



General Assembly

Distr.: General
16 June 2016

English only

Human Rights Council

Thirty-second 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*

Addendum


**Revision of the United Nations Manual on the Effective Prevention and
Investigation of Extra-legal, Arbitrary and Summary Executions**

* Reproduced as received.

GE.16-09942(E)



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The revision of the Minnesota Protocol

1. The UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions, (which, through widespread usage, is known as the Minnesota Protocol) was created in 1991, having been prepared by a group of experts coordinated by the Minnesota International Lawyers Committee for Human Rights (now The Advocates for Human Rights), in collaboration with the Science and Human Rights Program of the American Association for the Advancement of Science.

2. The Minnesota Protocol remains a ground-breaking piece of work with significant impact. However, extensive consultation revealed a consensus that the time is ripe for revision. As a key text providing guidance on the practical implementation of the duty to protect life and the obligation to investigate potentially unlawful deaths, its updating will ensure its continuing relevance over the coming decades.

3. In several resolutions, the UN Commission for Human Rights mandated the Office of the High Commissioner for Human Rights (OHCHR) to update the Protocol.¹ These resolutions have since been quoted by the Human Rights Council in resolutions on forensic genetics and human rights.² Following these resolutions, OHCHR presented to the Council a report on the obligation of States to investigate serious violations of human rights, and on the use of forensic genetics (A/HRC/18/25).

4. The revision of the Minnesota Protocol has been a collaborative endeavour undertaken in line with these resolutions by OHCHR, in collaboration with the Special Rapporteur on extrajudicial, summary or arbitrary executions, who convened a large and diverse panel of experts to assist them in this task.

5. In both its old and in its new form, the Minnesota Protocol is thus an expert document which depends for its authority on the use that States and others have made and will continue to make of it, and the expertise of those involved in the process of updating it, in addition to whatever other official endorsements it may receive.

6. The process leading to the revision has been marked by open and extensive consultations with experts from all regions and with diverse backgrounds. The first public consultation was in May and June 2015, after which the expert panels convened by the Special Rapporteur conducted extensive drafting work, presenting a draft text for a second public consultation in April and May 2016.

7. Although it is an expert document, a particular effort was made to get comments from States, because of their close involvement in the issues at hand. The Special Rapporteur is pleased to report that several States responded. Formal and informal inputs were also received from other interested parties, including international organisations, other Special Rapporteurs and treaty bodies whose work is affected by the document, NGOs and individual professionals. These submissions were all most useful and have greatly enriched the process.

8. The second call for public comments on the new version closed on 23 May 2016 and while the responses received are still under consideration, the Special Rapporteur remains committed to ensure a truly participatory process and intend leaving sufficient time to consider the latest contributions received before finalizing the updated version.

9. The responses have been incorporated into a new draft, which is being circulated to the expert panels. It is envisaged that the process to ensure that they have sufficient time to

¹ UN Commission on Human Rights Resolutions 1998/36, 2000/32, 2003/33, and 2005/26.

² UN Human Rights Council Resolutions 10/26, and 15/5.

comment on and validate the final version will take several more weeks. As a result, the Special Rapporteur is not in a position to attach the final text to the current thematic report.

10. A full description of the process to update the Minnesota Protocol is available at <http://www.ohchr.org/EN/Issues/Executions/Pages/RevisionoftheUNManualPreventionExtraLegalArbitrary.aspx>
