



COORDINATION COMMITTEE OF SPECIAL PROCEDURES
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

15 January 2021

Dear Members of the Consultative Group,

On behalf of the Coordination Committee of Special Procedures, I am writing to you once again in connection with the selection of new mandate holders, in particular the selection of several of our future colleagues at the upcoming session of the Human Rights Council in March.

Following my letter dated 14 December 2020, I am pleased to share with you the contributions received from the Special Rapporteur on extrajudicial, summary or arbitrary executions. These contributions reflect the views as received from the mandate holder concerned without any editing by the Committee.

I trust that you will find these suggestions useful as you undertake the selection process. I am at your disposal to discuss this matter further if you have additional questions or require additional feedback. I wish you success in your deliberations.

Sincerely yours,

A handwritten signature in black ink, which appears to read "Anita Ramasastry". The signature is fluid and cursive.

Anita Ramasastry
Chair of the Coordination Committee of Special Procedures

cc: President of the Human Rights Council

CONTRIBUTION FROM THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

It is a high honor to serve in the special procedures system but a responsibility that carries with it specific peculiarities and burdens. To exercise the role competently, in a sustained way and with success, its following features should be taken into consideration:

Substantive knowledge and thematic expertise.

As even a brief review of the work undertaken by the previous mandate holders would confirm, this mandate can be approached in a number of ways and its potential areas of contribution are many. Indeed, each of the Mandate-holders has made specific contributions to the Mandate, taking it in different directions, and thus strengthening its impact and relevance. These distinct approaches and focus should be celebrated and encouraged. This being said, below is a list of major human rights questions, which, in my opinion, over the coming years will fall directly within this mandate or to whose resolution this mandate may offer important contributions. It seems to me that substantive expertise in one or more of these areas would serve the mandate well:

- Advanced technologies, including but not confined those that underpin military and police operations and public surveillance
- The impacts of the climate crisis, which will only escalate as a major driver of contest, conflict and displacement, and thus unlawful killings.
- Gender, race and intersectionality, specifically in the context of security and policing and the administration of justice
- Non-state actors, including specifically the actions and responsibilities of armed groups and corporate actors.

Recommendations

The presentation to the Human Rights Council of findings, rooted in evidence and interpreted within the frameworks of international human rights standards, should culminate in more than recommendations only reiterative of overarching principles. The art in my view consists in crafting recommendations that meld human rights standards to persuasive public policy recommendations for ready implementation and which thus also limit the space for member states to excuse inaction. Experience with developing such recommendations and engaging with Member States and other actors will be invaluable.

Multi and Inter disciplinary approach and investigations

The mandate holder should be able to master an understanding of a range of disciplines (e.g. international law, social sciences, political science, international relations, criminology), conduct interdisciplinary research and understand and apply the methodology of criminal investigations. Submissions received by the Mandate requires further inquiry into specific cases and analysis of evidence and patterns. Country missions also demand investigation into specific cases of killings and patterns.

Engagement with victims' families

The mandate has a further important function, which is to sustain a constant availability for direct engagement with victims, their loved ones, advocates and with civil society actors working on matters within the mandate. That can be difficult, given the close connection with matters of life and death;

with incidents that cause such deep sorrow and grief to so many. It is also very difficult to keep up with the many demands.

However, taking action on those cases and circumstances is, without question, the most important means by which to advance the relevance, credibility and resolve of the mandate. It is the key means by which human rights facts, that otherwise powerful actors would prefer to remain well-hidden, can be made known. There is real privilege and consolation too as a mandate holder from regular encounter with the enormous courage and conviction of these contacts.

Networks of Experts

A network of technical experts committed to the mandate and willing to provide country, legal and policy advice and participate in consultations is also essential. The ability to foster and maintain additional experts, in keeping with the emerging cases and themes, will be essential.

Working realities

An understanding of the actual modus operandi of Special Procedures extends beyond familiarity with the code of conduct and the cycle of reporting to the Human Rights Council. Daily realities of the work are harsher than many understand. The workload can be significant and expectations high across often competing stakeholders. The material costs to the mandate holder can be significant. The time required to fulfil the role can be substantial. As volunteers, little financial support is provided and is even diminishing given the UN's financial crisis.

Although OHCHR provides staff resources for the mandate they are limited in scale. An individual SR has little to no role in choosing the staff assigned. Those allocated do not report to the SR which also means the mandate holder has limited scope to direct their work or to tackle issues of underperformance. In compensation, many SRs look elsewhere for help but only some, whose mandates attract donors' interest, succeed in generating additional resources.

It is worth noting here that the "independence" of special procedures is also interpreted rather literally by the UN system, as obliging a relative separation and operational distance from many others in the UN human rights system. It means little advice, guidance or personal encouragement are provided except from other holders of other mandates.

Resilience

In an era of open polarization within the Human Rights Council, and the UN itself in the midst of difficult financial and political struggles, a number of member states and their supporters resort to frequent ad hominem attacks against the mandate holder, and others do similarly so if their policies and practices come under direct scrutiny. Some choose to pursue those attacks in very public forums - issuing verbal attacks against reputation, judgement and competence and on occasion those attacks deteriorate even to threats of physical violence. While the Human Rights Council, the High Commissioner and the Secretary General, under his UNGA reprisals mandate, respond to such conduct in different ways, a mandate holder must exercise considerable personal resilience nonetheless when faced with the aggression of member states.

To be productive and effective, a successful mandate holder must self-sustain energy, direction and focus under often testing circumstances. Requiring more than a thick skin alone, would-be mandate holders should understand that acting impartially and independently for the mandate may make for few friends in high places and be met with many critics, if not outright opponents. The mandate-holder should have exceptional resilience to handle the harsh emotional realities of the mandate and the toxic political attacks. He/she should be able to deliver a high amount of work themselves while managing to attract resources.