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# Advance Edited Version

Distr.: General  
27 May 2011

Original: English

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## Human Rights Council

### Seventeenth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston**

### **Addendum**

**Preliminary note on the follow-up to country recommendations: United  
States of America\***

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\* Late submission.

## **I. Introduction**

1. In accordance with established practice,<sup>1</sup> follow-up reports are prepared by the Special Rapporteur on extrajudicial, summary or arbitrary executions to assess progress made by States in implementing the recommendations made following a country visit. At the seventeenth session of the Human Rights Council, the Special Rapporteur was to present the follow-up report to the recommendations made by the previous mandate holder, Philip Alston, in his report on his visit to the United States of America conducted from 16 to 30 June 2008.<sup>2</sup> In this context, the United States of America was requested to provide information on measures taken to implement the recommendations of the previous mandate holder by 18 March 2011. The response was received on 4 May 2011.

2. The Special Rapporteur thanks the Government for having provided the requested information. He deems that cooperation with Governments is important to the understanding and assessment of progress made.

3. Owing to the late receipt of information from the Government, however, the Special Rapporteur will be unable to present a full analysis of the progress made to the Human Rights Council at its seventeenth session. The present note provides an overview of the main issues addressed in the report of the previous mandate holder, which will be addressed by the Special Rapporteur in his follow-up report, to be presented at a future session of the Council.

## **II. Recommendations made by the previous mandate holder**

4. In his report, the previous mandate holder stated that there was a good deal to commend in the record of the United States of America in relation to extrajudicial killings. Nevertheless, he identified three areas where significant improvement was necessary to bring the Government's actions into line with its stated commitments to human rights and the rule of law. These related to due process in the imposition of the death penalty; transparency in law enforcement, military and intelligence operations; and accountability for potentially unlawful deaths in the Government's international operations.

5. In his report, the previous mandate holder recommended that the United States, with regard to national issues, should ensure due process in death penalty cases; enhance reporting procedures and investigation of deaths in immigration detention; and track and respond to killings by law enforcement officials. With regard to international operations, the Special Rapporteur recommended, *inter alia*, that Guantánamo Bay detainees not be tried under the Military Commission Act; that the Government enhance transparency with regard to civilian casualties; that it ensure transparency of military justice and accountability for unlawful deaths due to international operations, including comprehensive criminal jurisdiction over offences in armed conflict; and enhance reparation programmes.

6. While the Special Rapporteur continues his dialogue with the Government of the United States of America, and without prejudice to the information provided by the State in

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<sup>1</sup> In order to assess the extent to which States had implemented recommendations, in 2006, the previous mandate holder initiated follow-up reports on country visits. The first follow-up report (E/CN.4/2006/53/Add.2) concerned recommendations made by the previous mandate holder's predecessor, Asma Jahangir, on her visits to Brazil, Honduras, Jamaica and the Sudan. Subsequent follow-up reports were issued by the previous mandate holder, Philip Alston, in 2008, on missions conducted to Sri Lanka and Nigeria (A/HRC/8/3/Add.3); in 2009, on visits to Guatemala (A/HRC/11/2/Add.7) and the Philippines (A/HRC/11/2/Add.8); and in 2010, on visits to the Central African Republic (A/HRC/14/24/Add.5) and Brazil (A/HRC/14/24/Add.4).

<sup>2</sup> A/HRC/11/2/Add.5.

its communication with the Special Rapporteur, he urges the Government to take due account of and implement fully the recommendations made by the previous mandate holder.

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