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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Extrajudicial, summary or arbitrary executions

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, in accordance with Assembly resolution [79/176](#) and Human Rights Council resolution [53/4](#).

* [A/80/150](#).



Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz

Summary

In the present report, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, examines the phenomenon of unlawful killings by law enforcement officials and the means for overcoming challenges for their reliable investigation and effective prevention, in the light of international standards for investigating unlawful death and the legal and regulatory framework governing the use of force by law enforcement officials and the protection of the right to life. He also analyses contexts in which law enforcement operations pose a heightened risk of unlawful killings and explores the investigation and prevention of such incidents – including common impediments, the necessary components of effective investigative processes and preventive measures and mechanisms. He identifies examples of good practices from diverse jurisdictions to ensure accountability and rule of law, which help inspire the report's practical recommendations.

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz

Investigation and prevention of unlawful killings by law enforcement officials

I. Introduction

1. Law enforcement officials play a crucial role in maintaining public order, upholding the rule of law and serving communities, and are therefore vital in the protection of the right to life, liberty and security of the person, as well as to safeguarding fundamental rights and freedoms. To fulfil their mandate, they are entrusted with significant powers, including the use of force and powers of arrest and detention.

2. In exceptional circumstances, law enforcement officials may lawfully employ lethal force, in strict adherence to the principles of legality, necessity, proportionality, precaution, non-discrimination and accountability.¹ These principles are intrinsically linked to the absolute and non-derogable obligation of States under international law to protect individuals within their jurisdiction or effective control from arbitrary deprivation of life, as well as from torture and other cruel, inhuman or degrading treatment or punishment.² Compliance with these obligations is essential to ensuring that the use of force by State agents is lawful, justified and subject to effective oversight and remedy.³

3. Despite the clear obligations under international law, instances of arbitrary deprivation of life by law enforcement officials continue to be reported in diverse contexts and around the world, often with disproportionate impacts on individuals in situations of vulnerability. Prior reports by the mandate have documented multiple categories of unlawful killings, including those occurring during routine policing operations, at checkpoints, in search and arrest operations and in situations where law enforcement officials have operated as part of death squads or militias, often with impunity.⁴

4. Certain law enforcement contexts pose a heightened risk of arbitrary deprivation of life, in particular where the use of force is exercised without adequate legal safeguards or effective accountability. Situations involving, inter alia, the policing of public assemblies, counter-terrorism operations, drug enforcement, states of emergency, custodial settings, militarized policing and border control and migration are frequently associated with disproportionate, excessive or indiscriminate use of force, often targeting marginalized, racialized or otherwise stigmatized communities.⁵ These risks are further exacerbated when the use of force is legitimized through official rhetoric framing certain individuals or groups as inherent threats, and where independent oversight and judicial accountability are weak or absent.

5. International obligations to prevent, investigate and prosecute arbitrary deprivations of life, including those committed by law enforcement officials,⁶ require States to: (a) adopt legislation and operational protocols regulating the use of force; (b) investigate all potentially unlawful deaths in line with international standards such

¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principles 4–9; Human Rights Committee, general comment No. 36 (2018), paras. 12 and 13; Office of the United Nations High Commissioner for Human Rights (OHCHR) *Guidance on Less-Lethal Weapons in Law Enforcement* (New York and Geneva, 2020), sects. 2.2–2.5.

² International Covenant on Civil and Political Rights, 1966, arts. 6 (1) and 7, and 4 (2); UNCAT, Article 2.

³ Human Rights Committee, general comment No. 36 (2018), paras. 27 and 28; Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016 (A/HRC/38/51/Add.1, paras. 15 and 16; OHCHR, *Guidance on Less-Lethal Weapons in Law Enforcement* (2020), sects. 2 and 3.

⁴ See [A/HRC/14/24/Add.8](#); and [A/HRC/26/36](#).

⁵ See [A/HRC/57/71](#).

⁶ Human Rights Committee, general comment No. 36 (2018), paras. 13 and 27.

as the revised 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death; (c) ensure the accountability of superior officers and remove barriers to prosecution, including immunities and amnesties. Nonetheless, around the world, instances in which law enforcement actions result in the arbitrary deprivation of life are often inadequately investigated or prosecuted.

6. Investigations in such contexts often involve complex and systemic challenges, compounded by power asymmetries, institutional resistance and lack of independent oversight. Law enforcement officials are often familiar with investigative procedures and may have professional or personal ties to the entities tasked with conducting investigations. Accountability is particularly undermined when the agencies tasked with upholding the law are themselves implicated in its violation. In such circumstances, the absence of impartial and independent oversight bodies significantly increases the risk of impunity and the failure to conduct effective investigations.

7. Unlawful killings by law enforcement officials constitute a serious human rights violation and undermine the legitimacy and effectiveness of law enforcement institutions. Failure to properly investigate such killings not only violates the right to life, but also erodes public trust, weakens institutional credibility and ultimately threatens the rule of law.

8. In the present report, the Special Rapporteur on extrajudicial, summary or arbitrary executions examines the legal and regulatory framework governing the use of force by law enforcement officials and the protection of the right to life. He also analyses contexts in which law enforcement operations pose a heightened risk of unlawful killings and explores the investigation and prevention of such incidents, including common impediments, essential components of effective investigative processes and preventive measures and mechanisms, and provides examples of good practices from diverse jurisdictions to ensure accountability and rule of law.

9. In preparation for the report, the Special Rapporteur issued a call for input and received 43 submissions, from States, academia, national human rights institutions, non-governmental organizations and individuals. He also conducted consultations with experts and practitioners and carried out extensive background research, with research support from the University of Chicago Law School Global Human Rights Clinic and Pozen Family Center for Human Rights. He is sincerely grateful to all stakeholders for their excellent contributions to the report.

II. Definition of “law enforcement officials”

10. The term “law enforcement officials” encompasses a broad range of personnel empowered by the State to exercise police functions, including the authority to use force, arrest, detain and maintain public order. According to the Code of Conduct for Law Enforcement Officials (1979), the term includes “all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.”⁷ The commentary to the Code clarifies that this may include not only police officers but also military or paramilitary units, gendarmerie forces and other bodies authorized to exercise law enforcement functions under domestic legislation. Law enforcement systems vary across jurisdictions; while some States maintain centralized police structures, others operate decentralized models with authorities at the subnational, municipal or local levels.

11. In practice, law enforcement is not only restricted to conventional policing agencies but extends also to specialized or tactical units involved in counter-

⁷ Code of Conduct for Law Enforcement Officials (1979) (General Assembly resolution [34/169](#), annex), art. 1 and commentary.

terrorism, drug control, national security or border enforcement. These units may operate under specific domestic legal regimes but remain fully subject to international legal obligations, in particular those under international human rights law, and, where applicable, international humanitarian law. In addition, in some situations, non-State actors may fall within the legal scope of law enforcement officials when acting under the instruction, direction or effective control of the State.

12. The conduct of individuals or entities exercising law enforcement functions is attributable to the State when they operate as organs or agents or under the direction or control of State authorities.⁸ Accordingly, such actors are subject to the body of international norms regulating the use of force, including those derived from international human rights law. Where these norms are violated, States have a legal duty to ensure effective remedies, prevent impunity and pursue appropriate investigation, prosecution, and punishment.

III. Legal frameworks applicable to the use of force by law enforcement officials and the right to life

13. The International Covenant on Civil and Political Rights enshrines, in article 6, the inherent right to life and prohibits its arbitrary deprivation. This right is non-derogable, applicable at all times and under any circumstances and is a jus cogens norm. This obligation imposes a duty on States to ensure that law enforcement officials prevent the arbitrary deprivation of life whether by their own conduct or that of others.⁹ The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) and the Code of Conduct (1979) establish core international standards governing the conduct of law enforcement. These instruments require that the use of force be limited to situations of strict necessity and that lethal force be used only when it is strictly unavoidable to protect life from an imminent threat.¹⁰ They further require that all law enforcement operations be planned and conducted in a manner that minimizes harm, respects human rights and upholds the dignity of all persons. Any use of lethal force outside these exceptional circumstances, in particular where it results in death, constitutes an arbitrary deprivation of life under international law.

14. These standards equally apply to the use of less-lethal weapons, which must never be employed in a manner that is indiscriminate, excessive or likely to cause unnecessary suffering.¹¹ The improper use of such weapons can result in serious injury or death and may amount to a violation of the right to life or the prohibition of torture and other cruel, inhuman or degrading treatment.¹²

15. To safeguard the right to life and other fundamental rights and freedoms, the use of force by law enforcement officials must fully comply with the following six principles: (1) legality; (2) necessity; (3) proportionality; (4) precaution; (5) non-discrimination; and (6) accountability:

(1) **Legality.** The principle of legality requires that the use of force, in particular lethal force, be based on a clear and sufficient legal foundation. Domestic laws must comply with international standards, clearly define the circumstances

⁸ General Assembly resolution 56/83, annex, and A/56/49 (Vol. I)/Corr.4, arts. 4–8.

⁹ Human Rights Committee, general comment No. 36 (2018), paras. 12–14.

¹⁰ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, para. 9.

¹¹ *Guidance on Less-Lethal Weapons in Law Enforcement* (2020), paras. 6.3.4 and 6.3.5; Geneva Guidelines on Less-Lethal Weapons and Related Equipment in Law Enforcement (2018), pp. 23–33. Available <https://www.geneva-academy.ch/joomlatools-files/docman-files/Geneva%20Guidelines%20on%20Less-Lethal%20Weapons%20and%20Related%20Equipment%20in%20Law%20Enforcement.pdf>.

¹² See footnote 11.

under which force may be used and be accessible and publicly available. The use of lethal force is arbitrary when it lacks proper legal basis or is authorized by legislation that fails to meet the requirements of legality, necessity and proportionality.¹³ Vague or overly broad provisions increase the risk of arbitrariness and abuse.

(2) **Necessity.** The principle of necessity requires that law enforcement officials resort to force only when strictly required to achieve a legitimate law enforcement objective, and only after all less harmful means have proved ineffective. When law enforcement officials pursue a lawful purpose, they may resort to force and coercion only if, for as long as and to the extent to which this purpose cannot be achieved through less harmful means. Even when the use of force is necessary in principle, the kind and degree of force used may not lawfully exceed what is necessary in order to achieve a lawful purpose (quantitative) and may not continue temporally beyond the moment of its achievement (temporal). This means that the use of force must cease once the threat or resistance has subsided.

(3) **Proportionality.** The principle of proportionality requires that the force used by law enforcement officials be commensurate with the “seriousness of the offence” and the “legitimate objective” pursued. Thus, even when force is lawful and necessary, its use becomes unlawful¹⁴ if it exceeds what is strictly required to achieve a legitimate aim, in particular where it causes unwarranted harm or death. In some circumstances, this may mean that law enforcement officials may have to decline to enforce the lawful purpose of their mission based on considerations of proportionality. Force may not be used to punish, intimidate or retaliate, and must be carefully calibrated to avoid excessive injury or loss of life, especially to bystanders or individuals posing no imminent threat.

(4) **Precaution.** The principle of precaution requires law enforcement officials to always plan, prepare and conduct their operations so as to avoid or minimize, to the greatest extent possible, the resort to unnecessary, disproportionate or otherwise unlawful force. This includes the implementation of a graduated approach to the use of force, the use of de-escalatory measures and the duty to provide protection and medical care to persons and bystanders who may have been injured or otherwise negatively affected by coercive measures. In law enforcement operations, due consideration must be given to the risks generated by the use of force against persons in situations of vulnerability, such as children, women, the elderly, persons with disabilities or those with psychosocial conditions. Precautionary measures must be taken “upstream” – before situations requiring split-second use-of-force decisions arise – to reduce the risk of lethal outcomes and prevent violations of life and bodily integrity.¹⁵

(5) **Non-discrimination.** The principle of non-discrimination requires equal protection of all persons under the law, without discrimination based on race, national origin, religion, sex, sexual orientation or disability, inter alia.¹⁶ Discriminatory or disproportionate use of force – in particular against racial, ethnic or marginalized groups – may constitute a violation of both the right to life and the right to non-discrimination. States should both take affirmative measures to protect individuals more susceptible to discrimination and create mechanisms for responding to allegations of systemic discrimination.

(6) **Accountability.** The principle of accountability requires that all uses of force by law enforcement officials – in particular those resulting in death or serious

¹³ A/HRC/26/36, paras. 56 and 57.

¹⁴ European Court of Human Rights, *McCann and others v. United Kingdom*, Judgment (1995) para. 149. See also Inter-American Commission on Human Rights, *Cruz Sánchez and others v. Peru*, Judgment (Merits), 17 April 2015, para. 261; and African Commission on Human and Peoples’ Rights, general comment No. 3 on the African Charter on Human and Peoples’ Rights: the right to life (article 4) (2015), para. 27, available at <https://achpr.au.int/en/node/851>.

¹⁵ A/HRC/26/36, paras. 63 and 64.

¹⁶ General Assembly, declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (resolution 67/1), paras. 2 and 3 (2012).

injury – be subject to effective, independent and impartial oversight. International law requires States to conduct prompt, thorough, effective, impartial, independent, credible and transparent investigations into all potentially unlawful deaths caused by their agents, ensure that those directly responsible, as well as those in the chain of command, are held to account and provide effective remedies for victims and their families.¹⁷ Accountability mechanisms – including criminal, administrative and disciplinary processes – are essential to preventing impunity and reinforcing public trust.¹⁸

16. The legal obligation to respect and protect the right to life requires States to adopt domestic laws, rules of engagement and operational protocols that reflect these international principles. It also obliges States to ensure that law enforcement officials receive comprehensive training on the lawful use of force, are adequately equipped to implement these rules in practice and operate under systems of effective supervision, control and oversight to prevent abuse and ensure accountability.

IV. Contexts of law enforcement operations with heightened risk of unlawful killings

17. While international human rights law permits the use of force by law enforcement officials under strictly regulated conditions, certain operational contexts are consistently associated with a heightened risk of human rights violations, including the arbitrary deprivation of life. These include the policing of public assemblies, counter-terrorism and drug enforcement operations, the enforcement of states of emergency, militarized policing, custodial settings and migration and border control. These risks are compounded where legal frameworks are vague or overly permissive, oversight mechanisms are weak or ineffective and where discriminatory or stigmatizing narratives portray individuals as inherent threats to public order or national security. The erosion of safeguards in these contexts undermines the rule of law and disproportionately affects marginalized groups, including racial, ethnic and socioeconomically disadvantaged communities.

A. Policing of public assemblies

18. The policing of assemblies, in particular protests, has frequently involved the use of unnecessary or disproportionate force, including kinetic impact projectiles and tear gas deployed in an indiscriminate manner. The Basic Principles indicate that the use of lethal force for the purpose of dispersing an assembly is strictly prohibited unless it is the only means of protecting life from an imminent threat. Excessive force during assemblies often reflects deeper systemic failings, including discriminatory enforcement, lack of accountability and failure to plan operations in accordance with the principle of precaution.

19. In 2024, the Special Rapporteur on the rights to freedom of peaceful assembly published a Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, together with a toolkit based on international human rights laws, standards and good practices, to help law enforcement agencies fulfil their duty to promote and protect human rights in the context of peaceful protests.¹⁹

¹⁷ Human Rights Committee, general comment No. 36 (2018), paras. 27 and 28.

¹⁸ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), principles 22–24; Code of Conduct for Law Enforcement Officials (1979), art. 8 and commentary.

¹⁹ OHCHR, Practical toolkit for law enforcement officials to promote and protect human rights in the context of peaceful protests (2024), available at www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human.

B. Counter-terrorism operations

20. Operations conducted in the name of countering terrorism often involve the use of specialized units or military forces operating under exceptional legal regimes. These forces are frequently granted broad discretion and may not be subject to the same regulations and oversight as ordinary law enforcement officials, and lethal force may be justified on national security grounds without its necessity to protect life being demonstrated. The Special Rapporteur stresses that the right to life is non-derogable, even in suspected terrorism cases, that national security concerns cannot justify the unlawful use of force and that all agents involved in such law enforcement operations, including military or intelligence units, must operate within a human rights-compliant legal framework and be subject to independent oversight.

21. The African Commission on Human and Peoples' Rights similarly affirmed that all counter-terrorism efforts must be consistent with the African Charter on Human and Peoples' Rights, including the obligation to investigate and sanction any use of unlawful force.²⁰ Following credible reports of extrajudicial killings and other violations by the Kenyan Anti-Terrorism Police Unit from 2013 to 2014,²¹ the Government committed to enhancing oversight and accountability in counter-terrorism operations, including through investigation and referral for prosecution by the Independent Policing Oversight Authority.

C. Drug law enforcement

22. Operations targeting drug-related crime have, in certain jurisdictions, been associated with patterns of extrajudicial executions, including informal "shoot-to-kill" directives or political rhetoric endorsing the use of lethal force, particularly affecting individuals in impoverished or marginalized communities. United Nations human rights mechanisms have raised serious concerns regarding the compatibility of such practices with the right to life.²²

23. In certain circumstances, systematic or widespread killings conducted as part of anti-drug campaigns may also amount to international crimes. The International Criminal Court determined that there were reasonable grounds to believe that thousands of extrajudicial killings carried out in the context of the so-called "war on drugs" from 2016 to 2019 in the Philippines constituted crimes against humanity.²³ In 2025, it issued an arrest warrant for the former President.²⁴ These proceedings underscore the international legal principle that State officials may be held individually criminally responsible for serious human rights violations committed under the guise of law enforcement.

²⁰ See <https://achpr.au.int/sites/default/files/files/2021-05/principlesandguidelinesonhumanandpeoplesrightswhilecounteringterrorisminalfrica.pdf>.

²¹ Open Society Foundations, Open Society Justice Initiative, *"We're Tired of Taking You to the Court": Human Rights Abuses by Kenya's Anti-Terrorism Police Unit* (Human Rights Initiatives for Kenya, 20 February 2014, available at <https://www.justiceinitiative.org/uploads/08088935-9bbe-4504-b823-ea4b4743964f/human-rights-abuses-by-kenya-atpu-20140220.pdf>).

²² CCPR/C/PHL/CO/5, paras. 27 and 28. See also www.undp.org/publications/international-guidelines-human-rights-and-drug-policy, p. 11, 5.ii.

²³ International Criminal Court, Office of the Prosecutor, Situation in the Republic of the Philippines, Request for authorisation of an investigation pursuant to article 15(3), 24 May 2021, ICC-01/21-7-SECRET-Exp (14 June 2021).

²⁴ International Criminal Court, Pre-Trial Chamber I, Warrant of Arrest for Rodrigo Roa Duterte, ICC-01/21-01/25, issued 7 March 2025.

D. Emergency situations (security and health emergencies)

24. States of emergency, whether related to civil unrest, armed conflict or public health crises, may be accompanied by the temporary expansion of law enforcement powers. United Nations human rights mechanisms have expressed concern regarding the use of lethal force to enforce lockdowns, curfews or public order during emergency situations, in particular where such force was neither necessary nor proportionate, and emphasized that, even under exceptional circumstances, law enforcement must exercise restraint, and all uses of force must be subject to effective oversight and accountability.²⁵

25. Following a public outcry and judicial intervention regarding reports of excessive use of force during coronavirus disease (COVID-19) lockdown enforcement in 2020, South Africa undertook reforms to strengthen oversight and compliance with international standards, including revising operational protocols to limit the use of force strictly to what is necessary and proportionate, in particular by military personnel deployed in support of civilian policing.

E. Militarized policing

26. The deployment of military forces or militarized police units to perform civilian law enforcement tasks raises significant human rights concerns. Military personnel often lack the human rights training and proportionality-based response protocols required under international law, increasing the risk of excessive or indiscriminate use of force. In addition, the growing militarization of civilian police – through the acquisition and deployment of military-grade weapons, vehicles and tactics – can similarly blur the distinction between policing and warfare, escalating routine operations into violent confrontations.

27. The Inter-American Commission on Human Rights has repeatedly warned against the militarization of police departments in the United States of America, stating that “the use of military-grade tools and tactics by local police forces escalates the risk of excessive force and undermines respect for human rights”.²⁶ All law enforcement functions – regardless of the institutional identity of the personnel involved – must be governed by human rights law and subject to effective civilian oversight.

F. Arrests and deaths in custody

28. The use of force during arrest and the first 24 hours of police custody poses heightened risks to the right to life, in particular for individuals in vulnerable situations – including persons with psychosocial disabilities, with underlying health conditions or from marginalized communities. International standards require that law enforcement conduct arrests with minimal force and uphold a heightened duty of care once a person is in custody.²⁷ All deaths in custody must be investigated in line with the Minnesota Protocol, with a presumption of State responsibility unless proven otherwise.²⁸

29. Restraint methods such as chokeholds or prone positioning, when improperly applied, have resulted in numerous deaths in custody and often fail to meet the

²⁵ OHCHR, Guidance on the use of force by law-enforcement personnel in the context of COVID-19 emergency.

²⁶ Inter-American Commission on Human Rights, *Police Violence Against Afro-descendants in the United States*, para. 237, available at www.oas.org/en/iachr/reports/pdfs/PoliceUseOfForceAfrosUSA.pdf.

²⁷ Human Rights Committee, general comment No. 36 (2018), paras. 25–28.

²⁸ See [A/HRC/53/29](http://www.unhcr.org/refugees/39).

standards of necessity and proportionality.²⁹ The lack of immediate medical attention, legal safeguards or external oversight further compounds these risks. Several jurisdictions have introduced reforms – such as banning chokeholds, mandating body cameras³⁰ and creating independent oversight mechanisms – to prevent further deaths and bring policing practices into compliance with international human rights law. The Council of Europe has also adopted the European Code of Police Ethics, which is designed to articulate best practices in moments of arrest and investigation.³¹

G. Migration and border control

30. Migrants are particularly vulnerable to arbitrary or excessive use of lethal force by law enforcement agents owing to multiple factors, including legal status – as undocumented migrants or asylum-seekers may avoid contact with authorities for fear of deportation or retaliation – and the presence of discriminatory attitudes or dehumanizing narratives among border enforcement personnel. Data from six European countries suggests that migrants, alongside persons with disabilities, are among the primary victims of the unlawful use of force. However, such incidents are often underreported or go uninvestigated, reinforcing cycles of impunity and undermining legal safeguards.

31. Pushback operations and the militarization of border enforcement are frequently accompanied by excessive or arbitrary force resulting in violations of the right to life. All use of force in migration control, including irregular migration, must be governed by international human rights law. This entails strict compliance with the principles of necessity and proportionality, adherence to the principle of non-refoulement and full respect for the rights to life and bodily integrity in the implementation of border policies.³² Any death resulting from law enforcement actions at borders must be properly investigated, with accountability and remedy ensured in line with international standards.

V. Investigating unlawful killings by law enforcement officials

32. States are under a clear and binding obligation to ensure that all potentially unlawful deaths involving law enforcement officials are promptly, thoroughly and completely, independently, impartially and transparently investigated, in accordance with international human rights law and the standards set out in the Minnesota Protocol. This duty includes identifying, prosecuting and punishing those responsible, as well as providing effective remedies and reparations to victims and their families. A failure to conduct such investigations, or to ensure accountability, may itself constitute a violation of the right to life and engage the responsibility of the State under international law.

A. Challenges to the investigation process

1. Institutional bias and “codes of silence”

33. Law enforcement agencies often cultivate a culture of secrecy and solidarity – commonly known as the “blue code of silence”³³ or the “code of silence” – that

²⁹ See reports at www.gov.uk/government/publications/deaths-and-serious-incidents-in-police-custody, inter alia.

³⁰ See www.justice.gov/archives/opa/pr/departments-justice-announces-department-wide-policy-chokeholds-and-no-knock-entries; and www.justice.gov/archives/dag/file/1144936-0/dl?inline.

³¹ See <https://rm.coe.int/the-european-code-of-police-ethics-pdf/1680b003e0>.

³² A/72/335, para. 35. See also <https://www.ohchr.org/en/documents/tools-and-resources/recommended-principles-and-guidelines-human-rights-international>.

³³ See Jerome Skolnick, “Corruption and the blue code of silence”, *Police Practice and Research*, vol. 3, No. 1 (2002), pp. 7–19.

inhibits officers from cooperating with investigations involving colleagues. Such informal norms hinder the collection of accurate testimony and evidence and should be countered by independent internal complaints systems, whistle-blower protections and positive incentives for transparency.³⁴

34. This culture is reinforced by fear of retaliation, peer pressure and institutional loyalty, making it one of the most resilient barriers to transparency and accountability in policing practices worldwide. The Independent Policing Oversight Authority of Kenya, despite being vested with significant investigative powers, has reported a sharp decline in notifications received from the National Police Service concerning deaths resulting from police action or occurring in custody, as required by law, reportedly as result of a “code of silence”. This underreporting undermines the integrity of official reporting mechanisms and impedes effective oversight.³⁵

2. Legal immunities and preferential treatment

35. Some jurisdictions provide legal protections to law enforcement personnel – such as qualified immunity, presumption of lawful conduct, prosecutorial discretion or referral to specialized judicial procedures – that create substantial barriers to accountability for unlawful killings. These frameworks frequently shift the burden of proof onto victims’ families and undermine the principle of equality of arms. Courts may afford greater evidentiary weight to the testimony of law enforcement officials, in particular when it conflicts with civilian or victim accounts. Survivors and relatives may face structural obstacles, such as lack of access to legal aid, restricted standing in proceedings or intimidation. The law enforcement groups responsible for the killings, or their supporters, may actively deter families (and other authorities) from pursuing justice, including through threats.³⁶

36. In the Basic Principles on the Independence of the Judiciary it is emphasized that, in criminal matters, all persons must face charges before an impartial civilian court and must not benefit from undue privileges or procedural advantages. Legal frameworks must also ensure that all evidence is assessed impartially and that all parties – regardless of institutional affiliation – are treated equally before the law.³⁷

37. Judicial interventions in some jurisdictions have helped reinforce this principle. The Supreme Court of India has held that there is no immunity for police officers involved in extrajudicial killings, even in counter-insurgency operations,³⁸ and that investigations must be conducted independently and impartially, although challenges in implementation remain. In Kenya, the High Court has ruled that, where individuals are killed by the police, the burden lies on law enforcement to demonstrate that the use of lethal force was justified.³⁹

3. Interference with evidence and lack of forensic independence

38. Investigations into potentially unlawful killings by law enforcement officials are frequently undermined by failures in the preservation, analysis and presentation of evidence, including the contamination of crime scenes, the alteration or suppression

³⁴ United Nations Office on Drugs and Crime (UNODC), *Handbook on Police Accountability, Oversight and Integrity* (Vienna, 2011), p. 87.

³⁵ Independent Policing Oversight Authority of Kenya, “Annual report and financial statements for the year ended 30 June 2023”, pp. 3 and 20; <https://ipoa.news/wp-content/uploads/2023/07/IPOA-Performance-Report-July-Dec-2022.pdf>, p. 25.

³⁶ https://www.unodc.org/pdf/criminal_justice/UNODC_Handbook_on_Justice_for_victims.pdf, p. 9; A/HRC/56/56/Add.1, paras. 56 and 67.

³⁷ Basic Principles on the Independence of the Judiciary, principles 5 and 6.

³⁸ See Supreme Court of India, *Extra Judicial Execution Victim Families Association v. Union Of India and another* (writ criminal petition No. 129 of 2012) (13 July 2016).

³⁹ Kenya, High Court at Meru, *Makero v. Attorney General*, KEHC 26540 (KLR) (7 December 2023).

of official records, delays in the collection of forensic material and, in some cases, deliberate tampering. Such failures often occur in a broader context of institutional bias or inadequate oversight. In Brazil, a court-ordered resolution by the National Council of Public Prosecutors mandated that investigations into police killings must adhere to international human rights standards, including the Minnesota Protocol, and emphasizes accountability measures such as prompt prosecutorial response, protection and support for victims, the preservation of forensic evidence, the mandatory isolation of crime scenes and comprehensive documentation of the incident.⁴⁰

39. A key concern is the lack of independent and impartial forensic capacity. In many jurisdictions, forensic examinations – such as autopsies, ballistic analyses or injury assessments – are conducted by institutions affiliated with the police or security agencies, raising serious concerns about impartiality and potential conflicts of interest. Comprehensive studies have recommended complete separation of medico-legal and forensic services from prosecutorial and police bodies.⁴¹ The Minnesota Protocol indicates that forensic experts must be operationally independent, professionally qualified and adequately resourced to carry out their work without external interference.

4. Use of military jurisdictions

40. A further obstacle to accountability arises where cases involving alleged unlawful killings by law enforcement officials are referred to military courts, in particular in jurisdictions where police or gendarmerie fall under the authority of the armed forces. Military jurisdictions frequently restrict access to information for victims' families, limit their standing in proceedings and operate with a lack of transparency that undermines public confidence and accountability. Military tribunals lack the independence and impartiality necessary to adjudicate human rights violations committed against civilians and should exercise jurisdiction only over cases of purely military nature by military personnel.⁴² The High Court in Colombia ruled that extrajudicial killings by State security forces must be tried in civilian courts, not military courts, to ensure impartiality and independence.⁴³

5. Oversight gaps

41. Accountability is often undermined when investigations into unlawful killings by law enforcement officials are conducted internally by the same institutions implicated in the alleged misconduct, risking institutional bias, conflicts of interest and lack of transparency. International standards require that investigations be carried out by bodies that are independent, impartial and structurally and hierarchically separate from law enforcement agencies. These bodies must be established by law, endowed with full investigative powers – including the authority to receive complaints, access all relevant evidence, summon witnesses, conduct site visits and refer cases for prosecution – and be adequately resourced to perform their functions effectively.⁴⁴

⁴⁰ https://www.cnmp.mp.br/portal/images/noticias/2025/Maio/Resolucao_310_2025.pdf.

⁴¹ <https://nap.nationalacademies.org/catalog/12589/strengthening-forensic-science-in-the-united-states-a-path-forward>, pp. 183 and 184; and https://futurejustice.org.uk/wp-content/uploads/2025/06/FS_Digital.pdf, sects. 2.91 and 2.92.

⁴² CCPR/C/CMR/CO/4 (2017), para. 15; African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003, principle L (a), available at <https://achpr.au.int/en/node/879>.

⁴³ Constitutional Court of Colombia, Judgment SU190/21.

⁴⁴ UNODC, *Handbook on Police Accountability, Oversight and Integrity* (2011), chaps. 3 and 4.

42. Oversight bodies must be accessible to the public and operate transparently, with clear mandates and reporting obligations that reinforce public trust and deter misconduct. They must have unrestricted access to police records, personnel and operational protocols and be empowered to make binding recommendations or trigger judicial proceedings.⁴⁵ Law enforcement officials must be legally obliged to cooperate with independent oversight mechanisms. For example, in the United Kingdom of Great Britain and Northern Ireland, the Independent Office for Police Conduct⁴⁶ has a statutory mandate to investigate deaths and serious incidents involving police officers in England and Wales, operates independently of police command structures and maintains transparent public reporting processes.

B. Effective investigations and accountability mechanisms where law enforcement is involved in unlawful killings

43. Effective investigations into all uses of lethal force by law enforcement officials are essential to upholding the right to life and preventing impunity. States must establish independent and adequately resourced⁴⁷ mechanisms capable of investigating any potentially unlawful killing by law enforcement officials. At a minimum, these should be able to receive complaints, including directly from the public, record complaints, initiate investigations with powers to hear any person, subpoena and obtain any information required, access police dockets, conduct searches and seizures, compel the presence of witnesses, including the police, offer witness protection, recommend further penal or disciplinary action, make recommendations for structural change and follow up on recommendations.⁴⁸ These bodies must be operationally independent and structurally separate from the law enforcement chain of command. Investigative protocols must ensure that key measures – such as securing the crime scene, preserving forensic evidence, initiating autopsies by independent forensic experts and ensuring proper chain of custody – are triggered immediately following any deployment of lethal force. The reliable investigation of every potentially unlawful death is an obligation and not an option under international human rights law, the conduct of which should be in accordance with international standards.

1. Legal and regulatory frameworks

44. Proper investigations can be ensured only when States have in place robust legal and regulatory frameworks that govern the use of force by law enforcement officials in full compliance with international human rights law. Domestic legislation must clearly delineate the lawful grounds and constraints for the use of force, reflecting the principles of necessity, proportionality, legality and accountability. These frameworks should establish narrow and specific conditions under which force may be used, especially lethal force, including prior warnings where feasible, exhaustion of less harmful alternatives, and safeguards against the use of force against persons in situation of vulnerability. Codification alone is not sufficient; effective implementation requires comprehensive training, independent oversight and robust institutional safeguards.

45. In Germany, the state (*Länder*) police laws and the Federal Police Act embed proportionality requirements, mandate the exhaustion of less severe means and generally require verbal or warning shot prior to employing firearms. The Code of Conduct of the Palestinian Civil Police codifies rights-respecting use-of-force

⁴⁵ Ibid., pp. 69 and 70; The Basic Principles, paras. 22–24.

⁴⁶ www.policeconduct.gov.uk/.

⁴⁷ A/HRC/14/24/Add.8, paras. 19–21.

⁴⁸ Ibid.

protocols, which require the police to always act with restraint, use force only when strictly necessary and proportionate and refrain from arbitrary lethal force.⁴⁹

2. Accessible complaints mechanisms and ex officio investigations

46. Investigations must be initiated ex officio and with due diligence in all cases of death resulting from law enforcement operations, irrespective of whether a complaint is filed. This reflects the State's proactive duty to investigate any potentially unlawful deprivation of life. At the same time, complaints mechanisms must be accessible to victims' families, witnesses and the public at large, must be provenly independent and ensure the safety of victims and complainants, including protection against reprisals.⁵⁰ According to its statutory mandate under the Police Reform Act 2002, the Independent Office for Police Conduct in the United Kingdom can launch an independent investigation ex officio if it becomes aware of a relevant matter, or upon receipt of complaints or mandatory referrals from police forces, in particular in cases involving death or serious injury.⁵¹

3. Internal and external investigative bodies

47. Internal disciplinary procedures may address administrative accountability but are insufficient on their own. Independent, effective and credible criminal investigations and external monitoring mechanisms – such as national human rights institutions or specialized oversight bodies – are essential, including for ensuring public trust in the result of investigations regardless of their outcome and assuring accountability as required under international law. These mechanisms must be institutionally and hierarchically independent from the agencies under investigation and free from undue influence that may arise from institutional hierarchies and chains of command.⁵² Oversight bodies must be empowered with investigative authority, including subpoena powers, access to crime scenes and evidence, the authority to refer for prosecution and the resources necessary to conduct prompt and impartial inquiries. The African Commission on Human and Peoples' Rights emphasized that investigations must be conducted by entities entirely independent from those implicated. In Brazil, community-based oversight in Rio de Janeiro has contributed to increased scrutiny of police killings in favelas. In Canada, independent civilian-led bodies now oversee all police-involved deaths, following public concern that internal reviews lacked credibility.⁵³

4. Complementarity of disciplinary and criminal procedures

48. Administrative and criminal procedures should be conducted in parallel, not as substitutes – both tracks are necessary to fully address the different dimensions of accountability for unlawful killings. Disciplinary actions must not delay or prevent the initiation of criminal proceedings. Interim disciplinary measures – such as suspension, reassignment to non-operational duties or administrative leave – are critical safeguards when a law enforcement officer is suspected of involvement in an unlawful killing, helping preserve the integrity of ongoing investigations, prevent interference and maintain public trust.

⁴⁹ Code on the use of force and firearms by members of the Palestinian Security Forces (January 2012), available at https://www.policinglaw.info/assets/downloads/2011_Code_on_the_Use_of_Force_and_Firearms.pdf; and Code of Conduct and Ethics of the Palestinian Police, available at <https://www.undp.org/papp/publications/development-palestinian-civil-police-code-conduct>.

⁵⁰ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, principles 9, 11 and 15.

⁵¹ United Kingdom, Independent Office for Police Conduct, Investigations; UK Police Reform Act 2002, Part 2. See www.policeconduct.gov.uk/publications/statutory-guidance-police-force-achieving-best-evidence-death-and-serious-injury.

⁵² Minnesota Protocol (2016), para. 28.

⁵³ Special Investigations Unit, Ontario, Police Services Act, R.S.O. 1990, c. P.15, s. 15; Independent Investigation Office (British Columbia); and Bureau des enquêtes indépendantes (Québec).

5. Participation and protection of families of victims and of witnesses

49. The right of victims' families to meaningful participation in investigative and judicial processes is an integral part of the right to remedy and accountability.⁵⁴ This includes timely access to case information, legal aid where needed and the opportunity to contribute to proceedings. States also have a duty to protect victims' families and witnesses from intimidation or reprisals, especially where the alleged perpetrators are law enforcement officials.⁵⁵

50. In response to widespread killings in the so-called "war on drugs," the Philippine Commission on Human Rights adopted formal witness protection protocols and online complaint mechanisms to facilitate safe participation by victims and witnesses,⁵⁶ and the Supreme Court strengthened judicial oversight through the establishment of writs of *amparo* and *habeas data*, providing legal remedies and enforcing protective measures for victims and witnesses during investigations.⁵⁷

6. Multidisciplinary investigations and forensic capacity

51. Effective investigations require a multidisciplinary approach involving legal, medical, forensic and investigative expertise. The Minnesota Protocol emphasizes the role of independent forensic experts and the need for adequate forensic capacity to identify, preserve, document and analyse all relevant evidence, establish cause, manner and circumstances of death and support accountability processes. Independent forensic institutions must be operationally autonomous and shielded from interference to ensure the integrity of investigations, in addition to having adequate funding, clear mandates and professional training to ensure the integrity and evidentiary value of forensic processes in law enforcement-related deaths. In Argentina, reforms following high-profile deaths reportedly from police violence have led to the adoption of standard operating procedures based on the Minnesota Protocol for the investigation of such cases.⁵⁸

7. Specific considerations for groups in situation of vulnerability

52. Investigations into potentially unlawful deaths by law enforcement officials of members of vulnerable or marginalized groups – such as persons with psychosocial or intellectual disabilities, racial and ethnic minorities, socioeconomically disadvantaged communities, women, children and older persons – require heightened diligence to ensure compliance with international human rights standards. These groups are disproportionately affected by the excessive or discriminatory use of force and frequently face structural barriers to accessing justice, including stigmatization, lack of legal aid, linguistic or cultural obstacles and fear of reprisals.

53. States must investigate whether discriminatory motives were present in cases of potential unlawful killings and ensure that investigations are culturally sensitive, gender-responsive and inclusive of persons with disabilities. The Committee on the Elimination of Racial Discrimination has urged States to collect disaggregated data on police killings to expose racial or ethnic disparities and ensure that all allegations of racially motivated violence are independently investigated.⁵⁹ The Committee on

⁵⁴ See [A/HRC/59/54](#).

⁵⁵ See Human Rights Committee, *Almeida de Quinteros v. Uruguay*, communication No. 107/1981, para. 14.

⁵⁶ See <https://chr.gov.ph/2024/statements/press-statement/chr-launches-mismo-the-new-online-complaint-and-request-portal-for-filipinos/>.

⁵⁷ Supreme Court of the Philippines, Rule on the Writ of Amparo (A.M. No. 07-9-12-SC) and Rule on the Writ of Habeas Data (A.M. No. 08-1-16-SC).

⁵⁸ [A/HRC/53/29/Add.1](#), para. 37.

⁵⁹ Committee on the Elimination of Racial Discrimination, general comment No. 36 (2020), paras. 50 and 51.

the Elimination of Discrimination against Women has affirmed that gender-based violence by law enforcement officials must be addressed with due diligence and that women victims and their families must be afforded full access to justice, including in cases of lethal force.⁶⁰

54. Similarly, the Committee on the Rights of the Child has stressed that children, in particular in contexts of law enforcement or detention, must be protected from excessive force and that any death must be independently and promptly investigated, with the best interests of the child guiding all proceedings.⁶¹ At the State level, in some federal states in Germany, there are absolute prohibitions against the use of lethal force, in particular against vulnerable groups, such as children under the age of 14.⁶² In the United States, following the killing of George Perry Floyd Jr., an African American man murdered in May 2020 during arrest, many federal states revised and tightened their use of force standards.⁶³

VI. Effective prevention frameworks and good practices

55. Preventing unlawful killings by law enforcement officials is a fundamental obligation under international human rights law. The International Covenant on Civil and Political Rights, in article 6, requires States to adopt legislative, administrative and institutional measures to prevent arbitrary deprivation of life. A comprehensive prevention framework must address both structural and operational aspects of law enforcement conduct. This includes robust legal frameworks, clear operational protocols, access to non-lethal tools and equipment, continuous training in human rights and de-escalation, the recording and review of all use-of-force incidents and the establishment of both internal accountability systems and independent oversight bodies. The adoption by political leadership of a visible zero-tolerance policy towards unlawful killings, endorsed at the highest levels of government and institutional leadership, is equally critical to fostering a culture of accountability, upholding public trust, ensuring the legitimacy of law enforcement and protecting the rule of law.

A. Zero-tolerance policy

56. A formal and publicly articulated zero-tolerance policy against unlawful killings and excessive use of force by law enforcement officials serves as a foundational element of a preventive framework, signalling institutional commitment to accountability and deterrence. It should be adopted by command, management control structures and procedures and be accompanied by clear internal guidelines, disciplinary consequences and swift referral to independent investigative bodies in cases of suspected violations. States must adopt “unequivocal instructions” to prevent excessive use of force.

B. Regulatory and operational frameworks

57. A preventive approach to unlawful killings necessitates a strong legal and regulatory framework that governs the use of force in all law enforcement operations.

⁶⁰ Committee on the Elimination of Discrimination Against Women, general comment No. 35 (2017), paras. 29 and 30.

⁶¹ [CRC/C/CHL/CO/6-7](#), para. 19.

⁶² Submission from Laura Schmitz and Jens Struck, investigation and prevention of unlawful killings by law enforcement officials (citing as examples sects. 10 (3) UZwG; 107 (3) PolG Bremen; 9 (3) UZwG Berlin; and 56 (3) PolG Saarland).

⁶³ See www.npr.org/2025/05/23/nx-s1-5399738/george-floyd-police-justice-change.

This framework must be rooted in international standards and should at least include the following:

- Standard operating procedures aligned with international standards, providing practical guidance on use-of-force thresholds and decision-making processes.
- Clear and restrictive rules of engagement, explicitly limiting the use of lethal force to situations where it is strictly necessary to protect life and where less harmful means would be insufficient.
- A clearly defined chain of command, ensuring traceable lines of operational authority and individual accountability.
- Rigorous recruitment, vetting and integrity screening processes to exclude candidates with histories of abuse or misconduct.

58. Good practices include examples in Norway⁶⁴ and Iceland,⁶⁵ where police operational guidelines emphasize de-escalation and require the recording and independent external investigation of any potential police-involved death. Similarly, the New Zealand⁶⁶ Police use-of-force policy mandates a “minimum necessary force” principle and includes an immediate notification system for any incident involving serious injury or death.

59. In addition, effective command and control in day-to-day law enforcement activities are crucial. Commanders must have the authority, training and accountability to make decisions that minimize harm, in particular in high-risk settings such as crowd control, arrest operations and counter-narcotics actions. In South Africa,⁶⁷ Standing Order 262 required police supervisors to be present at public order events and ensure that actions taken are proportionate to the threat; this order was later repealed and replaced with National Instruction 4 of 2014 to ensure that operational decisions on police operations are made by an officer with overall command, relevant training skills and experience in public order policing. In Germany,⁶⁸ crowd control operations are governed by standardized tactical plans reviewed for each deployment and approved by a senior operational commander to mitigate the risk of escalation. A well-structured operational framework ensures that standards are not only codified but effectively translated into professional practice, thereby enhancing lawfulness, restraint and accountability in policing.⁶⁹

C. Tools and equipment

60. The selection, deployment and use of tools and equipment by law enforcement officials must strictly adhere to the principles of legality, necessity and proportionality. All weapons and equipment provided to law enforcement personnel must be independently safety tested, subject to rigorous oversight and accompanied by clear operational guidance. Certain tools, such as indiscriminate kinetic impact projectiles (e.g., rubber bullets fired at vital areas) or outdated tear gas canisters, pose an inherent risk of serious injury or death, especially when deployed improperly.

⁶⁴ See https://www.dcaf.ch/sites/default/files/publications/documents/Police_use_of_force_EN_2021.05.28_0.pdf, p. 37.

⁶⁵ See www.policinglaw.info/country/iceland.

⁶⁶ See <https://policepolicy.nz/policies/use-of-force-use-of-force-overview/u-wwfif/use-of-force-overview-050822.pdf>; Independent Police Conduct Authority, Annual Report, 2021.

⁶⁷ <https://www.justice.gov.za/comm-mrk/exhibits/Exhibit-SS-2.pdf>, pp. 7 and 8.

⁶⁸ German Federal Constitutional Court, Brokdorf demonstrations case (1985), establishing the principle of operational restraint in protest policing.

⁶⁹ Organization for Security and Cooperation in Europe (OSCE), *Human Rights Handbook on Policing Assemblies* (Warsaw, 2016), pp. 27–36.

Their use must be restricted or prohibited, and any misuse must trigger prompt and transparent accountability mechanisms. Law enforcement officials must ensure that their choice and use of weapons, or other equipment, are compatible with international legal standards on the use of force.

61. Every country has its own regulations and procedures on the weapons and equipment that it employs. However, those responsible for developing and implementing such regulations and procedures must ensure compliance with international human rights obligations and take into consideration:

- The manner of use of weapons and ammunition is compatible with international legal standards.
- The humanitarian consequences of the use of different weapons, and possible shortcomings in the choice of weapons and ammunition, in their use, and in the training of law enforcement officials.
- The requirement for alternatives to firearms, including “less-lethal weapons”, to minimize the use of force to what is strictly necessary and proportionate.
- The risks associated with the use of “less-lethal weapons”, including of serious injury or death, if such weapons are not carefully controlled.
- The acquisition of appropriate protective equipment for use by law enforcement officials, for their protection and to reduce the need to use weapons of any kind.
- A prohibition on the use of firearms and ammunition that cause unwarranted injury or present an unwarranted risk (Basic Principles on the Use of Force and Firearms, principle 11 (c)). The prohibition of the modification of standard issue weapons or the use of unauthorized or improvised weapons.
- The fact that certain firearms, and other weapons and ammunition designed for use in armed conflict, are not consistent with international standards and therefore should not be used. These include: assault rifles in fully automatic mode (or multiple shot burst mode) and other fully automatic weapons – automatic fire is inaccurate and cannot be strictly controlled and directed at the specific person(s) posing an imminent threat, while minimizing the risk to them and to bystanders; and explosive weapons, such as fragmentation grenades, mortars, rockets, bombs and missiles – they are not compatible with the obligations to minimize damage and injury, both to the specific person(s) posing an imminent threat and to bystanders.⁷⁰

62. In Finland,⁷¹ the use of less-lethal weapons such as tasers is tightly regulated, with officers receiving specialized training and equipment logs subject to oversight. In Chile, after widespread protests in 2019, authorities introduced restrictions on the use of rubber pellet shotguns owing to extensive reports of eye injuries and permanent blindness among protesters.⁷²

63. The use of technologies and methods for transparency can both reduce the incidence of lethal use of force and ensure that there is accountability where unlawful killings do occur. For example, the introduction of body cameras by police in São Paulo, Brazil resulted in a 76.2 per cent reduction in lethal use of force by on-duty military police officers from 2019 to 2022.⁷³ Regrettably, this programme has been discontinued.

⁷⁰ See https://www.icrc.org/sites/default/files/document/file_list/qa-use_of_force_in_law_enforcement_operations_en-web.pdf.

⁷¹ See www.policinglaw.info/country/finland.

⁷² OHCHR, “UN Human Rights Office report on Chile crisis describes multiple police violations and calls for reforms”, press release, 13 December 2019.

⁷³ See <https://forumseguranca.org.br/wp-content/uploads/2025/04/cameras-corporais-pmsp-2ed.pdf>.

D. Training of law enforcement officials

64. Comprehensive, continuous and scenario-based training is essential to ensure that law enforcement officials internalize and apply international human rights standards on the use of force. Training should equip officers with practical tools to manage real-life/scenario-based⁷⁴ situations in a manner that upholds the right to life and dignity of all individuals. Core components of such training include: international human rights law, in particular the right to life; de-escalation tactics and conflict resolution skills to reduce the likelihood of violent encounters; tactical alternatives to lethal force, including safe restraint techniques and less-lethal options; psychological preparedness and stress management, in particular in high-risk or emotionally charged situations; and gender-responsive and diversity-sensitive approaches to policing, to ensure equal protection for all communities and reduce discriminatory use of force.

65. In Sweden, police undergo two and a half years of education that includes human rights, ethics and conflict resolution,⁷⁵ while in Canada, de-escalation is a core component of the Royal Canadian Mounted Police Incident Management/Intervention Model and training programmes.⁷⁶

E. Recording and data collection

66. Accurate and transparent documentation of all uses of force – whether lethal or less lethal – is essential for prevention, internal review, external oversight and accountability. International standards, including the Minnesota Protocol, require the prompt, thorough and impartial documentation of all potentially unlawful deaths, including the preservation of evidence and chain of custody. States must adopt mandatory reporting systems for every incident involving the use of force, with standardized, centrally logged documentation tools such as use-of-force forms and after-action reports, which are accessible to oversight bodies. In the United Kingdom,⁷⁷ any use of force must be recorded in the Use of Force Reporting System, enabling oversight bodies to monitor patterns and intervene where necessary.

67. Data collection should be disaggregated by key variables, including age, gender, ethnicity, geographic location and the circumstances of the incident. This enables trend analysis, helps identify discriminatory patterns and informs preventive reforms. Public access to these data – subject to appropriate safeguards for privacy and data protection – is essential to fostering institutional accountability, exposing systemic failings and informing reform. In Brazil, the National Public Security System⁷⁸ mandates that all police killings be registered in a centralized database, thereby enhancing federal oversight and enabling civil society to monitor trends.

F. Independent oversight

68. Independent and adequately resourced oversight mechanisms are indispensable for preventing impunity and addressing structural failures in law enforcement

⁷⁴ OHCHR, *Resource Book on the Use of Force and Firearms in Law Enforcement* (United Nations publication, 2017).

⁷⁵ Swedish Police Authority, police training curriculum, 2021.

⁷⁶ www.rcmp-grc.gc.ca/en/incident-management-intervention-model-imim.

⁷⁷ See United Kingdom, use of force monitoring form guidance, available at <https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/2018/guidance-on-the-use-of-force-data---march-2018.pdf>. See also <https://www.college.police.uk/app/armed-policing/post-deployment#use-of-force-reporting>.

⁷⁸ Brazil, National Public Security Information System (SINESP), 2022 Annual Report, available at <https://repositorio.ipea.gov.br/bitstreams/d72e21e4-4d9e-4fe1-9a59-16f60fb6fd51/download>.

institutions. States must establish autonomous mechanisms with a mandate to investigate alleged violations by law enforcement, especially those resulting in death or serious harm.⁷⁹

69. Effective oversight bodies must be legally and operationally independent from police or executive authority. They should have full access to relevant information, including operational plans, communications and internal disciplinary records and be empowered to conduct investigations, recommend prosecutions or disciplinary measures, propose policy reforms and facilitate reparations for victims. The Independent Police Investigative Directorate in South Africa⁸⁰ has statutory powers to investigate deaths in police custody or as a result of police action, reports publicly and operates under a legal framework that guarantees independence and transparency.

VII. Conclusion

70. Law enforcement officials play a vital role in maintaining public order and protecting the rights and safety of all persons. In carrying out these duties, they must adhere strictly to international human rights law, in particular in relation to the use of force and the protection of the right to life. States must do more and better to prevent unlawful killings by law enforcement officials, through the establishment of clear legal standards, robust oversight mechanisms and operational safeguards that minimize the risk of excessive or arbitrary use of force conducive to unlawful killings. Equally essential is the duty to ensure that every potentially unlawful death by law enforcement officials is investigated in accordance with international standards, in a prompt, effective, thorough, impartial, independent, credible and transparent manner. Strengthening the independence and impartiality of investigative and forensic institutions and the quality and reliability of their investigations, ensuring access to justice for victims and their families and addressing systemic barriers to accountability are not optional measures – they are indispensable obligations for safeguarding human life and upholding the rule of law.⁸¹

VIII. Recommendations

71. The following recommendations are framed by international human rights law, inspired by best practices identified worldwide and aimed at helping improve everywhere the effective prevention and reliable investigation of unlawful killings by law enforcement officials. They are primarily directed to States as duty bearers, but the Special Rapporteur also invites other stakeholders concerned with the topic to assist in their effective implementation, for which he also offers his technical assistance.

A. Legal and regulatory frameworks

72. States should align domestic legislation governing the use of force with international human rights law, including the principles of legality, necessity, proportionality, precaution, non-discrimination, exceptionality and accountability. This includes full implementation of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of

⁷⁹ Inter-American Commission on Human Rights, *Report on Citizen Security and Human Rights*, OEA/Ser.L/V/II. Doc. 57, (2009).

⁸⁰ South Africa, Independent Police Investigative Directorate Act 1 of 2011.

⁸¹ See [A/HRC/50/34](#).

Conduct for Law Enforcement Officials, as well as relevant provisions of international humanitarian law where applicable.

73. The use of lethal force must be explicitly limited to situations of imminent threat to life and reflected clearly in laws, operational rules of engagement and procedures. Extrajudicial executions and arbitrary deprivations of life must be criminalized and excluded from immunities, statutes of limitation or amnesties.

74. Legal frameworks should also regulate the use of less-lethal weapons, including clear restrictions on deployment and prohibitions on methods likely to cause unnecessary harm, such as targeting the head or chest with kinetic impact projectiles. The use of firearms in the context of policing protests must be strictly prohibited.

B. Operational safeguards and oversight

75. States must establish or strengthen independent oversight mechanisms – such as police conduct commissions or ombudsperson institutions – with full operational independence, access to evidence, authority to refer for prosecution and secure funding. Oversight should be external, transparent and well-resourced and benefit from international technical assistance and monitoring where appropriate.

76. Civilian oversight bodies must be established by law, with clearly defined mandates, binding obligations requiring full cooperation by law enforcement personnel, due process safeguards for all parties involved and requirements for regular public reporting to ensure transparency and accountability.

77. Military forces and other specialized security units involved in internal security operations must strictly adhere to human rights obligations and comply with law enforcement standards on the use of force, and allegations of violations must be investigated by civilian authorities and adjudicated in civilian courts. The responsibility for public security must remain with civilian law enforcement.

78. States should ensure mandatory, prompt, complete, thorough and impartial and standardized reporting of all uses of force, in particular those resulting in death or serious injury, with disaggregated data collection covering gender, age, race, location and relevant circumstances. The information thus collected should serve as a basis for evidence-based preventive policies and measures.

C. Investigations and accountability

79. All instances of potentially unlawful killings must be promptly, completely, thoroughly, independently, impartially and transparently investigated in line with the Minnesota Protocol. Investigations must be initiated ex officio and carried out with due diligence.

80. Officers under investigation for potentially unlawful killings must be separated from duties while awaiting the outcome of inquiries, as a preventive measure and regardless of the presumption of innocence.

81. Investigations must extend beyond individual alleged perpetrators to include assessments of command responsibility. Superior orders must not excuse unlawful conduct. Prosecutorial strategies must address both those allegedly directly responsible for an unlawful death and those who may have enabled or failed to prevent it within the chain of command.

82. Families of victims of unlawful killings by law enforcement officials must be kept duly informed throughout the investigation and about its outcome, be protected from reprisals, have access to legal representation and have access to effective remedies. Witness protection programmes and support services – including psychological, legal and social aid – must be established, in particular for those in socioeconomically vulnerable conditions.

D. Prevention and training

83. States should mandate the use of technologies such as body-worn cameras, with clear laws governing data storage, privacy protections and operational safeguards.

84. Equipment used by law enforcement must undergo independent safety testing and be subject to procurement oversight. Indiscriminate or inherently dangerous tools should be prohibited.

85. Operational planning must include provisions for medical personnel during high-risk deployments to provide immediate care and mitigate harm.

86. Law enforcement officials must receive regular, scenario-based training on de-escalation, non-violent conflict resolution, human rights standards and appropriate use of force, including for less-lethal weapons. Training must include diversity, anti-discrimination and rights-based approaches.

87. States must collect and publish detailed, disaggregated data on all uses of force, including investigation outcomes, to support transparency, trend analysis and public accountability.

E. High-risk contexts

88. The use of force in policing assemblies, counter-terrorism, migration enforcement, drug control and emergency response must be tightly regulated to prevent the arbitrary deprivation of life, carried out in a manner consistent with the fullest respect for the right to life.

89. Discriminatory targeting and use of force against racial, ethnic or marginalized communities must be strictly prohibited in law and in practice through safeguards in policy, training and oversight.

90. In law enforcement arrest, detention and custodial settings, the highest standards of the protection of the right to life must be enforced to prevent unlawful deaths. Dangerous restraint methods such as air and carotid chokeholds must be strictly prohibited. All deaths in custody must be presumed to be unlawful unless proven otherwise through a prompt, complete, thorough, independent, impartial and transparent investigation.

F. International cooperation

91. States should fully cooperate with international and regional human rights mechanisms and implement their recommendations concerning law enforcement and the right to life.

92. States should promote and support international cooperation for the effective prevention and investigation of unlawful killings by law enforcement

officials, including by sharing best practices and assisting where required in medico-legal and forensic investigations and capacity-building.

G. Transparency and reparations

93. Where unlawful killings occur, authorities must ensure the transparency of their investigation, public acknowledgement of wrongdoing, accountability of perpetrators and full reparations to victims' families, including restitution, compensation, rehabilitation and guarantees of non-repetition.

94. Official public apologies may contribute to building trust in law enforcement institutions and play a constructive role in promoting truth, healing and the prevention of recurrence.
