



Human Rights Council, 26th Session, 10th June – 27th June 2014 Item 3: Clustered Interactive Dialogue with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on internally displaced persons

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Oral statement delivered by the World Organisation Against Torture (OMCT), a non-governmental organisation with general consultative status

Thank you, Mr. President.

First of all, the World Organisation Against Torture (OMCT) welcomes the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on “the protection of the right to life during law enforcement” operations which draws upon the legislation of 146 countries on the use of force.

Mr. Special Rapporteur,

OMCT encourages the continuation of the study and supports the identification and inclusion of good legal practices to guide States in bringing laws and regulations in line with the obligation to respect and protect the right to life.

However, OMCT remains deeply concerned about the pervasive and persistent lack of adequate implementation at the country level to prevent and punish violations of the right to life and the right to be free from torture and other ill-treatment, particularly in the context of the policing of assemblies. OMCT wishes to draw the attention to the inextricable link between the proliferation of restrictive laws on peaceful assembly and the increase in the presence and diversity of repressive responses. Instead of realizing the positive duty to facilitate the exercise of freedom of assembly minimizing conflict through strategies favouring mediation and negotiation, States opt for the suppression of dissent and resort to heavy handed crowd management strategies, including the use of lethal force.

We hope that your efforts help triggering such reforms, in this setting we would welcome concrete and publicly accessible monitoring mechanisms to ensure that States take action. However, do you intend to monitor laws on the use of force alongside with laws regulating the exercise of freedom of assembly? OMCT is concerned that fundamental change regarding the use of force and firearms in the context of assemblies can only occur if the control paradigm gives way to a facilitation paradigm. The narrow notion of “public space” entrenched in many domestic legal frameworks must be replaced with a more pluralistic one that welcomes and facilitates the exercise of freedom of assembly even if it creates some level of disruption.

Mr. Special Rapporteur, turning to your report on your mission to Mexico,

OMCT and its member organizations in Mexico, Comisión Mexicana para la Defensa y Promoción de los Derechos Humanos, Centro Prodh and Centro de Derechos Humanos de la Montaña "Tlachinollan" welcome the report. The report extensively covers the multifaceted challenges and shortcomings of the legal framework and implementation related to the use of force and accountability. Statistics concerning the execrable levels of violence and violations of the right to life plaguing the country can only worsen if the militarization of internal security and the structural impunity continue.

In this context, we urge the Mexican authorities to endorse and implement the recommendations of the Special Rapporteur. We believe that to tackle the endemic impunity and curb the alarming level of loss of life the Mexican authorities should swiftly mobilize efforts to create an independent national forensic institute to help guarantee professionalized and scientific investigations of extrajudicial executions as well as fair, evidence-based trials in the criminal justice system. It is also essential that Mexico creates and enforces a federal law on the use of force that complies with international standards in order to uphold the "protect life" principle and facilitate accountability for the excessive use of force against demonstrators and others. We further highlight the Rapporteur's recommendation for Mexico to create a "safe corridor" for migrants in transit and call on the government to take effective measures to address the extremely grave situation of this population.

Mr. Special Rapporteur,

We would like to know what concrete steps will be taken under your mandate to ensure that Mexico meets its international obligations. We believe that it would be of great help if emblematic cases such as the the case of Ayotzinapa, in which two students were killed during the forced eviction of a student protest in Guerrero in December 2011, are closely followed up upon to ensure that the end of the impunity for crimes committed by public officials is no longer an illusion, but a reality. This also includes crimes of past decades, such as the extrajudicial execution of Diego Lucero, mentioned in your report as a "particularly shocking" example of crimes committed during the "Dirty War", all of which remain in impunity today.

We thank you.