

Christof at the UN

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Considering Christof's many engagements in different regional and global human rights fora, his appointment in 2010 as the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions surprised no one. He had already become a recognised champion of the cause of human rights across Africa, with his role at the helm of the Centre for Human Rights, his role as the founding editor of the *African Human Rights Law Journal* and the *African Human Rights Law Reports*, as well as his celebrated role in the conception of the Masters programme in Human Rights and Democratisation in Africa. In 2006 the Centre had been awarded the UNESCO Prize for Human Rights Education, with particular recognition of the Masters programme and of the Africa Human Rights Moot Competition, another of Christof's brainchildren. Navi Pillay, who was the UN High Commissioner for Human Rights when Christof was appointed, remembers fondly the appointment of her fellow South African and friend. She speaks for many when she comments that in the years that followed, building on this stellar reputation, 'Christof demonstrated that he had the right combination of expertise, commitment, gravitas, and political acumen to contribute in such a remarkable way to the defence and advancement of human rights. His contributions, first as Special Rapporteur and later as a member of the Human Rights Committee, were all deeply meaningful and will be long lasting. His impact will continue to be felt for many years to come.'

In this short piece, we attempt to provide an insight into the way in which Christof has also left an indelible mark on the United Nations human rights system. Christof's legacy shares many of the core characteristics of the human rights project: a commitment to the *universality* of human rights through the participation of the broadest possible range of stakeholders, at national, regional and global level, from students to police officers, medical doctors to robotic engineers. A contribution to the *indivisibility* of human rights, underlining the importance of economic, social and cultural rights in the enjoyment of a 'life with dignity', and also an insistence on the complementary protections offered to those rights by different legal regimes at the

national, regional and global level. And, throughout, a reminder of the importance of *accountability* to the protection of human rights, of the idea of violations having consequences, and of the failure to investigate being itself a violation of a fundamental norm.

As colleagues and friends of his, our overriding experience of the impression he made on the UN system was the dedication, warmth and curiosity that he brought to even the most procedural or technical dimension of any issue. Christof was deeply committed to defending and advancing human rights, but he was also mindful of the importance of pursuing them humanely. Not only did he selflessly contribute to human rights: he conducted his own life with utmost care for everyone's dignity.

Regional human rights systems

A persistent thread of Christof's time at the UN was his effort to lift up the role of regional human rights mechanisms. He would write in one of his reports to the General Assembly, of their role within the broader international system, that '[t]he universality of human rights cannot mean only that all people from all parts of the world are held to the same standards; universality also requires that people from all parts of the world have a role to play in determining what those standards are in the first place.'¹ Early during his mandate he played an important part in the adoption of the 'Addis Ababa Roadmap', which formalised the relationship between the special procedures of the Human Rights Council and those of the African Commission on Human and Peoples' Rights (African Commission).

Attending a subsequent session of the Commission in Yamoussoukro, Christof underlined the importance of thematic collaboration between focal-points of the regional mechanisms and their UN counterparts, and at that session the Commission adopted a resolution expanding the mandate of one of its oldest special procedure mechanisms, the Working Group on the Death Penalty, so as also to incorporate extrajudicial, summary or arbitrary killings in Africa.²

The death penalty was a thematic topic that regularly brought regional mechanisms and UN forums together – Christof often took up invitations to speak at such convenings, where several of the same focal points would join him. He established a constructive relationship on this basis with the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights, ultimately contributing toward the right to life (and a moratorium on the death penalty) becoming the focus of the third Jakarta Human Rights Dialogue in 2014. Likewise, it had been at a meeting of the African Commission's Working Group focused on developing a protocol on the abolition of the

death penalty that the seeds of a more thoroughgoing collaboration to develop a General Comment on the right to life were first sown.

The death penalty

In addition to regional initiatives on the topic of the death penalty, Christof also confronted the thematic issue directly at UN level. In 2012, after convening several expert discussions of the topic during his visiting fellowship at Harvard, Christof submitted a thematic report to the General Assembly on the question of the death penalty. This was not the first time the mandate had addressed the issue, and as with those previous reports, Christof's first discussion of the topic focused on the safeguards provided for in international law, around the gravity of the offence, the fairness of the criminal proceedings and the protection of certain offenders.³ However, even in this report, Christof drew attention to what would become central to his emerging view that international law was 'progressively abolitionist' – namely the narrowing scope of 'most serious crimes'. Drawing on the work of Bill Schabas and Roger Hood, he reminded the General Assembly that at the time of the adoption of the Covenant, states had expected the category of permissible capital offences to narrow over the coming years.⁴ While lamenting the number of states that still applied the sentence for a broader range of offences, he asserted that the extent of that category had now shrunk to only those offences involving intentional killing. Throughout his term as Special Rapporteur he would underline this message, and once a member of the Human Rights Committee also ensure that it was reflected in the discussion of most serious crimes in General Comment 36.

The implication of this ever-diminishing foothold for the practice within international legal norms was – for Christof – that states needed to be taking steps along the path toward abolition. In his final report to the General Assembly he made clear that the obligation to comply with the safeguards was an immediate obligation, but that in addition to those restrictions, states should incrementally be diminishing the space for the death penalty, whether through the use of clemency, moratoria or legal reform. The same spirit was ultimately conveyed by the Human Rights Committee, when it said that those states who have not already abolished it 'should be on an irrevocable path towards complete eradication of the death penalty, *de facto* and *de jure*, in the foreseeable future.'⁵

Fact-finding

In addition to these debates about the extent of the norms, Christof was equally engaged, almost from the first moments of his mandate, in the mechanics of human rights fact-finding, including in very challenging environments. An early, and very high-profile example of this was the case of Sri Lanka.

The work of Christof's predecessor as Special Rapporteur, Philip Alston, and then later Christof's own investigations would bring to the attention of the Human Rights Council significant evidence of violations of the right to life perpetrated during the latter phases of the civil war in 2009. Channel 4 footage which included images of extrajudicial executions allegedly perpetrated by Sri Lankan troops, captured on mobile phones, was made available to Alston. Thanks to the private investigation commissioned by Alston, the first ever to be carried out by Special Procedures, experts were able to confirm the reliability of the footage. Nevertheless, the Sri Lankan government maintained that the videos were doctored or staged and that they had not been taken on mobile phones. In 2010, Channel 4 shared a further five minutes of the extended video with Christof, (now Special Rapporteur). Christof commissioned further private technical reports, which confirmed both the authenticity of the events depicted – from a ballistic and other forensic perspectives – and also that the videos had been recorded on mobile phones. This process not only resulted in Special Procedures revisiting some of their procedures, but also inspired Christof to conduct further work on the potential of new technologies and social media to inform human rights investigations and accountability.

But at the time he also found himself embroiled in a political struggle in the Human Rights Council. Communicating with the Sri Lankan Government, he emphasized that he had not attributed responsibility to the Government of Sri Lanka but had focused on the right to life, highlighting credible evidence. He continued to assert that he was open to dialogue, even though the Sri Lanka government denied him a visa. Christof's work was hugely influential on the international community's perceptions of how the Government of Sri Lanka had conducted the final phase of the war. Until then, Sri Lanka had presented itself as the expert on dealing with asymmetrical conflict and combatting terrorism worldwide. Nothing could be further from the truth as would later be established in the damning report by the Secretary General's Panel of Experts on Sri Lanka, in whose deliberations and findings Christof's work played a critical role.⁶

Until his stint as Rapporteur, Christof had mainly dealt with human rights law, but this early investigation into Sri Lanka, as well as many

of the other issues he would confront as Special Rapporteur, dealt with the intersection between international human rights law (IHRL) and international humanitarian law (IHL), which impacted him profoundly. Unsurprisingly, in his report to the Human Rights Council in 2011, he declared that ‘what is reflected in the extended video are crimes of the highest order – definitive war crimes,’ although he stressed that further investigations needed to be carried out.⁷

Near the end of his term as Special Rapporteur, Christof would be appointed to another *ad hoc* Human Rights Council investigation into other shocking patterns of events, this time in Burundi. In early 2016, he was one of three experts appointed by the UN High Commissioner for Human Rights, then Zeid Ra’ad Al Hussein, to serve on the UN Independent Investigation on Burundi (UNIIB).⁸ He would be working alongside Maya Sahli-Fadel, (with whom he had previously worked in her capacity as a member of the African Commission’s Working Group), and Pablo de Greiff, who was at the time the first UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. Christof and his colleagues embarked on an intensive journey that enabled them to prepare their final report to the Human Rights Council in less than six months, and to present it in September 2016.⁹ Despite ultimately being declared *personae non gratae* in the country itself, they nonetheless documented hundreds of cases of summary executions, targeted assassinations, arbitrary detention, torture and sexual violence, and described abundant evidence of gross human rights violations, possibly amounting to crimes against humanity. Their prompt and effective work was deeply appreciated – even if questioned by the Government of Burundi – and contributed to clarifying responsibilities in the Burundian crisis, leading ultimately to the creation of a new international Commission of Inquiry.

Autonomous weapons

In addition to these direct fact-finding and investigative assignments, questions of the interplay between IHRL and IHL, and indeed issues of potential responsibility under international law for war crimes, were also central to Christof’s contribution to the thematic debate with which his time as mandate-holder will most lastingly be identified – the issue of autonomous weapons. This again was an issue he inherited from his predecessor, Philip Alston,¹⁰ but Christof reported to the Human Rights Council in 2012 that he perceived these technologies to be proliferating and under-studied from a human rights perspective, promising the Council that he would undertake to deepen and expand research and consultation in these areas.¹¹

He reported back to the Council the following year reviewing the state of technological development and the announced postures of various leading military powers with respect to the concept of autonomous weapons. He raised questions about the capability of such a weapons platform to comply with the requirements of both IHL and IHRL, but acknowledged the possibility that technological advancement could reach a stage where compliance would be a technical possibility. He nonetheless raised other questions, including (as with his report later the same year on drones) that their availability might lower the political threshold for entering into a war, and – perhaps most fundamentally – the extent to which questions of accountability, such a core value of his approach to the mandate, were complicated by the possibility of opening up the use of force to autonomous systems.¹² He concluded that, even if the weapons could be developed so that, especially if used alongside human soldiers, they could comply with the requirements of the law, there was still a concern that they would ‘denigrate the value of life itself.’¹³

His recommendation was that the Human Rights Council should ask the High Commissioner to convene an international expert panel and to undertake a major study on the question. But the issue was principally taken up by the UN in the disarmament sphere, with most discussions taking place in context of the meetings of the states parties to the Convention on Certain Conventional Weapons (the CCW). Christof was invited to participate in this process as a representative from the Human Rights Council, and his engagement with the process throughout the rest of his mandate ensured that there was a channel through which issues from the human rights space could be heard in the CCW, and the other way round.

Throughout these interactions, in addition to the questions concerning the use of lethal robots in war, Christof came also to emphasise the disturbing potential for the use of autonomous systems outside of armed conflict, including of those projecting less-lethal force. He also channelled a number of other human rights concerns in these debates – insisting on meaningful accountability, the implication of non-discrimination (including by emphasising the potential role of those states, including African states, not actively pursuing autonomous systems) and of concepts such as dignity.¹⁴

Clarifying norms

If the challenge of autonomous weapons was about applying longstanding norms to the specificity of new technologies, Christof was also at the forefront of sustaining and clarifying norms around far more well-established human rights issues – such as peaceful assemblies and death investigations.

With the ‘Arab Spring’ dominating international headlines at the time, Christof, who had written his doctorate on civil disobedience, dedicated his first thematic report to the Human Rights Council to the topic of peaceful demonstrations.¹⁵ This report contributed to an emerging debate within the Council about the question of human rights protections for those engaged in peaceful protest. In the same year, the Council created a new mandate for a Special Rapporteur on the rights of freedom of peaceful assembly and association, and appointed Maina Kiai as the first mandate-holder. After a number of earlier resolutions, in 2014 the Council decided to mandate an *ad hoc* report focussed on producing practical recommendations for the management of protests. The resolution specified that two special procedure mandates should collaborate to hold a number of regional consultations and ultimately to produce a report.¹⁶ For Christof, this presented an opportunity to hold further exchanges with all the relevant stakeholders in an assembly – from civil society organisers to human rights monitors, and from front-line police officers to municipal authorities. In his typically collegiate manner, he felt it would be important to broaden the number of more detailed inputs into the actual drafting of the report and suggested the creation of an Advisory Panel of nine experts from around the world.

As part of this two-year process, Christof, Maina Kiai, and their respective teams held regional consultations in Santiago, Pretoria, Istanbul and in Geneva. These culminated in a meeting with the Advisory Panel, hosted at the Geneva Academy, during which the lessons learned during the consultation, and the differing experiences of the two mandates in approaching the issue of managing assemblies could be teased out. Ultimately a very practical ten-point structure was adopted around which the report would ultimately be written.¹⁷ Flowing from the principle of precaution that Christof did so much to advance, many of the recommendations underlined the importance of training and preparations, along with necessary domestic legal frameworks. The report also emphasised that, along with their duty to respect the right of peaceful assembly, law enforcement and other public officials have a responsibility to *facilitate* the right. The ten-point structure, translated and promoted both by OHCHR, the two Rapporteurs, and an engaged

network of civil society organisations, has guided a great deal of advocacy since then, and is regularly referred to by the UN and others.

Over a similar period of the mandate to when this joint report was written, Christof and his team were also undertaking another significant consultative exercise to clarify the norms relevant to his mandate, this time with respect to the issue of proper forensic investigations, with the revision of the Minnesota Protocol. Christof often attributed the idea of the revision to a conversation with a forensic pathologist during one of his country visits, to India in 2012, where he was told that the Minnesota Protocol was still used, and was a gold-standard reference point for exactly what constituted an extrajudicial, summary or arbitrary execution, but that it was also in need of an update.

By the mid-point of his mandate, Christof had already become convinced that the central challenge for the protection of the right to life was not one of norms but one of facts. Nobody disputed that arbitrary killing was wrong, and there were few debates to be had about whether particular categories of killings were or were not arbitrary. Instead, the nub of the matter always came down to whether or not authorities had been implicated in a death, and if so exactly what the circumstances of the incident were. At the heart of the mandate, therefore, lay a reliance on effective death investigations.

Again, Christof was determined that such an important normative reference point should not be the result of only a small number of voices. As with the joint report of assemblies, he chose to formalise an Advisory Panel of experts to review and make inputs into the revision process at various points. But given the technical nature of much of the original text, and of the field in general, he realised the revision would also require a more hands-on team of drafters, and so created two Working Groups (one focussing on legal questions, guided by Sarah Knuckey, who had worked with Philip Alston as a special advisor to the mandate and been involved in a number of complex investigations, and one focussing on the issues of forensic science and investigative good-practice, guided by Morris Tidbal-Binz, at that time Head of Forensic Services at the ICRC).¹⁸

The result of the process was an updated document that provides an invaluable resource for capacity building with a wide range of stakeholders in the investigative and criminal justice sectors, but one that also served to underline the fundamental role of accountability: that the failure properly to investigate a suspicious death will amount – in itself – to a violation of the right to life.

Human Rights Committee

This conviction about the importance of accountability was one Christof would carry with him into his new role, when shortly after concluding his term as Special Rapporteur, and while he was still servicing on the UNIIB, he was extremely honoured to find himself nominated to become a member of the UN Human Rights Committee.

Christof joined the Committee as an already established international expert on the topics addressed in the general comment it was working on at the time. Indeed, during the last months of his term as Special Rapporteur he had taken the opportunity – informally and collegially as always – to engage with that General Comment’s two rapporteurs, the late Sir Nigel Rodley and Yuval Shany, drawing attention to the normative developments of both the Minnesota Protocol and the African Commission’s own General Comment on the right to life (adopted the previous year). As a result, from his first days on the Committee, he became a leading authority on limits on the use of lethal and less-lethal force in policing, on investigations of potentially unlawful deaths and on the use of lethal technology in policing and military contexts.

During the formulation of General Comment 36, Christof ensured that the positions of the Committee would be compatible with other international instruments on the right to life, in particular on use of force in policing. He was also heavily involved in the drafting of the paragraph on lethal autonomous weapons, which called for a moratorium on their use, until their compatibility with the right to life is fully established, and made significant contributions to other paragraphs – on conditions for use of lethal force by the police, investigation of cases potentially involving unlawful deaths, the relationship between the death penalty and due process violations and the interplay between article 6 and 7 of the Covenant in death penalty cases. Christof’s interventions in the drafting process were characterized not only by their high professional quality and compact delivery, but also by their pragmatic nature and his keen awareness of the need to effectively communicate the normative outputs of the Committee to states – the principal target audience for its work.

This commitment to clarify and effectively to communicate norms around issues of vital concern also shaped an initiative Christof was working on outside of the Committee. In a 2014 report on ‘less-lethal’ weapons in law enforcement, Christof had recommended that OHCHR create an international group of experts to establish standards or at least good practice for their use.¹⁹ Given their widespread use in crowd control, this recommendation was repeated in the joint report he wrote

with Maina Kiai.²⁰ Christof emphasised it again later in 2016 in the final report he drafted for the UN General Assembly.²¹

Always conscious of the importance of sustaining momentum around a normative recommendation, Christof seized the opportunity to build upon a pre-existing collaboration with the Geneva Academy to bring together the emerging network of ‘right to life focal persons’ from the different regional mechanisms and from relevant NGOs. Over a number of meetings held between 2017 and 2019, this ‘academic working group’ turned into a drafting group which OHCHR quickly realised provided an opportunity to act on the recommendations received from various quarters (including, by then, a resolution of the Human Rights Council) to produce a Human Rights Guidance on Less Lethal Weapons in Law Enforcement.

The Guidance was an exercise in codifying minimum standards about the use of certain weapons, and the general prohibition of others, and also a process-focussed instrument – articulating the responsibilities states have to be transparent in their procurement and testing of weapons to be used in law enforcement, to conduct appropriate training of officers, and to have in place robust monitoring systems to track the use of force and its impact on the rights of the general population.

The project also allowed Christof to remain engaged with a network of individuals working around the right of assembly, a group whose expertise he would come to embrace after he was appointed by the Human Rights Committee to take up the drafting of its General Comment on article 21 of the Covenant.

Whereas in the formulation of General Comment 36 Christof had been a constructive supporter, the next General Comment 37 on the right of peaceful assembly was wholly his brainchild. He prepared the first draft for the General Comment and shepherded with skill and acumen the complex discussions on subsequent drafts before the Committee, including inputs from governments, civil society and other human rights bodies, bringing the Comment to conclusion within a relatively short time (only two years, half the amount of time required for General Comment 36). Putting into effect his impressive organizational capabilities, Christof arranged ahead of the finalization of the text for a series of expert consultations and workshops and a Committee retreat, with a view to focusing minds, and informing and expanding the intellectual horizons of the members of the Committee.

General Comment 37 contains many important legal clarifications and innovations, which render it a landmark general comment. Among the elements which stand out, one may note the clear definition adopted by the Committee on the dividing line between protected peaceful assembly and unprotected assemblies characterized by widespread serious violence or unlawful incitement, the strong position

taken against legal regimes of *ex ante* authorization of assemblies (accepting, however, domestic laws requiring *ex ante* notification of non-spontaneous assemblies), the expectation that police would facilitate, not hinder, the holding of assemblies and the almost total ban on the use of lethal and less-lethal force in policing assemblies. The Comment also strived – following Christof’s prodding – to ‘future proof’ itself, by referring to online assemblies as a growing medium for purposeful virtual ‘gatherings’ and to the increasing intertwining of offline and online activities around the organization and carrying out of assemblies. It is befitting that this impressive and comprehensive document, which was published in late 2020 and which has been received with almost universal acclaim, constitutes Christof’s last major professional contribution to the development of international human rights law.

Continuity

While Christof decided that he would not stand for a second term on the Human Rights Committee, it was clear that his contribution to the UN human rights project was far from over. He had a great many ideas for initiatives and improvements.

In the late 1990s and early 2000s, at the request of the UN and in co-operation with the High Commissioner for Human Rights, Christof and Frans Viljoen had led a ground-breaking research collaboration involving 20 researchers, based in as many countries, in an effort to establish the impact of six different human rights treaties²² at the domestic level. This resulted in the publication in 2002 of *The impact of the United Nations human rights treaties on the domestic level*.

With his usual dynamism and passion, 20 years later, Christof was ready to renew this initiative and reassess the findings, using the 2002 publication as a baseline to assess how much progress would have been made. He passionately presented his ideas to a number of staff of the UN Human Rights Office and managed to convince several to advocate successfully for this. The updated book will be finalised in 2022, but, as ever interested in the affordances of new technologies, Christof was also pursuing the potential for a more dynamic, ‘living’ impact study, using machine-learning to populate an Impact Database 2020+. The insights from such a resource could prove a vital resource as the Treaty Bodies currently consider a wide range of different potential reforms.

Meanwhile, as noted at the outset, for Christof, questions of human rights advocacy and agenda-setting at the international level had always been intimately tied up with questions of human rights education. The Centre for Human Rights in Pretoria had in many ways been a model for this mutually-reinforcing approach. Throughout his time at the UN

he had simultaneously been promoting endeavours such as the World Moot Court Competition, developing research partnerships between UN agencies and universities, and encouraging initiatives to have OHCHR take on more interns from the African continent.

The interconnection between these objectives became more explicit with the advent of the Sustainable Development Goals (SDGs). Christof had welcomed their development, and attempted to lend some weight to those advocating for clear target-setting with respect to violence reduction in SDG 16.²³ But after their adoption he also became a champion for mobilising around the synergy between Goal 16 and Goal 4, specifically the target related to human rights education. Both by discussing the potential of school- or other moots in international SDG conferences, or by taking the initiative in Pretoria and creating a new doctoral programme geared around the topics of SDG 16, Christof was committed to ensuring that there could be a new cohort of thematic experts to continue the debate, to strengthen the norms and to pursue the justice that he had been beginning over the past decade.

Conclusion

The legacy Christof leaves on the international stage is a massive and far-reaching one. The normative documents, Human Rights Council processes, and the reforms that he leaves behind will shape the debates around the protection of human rights, and especially the rights to life and of peaceful assembly, for many years to come. And this is to say nothing of the legacies his approach to his UN work has left in other places, whether in regional mechanisms (both the African Commission, the African Court and the ASEAN Inter-Governmental Commission), at national level (with reports that shaped national conversations in India and Mexico, as well as countless other places) or in other related areas of international law and policy, including IHL, disarmament, and international criminal law

He viewed the opportunity to conduct the work for the UN as a privilege and undertook it with pride. He also brought an incredible collegiality to the mandate, becoming incredibly popular with those UN staff working with him (and many who were not), with his fellow Special Rapporteurs, and later with his colleagues on the Human Rights Committee. Many would later recall how his generous, unpretentious and sometimes playful personality combined with his passionate determination and phenomenal work-ethic.

He was a champion of reform, both structural and technical, identifying and promoting the possibilities of new technologies and approaches. But he also approached these reforms, as well as his wider work, with an open mind about what might prove effective.

Christof was an expert on an intimidatingly vast range of subjects, but he was an expert who would often rather be listening than speaking. With respect to most of the topics he addressed over this decade, he ensured that before standing before the world he would first engage with as diverse a group of experts as possible, both through extensive reading and by physically convening them for a discussion. But when he did speak, he did so in a way that clarified. He cast a spotlight on serious abuses of human rights occurring in different parts of the world, as well as on thematic issues that otherwise might have gone unseen.

His vision of progress was wide-ranging and ambitious. His intellectual curiosity and deep commitment meant that he was constantly involved in new projects, partnerships and collaborations. His memory will inspire all of us fortunate enough to have worked with him and countless others, touched directly or indirectly by his many contributions.

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1 A/69/265, para 18.

2 Resolution on the expansion of the mandate of the Working group on Death Penalty in Africa, ACHPR/Res.227(LII)2012, October 2012. The African Commission had previously appointed a Special Rapporteur on Extrajudicial, Summary or Arbitrary Killings in Africa (from 1995 to 2001).

3 A/67/275.

4 In the years following this report, Christof would delve deeper into the question of progressive abolition and its implications in a number of co-authored chapters. See C Heyns & T Probert 'The right to life and the progressive abolition of the death penalty' in *Moving away from the death penalty: argument, trends and perspectives* (United Nations 2015); C Heyns, T Probert & T Borden 'The right to life and the progressive abolition of the death penalty' in MM de Guzman & DM Amann (eds) *Arcs of global justice: collection of essays in honour of William Schabas* (Oxford University Press 2018).

5 General Comment 36, para 50.

6 One of the authors, Yasmin Sooka, served as a member of this Expert Panel from 2010 to 2011.

7 See A/HRC/17/28, Appendix, para 41.

8 UNIIB was established by the UN Human Rights Council through resolution A/HRC/S-24 of December 2015.

9 <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session33/Pages/ListReports.aspx> (accessed 8 January 2022).

10 Alston had flagged in his final report the potential impact of lethal autonomous robotics on the right to life. See A/65/321.

11 A/HRC/20/22, para 19.

- 12 A/HRC/23/47. On drones, see A/68/382, and, at greater length, C Heyns, D Akande, L Hill-Cawthorne & T Chengeta 'The international law framework regulating the use of armed drones' (2016) 65 *International and Comparative Law Quarterly* 791-827.
- 13 A/HRC/23/47, para 109.
- 14 This latter point built upon the idea of a dignified life developed especially by the African Commission. Christof elaborated on it later, see C Heyns 'Autonomous weapons in armed conflict and the right to a dignified life: an African perspective' (2017) 33 *South African Journal on Human Rights* 46-71.
- 15 A/HRC/17/28.
- 16 A/HRC/RES/25/38.
- 17 A/HRC/31/66.
- 18 Morris Tidbal-Binz replaced Agnès Callamard, Christof's immediate successor, to become the seventh mandate holder as Special Rapporteur on summary executions in April 2021.
- 19 A/69/25, para 88.
- 20 A/HRC/31/66, para 67(i).
- 21 A/71/372, para 61.
- 22 The Convention on the Elimination of All Forms of Racial Discrimination, the Covenant on Economic, Social, and Cultural Rights, the Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention Against Torture, and the Convention on the Rights of the Child.
- 23 A/69/265, para 145.