

PRESS RELEASE

UN expert says impunity is a key cause of illegal killings around the world

New York, 27 October 2009:

“Impunity for killings is a key cause of illegal killings around the world”, said Professor Philip Alston, the UN Special Rapporteur on extrajudicial executions. He reported today to the UN General Assembly on his work over the last year, during which he investigated unlawful killings in the Democratic Republic of the Congo, Colombia, Kenya, and the United States.

“In each of the countries I have investigated, there are disturbing reports of Government responsibility for illegal killings. While the nature and scale of killings varies widely – murders by UN-supported Congolese troops, killings of civilians for reward by Colombian soldiers, police death squads in Kenya, or targeted killings by US forces operating drones in Pakistan – the common thread is that the killings are rarely properly acknowledged or investigated. This failure by Governments to provide accountability is often the key ingredient in continued unlawful attacks on civilian populations.”

The expert returned from an investigation to the Congo just a week and a half ago. He reported that the Congolese army (FARDC), which is supported by UN forces (MONUC), has killed, raped, and looted from the civilian population. Alston described evidence he had received that FARDC members massacred more than 50 civilians and raped and abducted approximately 40 women in Shalio (North Kivu) between 27-30 April 2009.

“The Congolese army is a makeshift coalition of former militia groups, too many of whom are heavily prone to violence. These forces are supported by the UN pursuant to Security Council resolutions, and there are serious concerns about the measures the UN has taken to ensure that it is not implicated in the rights abuses being committed by its partners,” said Alston.

The independent expert stressed that both the Congo and MONUC must do more to combat widespread impunity: “In response to my description of the Shalio massacre, the Congolese Information Minister stated that the Government was not prepared to take action against the commander responsible because ‘arrest would have had worse consequences than the crimes of which he is accused.’ Further, MONUC officials have themselves indicated that they will not take steps to arrest General Bosco Ntaganda, an FARDC commander whose whereabouts are well known and for whom the ICC has issued an arrest warrant. Both the Congolese Government and MONUC must abandon their untenable ‘peace first, justice later’ approach.”

Referring to the conflict with the Lord’s Resistance Army in the north of the Congo, Alston warned that, “The LRA continues to be very active in the Congo as well as in the region generally. The consequences in terms of killings, kidnappings, looting and large-scale displacement are horrendous. To end a reign of terror that has killed over 1,200 civilians since September 2008 in the Congo alone, there must be a concerted international campaign against the LRA.”

Alston also expressed deep disappointment that since his February 2009 visit to Kenya, “The appalling impunity for killings by state forces that I called attention to at the time continues months later.” He said that there have been no serious Government investigations into police death squads that brutally killed hundreds of Kenyans. Both the police and the military also remain in denial about torture and unlawful killings committed by their forces in Mt. Elgon. “I had called for the dismissal of the Police Commissioner whose responsibility for police death squads is well-documented. Although he has been relieved of command, it was only to be promoted to another high Government post,” said the expert.

Alston further highlighted continuing impunity in Colombia, which he visited in June 2009. “The most prominent issue concerned the so-called ‘false positives’ (*falsos positivos*) in which victims are lured under false pretenses by a ‘recruiter’ to a remote location, killed by the military, and reported as combat killings in order to gain rewards for their killers.” Alston reported that many of the killers remain free.

Alston underscored the “dramatic growth in importance” of legal questions he had previously raised concerning the United States’ use of unmanned drones to carry out targeted killings. “Although the US Government informed the Human Rights Council in June that it would study my report, since that time I have heard nothing. In the meantime, the number of killings by unmanned drones has escalated significantly, even as critical questions remain about who is being targeted, on what legal basis, and the measures the US is taking to ensure that its attacks are lawful. Unless the US Government moves to answer these questions, it will increasingly be perceived as carrying out indiscriminate killings in violation of international law.”

Alston’s report to the General Assembly discussed in detail the phenomenon of vigilante and “mob justice” killings, which he described as “a widespread problem that is often ignored by the international community.” Alston added, “Government officials often are either involved in vigilante killings or encourage them and States should take comprehensive efforts to ensure that their officials are not supporting or encouraging such killings in any way.”

Alston also reported that, since he began his mandate in 2004, more than two-thirds of the UN member states to which he has officially requested a visit have either denied the request or failed to respond. These include 11 current members of the Human Rights Council: Bangladesh, China, Egypt, India, Indonesia, Kyrgyzstan, Mexico, Pakistan, the Russian Federation, Saudi Arabia, and South Africa.

According to Alston, “There is something badly amiss with the system when a wide range of large and important States does not permit UN scrutiny of alleged killings.”

Professor Alston was appointed UN Special Rapporteur on extrajudicial executions in 2004 and reports to the United Nations Human Rights Council and the General Assembly. He has had extensive experience in the human rights field, including eight years as Chairperson of the UN Committee on Economic, Social and Cultural Rights, principal legal adviser to UNICEF in the drafting of the Convention on the Rights of the Child, and Special Adviser to the UN High Commissioner for Human Rights. He is Professor of Law and Faculty Director of the Center for Human Rights and Global Justice at New York University School of Law.

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