf).

¹⁹⁰ Höglund, *Electoral Violence in Conflict-Ridden Societies: Concepts, Causes, and Consequences*, Terrorism and Political Violence, Vol 21, No. 3, 2009, pp. 420 – 423.

violence, and 27% of the elections held in Africa between 1990 and 2005, were accompanied by election-related death.¹⁹¹ There is no accepted definition of “election-related killings,” however in a recent report to the Human Rights Council, the Special Rapporteur defined the term as encompassing acts “related to electoral processes or outcomes which include killings (a) designed to influence, or to prevent attempts to influence, an election outcome; (b) that arise in the context of election processes; or (c) that seek to promote or hinder election-related activity.”¹⁹²

Violence can take place during several phases, including, as laid out by the UN Development Programme (UNDP): 18 months to 3 months prior to election day, 3 months prior to election day; election day; the period between voting and the results announcement; and post-election.¹⁹³ The perpetrators of this violence fall into multiple categories, including: political parties and candidates; citizens; the State (police, army); non-State security forces (rebels, militias, vigilantes); and organizations of citizens.¹⁹⁴ The targets of these perpetrators can range from “electoral stakeholders (voters, candidates, election workers, media and monitors), electoral information (registration data, vote results, ballots, campaign material), electoral facilities (polling and counting stations), and electoral events (campaign rallies, travelling to a polling station).”¹⁹⁵

The methods and means of killings are diverse, and depend on the perpetrator and motive, but overall, “most incidents involved victims being shot to death by security forces, militias or others with firearms, including handguns, rifles, shotguns and automatic weapons.”¹⁹⁶ In conflict-affected countries, particularly those in which there is an “active insurgency or terrorist group, victims were often killed by the detonation of various explosive devices. Insurgents generally used improvised explosive devices, whether suicide, vehicle-borne or roadside devices; there was also some use of grenades and landmines.”¹⁹⁷ The effects of this killings can be widespread and varied depending on a myriad of factors, a general analysis of known cases found that effects include: “(a) withdrawal of candidacy by political candidates; (b) difficulty in recruiting election or polling staff; (c) the closure of polling stations; (d) suspension of political party campaign rallies; (e) prevented or impeded political campaigning in certain areas; (f) the postponement of elections; (g) reduced political activism; (h) reduced voter turnout, generally due to voter fear of retaliation (Women voters have sometimes been especially affected); (i) change in voter preferences or voting patterns; and (j) population displacement.”¹⁹⁸

Election-related violence was documented in nearly 20% of countries that held elections in 2008, including in Afghanistan, Armenia, Bangladesh, Cambodia, Colombia, Côte d’Ivoire, Democratic Republic of the Congo, the Dominican Republic, Ethiopia, Guatemala, Guinea, India, Indonesia, Iran,

¹⁹¹ Fischer, *Electoral Conflict and Violence: A Strategy for Study and Prevention*, 2002, p. 11,

<http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN019255.pdf>.

¹⁹² United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Election-related violence and killings (A/HRC/14/24/Add.7)*, 2010, p. 5,

[http://www.extrajudicialexecutions.org/staging/application/media/14%20HRC%20Election%20violence%20\(A.HRC.14.24.Add7\).pdf](http://www.extrajudicialexecutions.org/staging/application/media/14%20HRC%20Election%20violence%20(A.HRC.14.24.Add7).pdf).

¹⁹³ United Nations Development Programme, *Elections and Conflict Prevention: A Guide to Analysis, Planning and Programming*, 2009, p. 4, http://www.undp.org/publications/Elections_and_Conflict_Prevention.pdf.

¹⁹⁴ *Ibid.*, p. 13.

¹⁹⁵ Höglund, *Electoral Violence in Conflict-Ridden Societies: Concepts, Causes, and Consequences*, Terrorism and Political Violence, Vol 21, No. 3, 2009, p. 417; Fischer, *Electoral Conflict and Violence: A Strategy for Study and Prevention*, 2002, p. 9, <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN019255.pdf>.

¹⁹⁶ United Nations, Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Election-related violence and killings (A/HRC/14/24/Add.7)*, 2010, p. 14,

[http://www.extrajudicialexecutions.org/staging/application/media/14%20HRC%20Election%20violence%20\(A.HRC.14.24.Add7\).pdf](http://www.extrajudicialexecutions.org/staging/application/media/14%20HRC%20Election%20violence%20(A.HRC.14.24.Add7).pdf).

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*, pp. 15-16.

Iraq, Kenya, Moldova, Mongolia, Nepal, Nigeria, Pakistan, the Philippines, Spain, Sri Lanka, Thailand, Togo and Zimbabwe.¹⁹⁹

Conclusion

Extrajudicial, summary or arbitrary executions in conflict-affected situations are egregious violations of basic human rights, but yet are often ignored or uninvestigated due to the prevalence of the idea that in conflict, they are destined to occur. This logic is often applied to other human rights violations, including rape and forced displacement; as in both of these examples, extrajudicial, summary or arbitrary executions of individuals not engaged in combat are legally inexcusable regardless of the situation they occur in. This topic is challenging and complex. There exist approaches, both within a normative and practical framework, which would allow the international community to consistently uphold its deep commitment to the protection of the right to life, while still allowing for countries to protect their own security. With the international framework in place, it is up to the Human Rights Council to look at the emerging issues and situations of particular concern in order to strengthen the normative framework and application of these laws globally.

Questions to Consider

- In addressing the issue of targeted killings, how can Member States comply with human rights law and international humanitarian law in a transparent and accountable way? What safeguards, systems and common standards can be developed to ensure information is shared, and lessons are learned from past challenges?
- Is the use of drones legal under current human rights and international humanitarian law? How can the use of drones be monitored and ensured to be safe and not contributing to the loss of civilian life?
- How can the international community, particularly the United Nations system, better support countries that experience recurring elections-related violence? Could the development of common criteria and standards to guide election violence prevention, monitoring, reporting and action in the aftermath be useful in addressing the issue as it arises? What standards and structures currently exist?
- What action can the Human Rights Council take in terms of encouraging States to uphold their obligations under international human rights and humanitarian law?
- What monitoring and reporting options does the HRC have, and how can these best be deployed in order to effectively address this crucial issue? What options are available to follow up on previously- submitted reports, and how can the HRC strengthen its working methods to ensure its actions are timely and responsive?
- What role does prevention of violations of Human Rights play into the work of the Council?

¹⁹⁹ *Ibid.*, p. 28.