

BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

---

PETITION 1720-15, REPORT NO. 37422, AND  
PETITION 909-15, REPORT NO. 367/22

---

JUSTIN HANSFORD & WADE H. McMULLEN, JR.,

PETITIONERS

v.

UNITED STATES OF AMERICA,

RESPONDENT.

---

BRIEF OF MOTHERS AGAINST POLICE BRUTALITY AND THE AMERICAN CIVIL LIBERTIES  
UNION AS *AMICUS CURIAE* IN SUPPORT OF PETITIONERS

SUBMITTED TO THE COMMISSION ON JUNE 19, 2024

**TABLE OF CONTENTS**

**INTEREST OF AMICUS CURIAE** ..... 3

**STATEMENT OF THE CASES**..... 5

    A. MICHAEL BROWN, JR. .... 5

    B. REKIA BOYD..... 7

**SUMMARY OF ARGUMENT** ..... 10

**ARGUMENT**..... 11

    A. THE IACHR RECOGNIZES VICTIMS’ RIGHTS TO TRUTH, TRANSPARENCY, PARTICIPATION, AND INFORMATION UNDER THE RIGHTS TO HUMANE TREATMENT, FAIR TRIAL, AND JUDICIAL PROTECTION. .... 11

        1) *Victims Have a Right to Participate in Proceedings, be Informed, and Access Remedies:* ..... 12

        2) *States Are Obligated to Conduct Credible and Independent Investigations and Provide Effective Remedies and Reparations:*..... 13

        3) *Victims’ Rights and State Obligations Regarding Police Violence Against Afro-Descendants in the United States:*..... 14

        4) *Standards and Guidelines of Victims’ Rights in Other Contexts:* ..... 15

            a) Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle:..... 16

            b) Standards for Rights to Truth, Investigation, and Enforcement in the Transitional Justice Context: ..... 17

    B. ADDITIONAL REGIONAL AND INTERNATIONAL AUTHORITIES SIMILARLY AFFIRM VICTIMS’ RIGHTS TO EFFECTIVE INVESTIGATION, JUDICIAL REMEDY, TRUTH, TRANSPARENCY, PARTICIPATION, AND REMEDY. .... 18

        5) *International and Hybrid Criminal Tribunals Recognize Victims’ Rights to Participation, Reparation, Protection, and State Investigation.* ..... 19

        6) *The UN Human Rights Committee’s Recognition of the Rights of Victims Under the International Covenant on Civil and Political Rights*..... 20

        7) *CAT Protections for Victims of Torture and Ill-Treatment:*..... 21

        8) *The UN High Commissioner for Human Rights on Systemic Racism and Police Violence:* ..... 25

        9) *The UN Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement:* 27

        10) *The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:*..... 28

        11) *UN Principles and Guidelines on the Right to a Remedy for Victims:*..... 30

        12) *The UN Special Rapporteur on Truth, Justice and Reparation* ..... 31

        13) *The UN Special Rapporteur on Counterterrorism and Human Rights:* ..... 31

            a) Report of Special Rapporteur Ní Aoláin on her Technical Visit to the United States and Guantánamo Detention Facility:..... 32

            b) Report of Special Rapporteur Emmerson on Framework Principles for Securing the Human Rights of Victims of Terrorism:..... 32

        14) *UNODC Standards for the Rights of Crime Victims and Resources for Meeting those Standards:* ..... 33

            a) UNODC Handbook on Justice for Victims applying the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: ..... 34

            b) UNODC Criminal Justice Response to Support Victims of Acts of Terrorism: ..... 36

            c) UNODC Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework: ..... 37

        15) *European Union minimum standards on the rights, support and protection of victims of crime*..... 38

**CONCLUSION**..... 39

## INTEREST OF AMICUS CURIAE

1. **Mothers Against Police Brutality (MAPB)** is a national non-profit organization founded in 2013, in Dallas, Texas, with the following mission: To prevent police use of deadly force, particularly the killing of Black and other people of color; to change police deadly force policies and practices; to advocate for and with families who have lost loved ones to police violence; and to expand the concept of public safety with new policies limiting encounters between police and the public and making deep social investments in housing, health care, mental health services, employment, education, arts, recreation, and other presently unmet human needs throughout the United States. MAPB protests unjust policing, organizes communities most impacted, conducts research, and advocates for policy change in local, national, and international fora.
2. MAPB's work is grounded in the lived experience of people who have suffered violence and death at the hands of law enforcement. Collette Flanagan founded MAPB because her 25-year-old, unarmed son, Clinton Allen, was shot to death by a Dallas police officer in March 2013. The programs and initiatives of MAPB are created by and implemented by mothers and families directly impacted by extrajudicial killings by police in the United States.
3. Representatives from MAPB have participated in international panels and hearings, including those of the Inter-American Commission on Human Rights.<sup>1</sup> MAPB has collaborated with organizations like the ACLU to call for international inquiries into police violence in the United States,<sup>2</sup> organized testimonies from impacted families before the UN,<sup>3</sup> and supported the establishment of the Expert Mechanism to Advance Racial Justice and Equity in the Context of Law Enforcement (EMLER) to investigate police killings of people of African descent.<sup>4</sup>
4. MAPB is familiar with the two cases discussed in this brief. Indeed, MAPB joined the national protests after the killing of Michael Brown in 2014, sponsoring events and actions in Dallas. Ms. Flanagan personally traveled to Ferguson MO to participate in various actions and meetings. Additionally, Martinez Sutton, brother of Rekia Boyd, appeared on the same panel before the Inter-American Commission on Human Rights with Ms. Flanagan in 2015.
5. **The American Civil Liberties Union (ACLU)** is a nonprofit organization founded in 1920 to defend and preserve the individual rights and liberties guaranteed by the Constitution, laws and treaties of the United States. With more than 4 million members, activists, and supporters, the ACLU is a nationwide organization that fights in courts, legislatures, international fora, and communities in all 50 states, Puerto Rico, and

---

<sup>1</sup> Collette Flanagan, Testimony at the Inter-American Commission on Human Rights Hearing on "U.S. Use of Force by Police Against People of African Descent" (2015), [https://www.youtube.com/watch?v=c\\_ZLnaWeXCk](https://www.youtube.com/watch?v=c_ZLnaWeXCk).

<sup>2</sup> Coalition Letter Calling for United Nations Inquiry into U.S. Police Violence, ACLU (May 10, 2021), <https://www.aclu.org/letter/coalition-letter-calling-united-nations-inquiry-us-police-violence>.

<sup>3</sup> See Collette Flanagan, Testimony to the United Nations Human Rights Council (June 2021), <https://www.youtube.com/watch?v=MPptFBAlg5g&t=137>, United Nations Forum on Human Rights, Democracy, and the Rule of Law (Nov. 2021), <https://webtv.un.org/en/asset/k1z/k1zd578uhr> (beginning at 34:22), Collette Flanagan, Testimony to the United Nations Human Rights Council (Oct. 3, 2022), <https://webtv.un.org/en/asset/k1y/k1ytmpqiyh> (beginning at 15:19).

<sup>4</sup> Aina J. Khan, *UN Human Rights Experts Arrive in US for Racial Justice and Policing Inquiry*, THE GUARDIAN (Apr. 24, 2023), <https://www.theguardian.com/world/2023/apr/24/un-human-rights-experts-racial-justice-policing>.

Washington, D.C., to safeguard everyone’s rights in the United States including rights of people of African descent, people whose constitutional and human rights have been violated by law enforcement officers, and victims and survivors of racial discrimination and systemic racism.

6. The ACLU has participated in hearings and offered written submissions to the Inter-American Commission on Human Rights pertaining to these issues previously, most recently for the 2017 Hearing on Impunity and the Lack of Accountability for Extrajudicial killings by Law Enforcement in the United States,<sup>5</sup> and the 2020 Hearing on Police Violence and Structural Racism in the United States.<sup>6</sup>
7. The ACLU continues to be concerned about the culture of impunity for police violence in the United States especially against people and communities of color. The lack of accountability for extrajudicial killings by police officers, as in the present petition, prevents victims from realizing their rights to truth, reparation, restoration, rehabilitation, and satisfaction. In addition to its ongoing advocacy to address the lack of accountability for racist police killings, the ACLU is also contributing to domestic and international efforts to reimagine policing through transformative change and centering the rights and voices of directly impacted communities.<sup>7</sup>
8. The ACLU envisions a nation where no community has to fear the police and where arrest and use of force by law enforcement are last resorts, not first options. This vision is founded on restorative justice and requires centering those who are harmed, including family members, in the process. The ACLU affirms that people who have been subjected to unfair policing — directly or as witnesses — have important insight into its manifestations and harms, and this insight is critical to designing effective solutions.
9. MAPB and the ACLU are concerned with the current state of investigatory and prosecutorial efficacy, victims’ rights and treatment, reparations, remedies, and non-repetition in the context of police violence and police killings in the United States. MAPB and the ACLU are alarmed by the lack of information, transparency, and truth provided to victims in the processes of investigating, charging, and adjudicating police killings, and by the lack of care and support afforded to victims once criminal proceedings have concluded. For these reasons, MAPB and the ACLU strongly support the Petitioners’ efforts to hold the United States accountable to these international obligations.
10. MAPB and the ACLU submit this brief in support two petitions, both brought by Justin Hansford and Wade H. McMullen, Jr. to the Commission: Petition 909-15 in the matter of Michael Brown, Jr., and Petition 1720-15 in the matter of Rekia Boyd. Petitioners

---

<sup>5</sup> ACLU, Failures of the Federal Department of Justice to Address Police Misconduct, Written Submission to the IACHR Hearing on Impunity and the Lack of Accountability for Extrajudicial Killings by Law Enforcement in the United States, 166th Period of Sessions (Dec. 7, 2017) [on file with ACLU].

<sup>6</sup> ACLU, Failures of the U.S. Department of Justice to Address Police Violence, Written Submission to the IACHR Hearing on Structural Racism and Police Violence, 177th Period of Sessions (Oct. 7, 2020) <https://www.aclu.org/documents/aclu-submission-iachr-hearing-structural-racism-and-police-violence-177th-period>.

<sup>7</sup> See ACLU, Reimagining Policing and Community Safety, Written Submission to the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (May 23, 2023) <https://www.aclu.org/documents/aclu-written-submission-to-un-emler-on-reimagining-policing>.

represent the interests of Michael Brown, Jr., Rekia Boyd, and their family members, namely Lezley McSpadden, Michael Brown, Jr.'s mother, and Angela Helton and Martinez Sutton, Rekia Boyd's mother and brother. MAPB and the ACLU submit this brief in support of both petitions, as the families experienced common deficiencies in victims' rights and treatment under international laws and norms.

## STATEMENT OF THE CASES

### A. MICHAEL BROWN, JR.

11. Michael Brown, Jr. was Lezley McSpadden's oldest child and his grandparents' first-born grandchild. He had three younger siblings, to whom he was a role model. Mr. Brown's family was loving and close-knit. He graduated high school in May of 2014, where he worked hard and enjoyed computers, technology, and creative pursuits, particularly music.<sup>8</sup> After graduation, Mr. Brown enrolled in Vatterott Technical College to study engineering.<sup>9</sup> He was set to begin his studies just two days after he was brutally killed.
12. On August 9, 2014, Mr. Brown was shot and killed in Ferguson, Missouri by police officer Darren Wilson. Mr. Brown was walking across the street with a friend when they were approached by Officer Wilson. Officer Wilson aggressively ordered Mr. Brown and his friend to get onto the sidewalk. An altercation ensued between the men, during which Officer Wilson shot Mr. Brown in the hand. Petitioners allege that Mr. Brown then ran away and was pursued by Officer Wilson, who fired several shots at Mr. Brown, killing him. Mr. Brown's body was left uncovered on the street, exposed to the sun, for over four hours after he was killed.<sup>10</sup>
13. The Commission has reiterated that, where "a person was detained in good health conditions and subsequently died, the State has the obligation to provide a satisfactory and convincing explanation of what happened."<sup>11</sup> Here, Mr. Brown was detained in good health and the United States failed to effectively investigate and properly indict Officer Wilson for his killing. Instead, St. Louis County Prosecuting Attorney, Robert McCulloch, exercised his prosecutorial discretion to convene a grand jury in a "highly unusual" and improper manner which Petitioners allege was intended "to absolve Officer Wilson of any criminal wrongdoing," and failed to indict Officer Wilson.<sup>12</sup> This abject failure has resulted in the lack of a fair trial to satisfactorily and convincingly evaluate the facts of the present case, assess accountability, and determine punishment.

---

<sup>8</sup> Affidavit of Lezley McSpadden, Michael Brown and Lezley McSpadden v. United States of America, Petition No. 909-15, Inter-Am. Comm'n H.R., Report 367/22 (2023).

<sup>9</sup> Brief of Petitioners, Michael Brown and Lezley McSpadden v. United States of America, Petition No. 909-15 at 7, Inter-Am. Comm'n H.R., Report 367/22 (2023).

<sup>10</sup> *Id.* at 9.

<sup>11</sup> Statement on the Duty of the Haitian State to Investigate the Gross Violations of Human rights Committed during the Regime of Jean-Claude Duvalier, Inter-Am. Comm'n H.R. ¶ 43, available at [www.oas.org/en/iachr/docs/other/Haiti2011.asp](http://www.oas.org/en/iachr/docs/other/Haiti2011.asp). (quoting Case of Juan Humberto Sánchez v. Honduras, Inter-Am. Ct. H.R. Series C No. 99, ¶ 111 (Jun. 7, 2003)).

<sup>12</sup> Brief of Petitioners, Michael Brown and Lezley McSpadden v. United States of America, Petition No. 909-15 at 32, Inter-Am. Comm'n H.R., Report 367/22 (2023).

14. Petitioners further allege that McCulloch conducted a “mini-trial” at the grand jury, far exceeding the evidence necessary to identify probable cause, which “decreased the likelihood that an indictment would issue.”<sup>13</sup> Indeed, McCulloch introduced evidence in “Officer Wilson’s defense,” including Officer Wilson’s own testimony<sup>14</sup> and evidence known to be perjured.<sup>15</sup> McCulloch did not cross-examine Officer Wilson, the witness who presented perjured testimony or witnesses who did not support indictment, instead, he “only cross-examined witnesses that supported a finding of probable cause.”<sup>16</sup> He introduced toxicology and witness evidence of Mr. Brown’s marijuana use, but withheld evidence from Officer Wilson’s toxicology report indicating his anabolic steroid use, which is “known to increase a person’s propensity for violence.”<sup>17</sup> Other evidence of grand jury misconduct includes an anonymous letter to counsel of record signed by “a concerned citizen” suggesting that evidence that “would support a probable cause finding” against Wilson was never introduced to the grand jury.<sup>18</sup>
15. The U.S. Department of Justice also investigated the killing of Michael Brown and absolved Officer Wilson of any federal crimes.<sup>19</sup> In March of 2015, the DOJ issued two reports on Michael Brown’s killing: “[o]ne examining the pattern and practice of civil rights violations by the Ferguson police...and the other absolving Officer Wilson of criminal and civil-rights violations for killing Michael Brown.”<sup>20</sup> Petitioners contend that, much like the grand jury, “the DOJ report takes great pains to rehabilitate Wilson’s contradictory and self-serving testimony.”<sup>21</sup>
16. After his election as St. Louis County Prosecutor in 2018, Wesley Bell reopened the investigation into the killing of Michael Brown. He conducted a five-month review, and ultimately “concluded that at trial his officer would not be able to prove beyond a reasonable doubt that Wilson violated Missouri’s homicide statutes.”<sup>22</sup>
17. Michael Brown’s parents eventually achieved a civil settlement against the City of Ferguson. The United States erroneously alleges that this settlement “amounts to an adequate and complete remedy for Michael’s death,”<sup>23</sup> this is not so. As Petitioners contend, “[f]inancial compensation from the City does not relieve the State’s duty to hold the perpetrator accountable,” particularly within the context of the extrajudicial killings of Black Americans by police in the United States.<sup>24</sup> The IACHR has consistently ruled that in cases of serious violations of the rights to life and physical integrity, such as in cases of possible torture followed by extrajudicial killing, “the adequate domestic remedy that needs to be exhausted is the *criminal* investigation into

---

<sup>13</sup> *Id.* at 33.

<sup>14</sup> *Id.* at 34.

<sup>15</sup> *Id.* at 36.

<sup>16</sup> *Id.* at 37.

<sup>17</sup> *Id.* at 35 (citation omitted).

<sup>18</sup> *Id.* at 39.

<sup>19</sup> *Id.* at 15.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 16 (citation omitted).

<sup>23</sup> *Id.* at 52.

<sup>24</sup> *Id.*

the facts, aimed at identifying, prosecuting and punishing the perpetrators of such acts.”<sup>25</sup>

18. Petitioners contend that no effective domestic remedy existed—or currently exists—to challenge the grand jury’s failure to indict, the Department of Justice’s failure to bring criminal civil rights charges, and the State’s failure to investigate and prosecute Wilson.<sup>26</sup> As a result, no recourse to pursue rights to a fair trial, truth, accountability, or remedy are available to Michael Brown’s next-of kin, including his mother, Ms. Lezley McSpadden, resulting in immense turmoil and hopelessness. McSpadden attested that she “may never experience true justice or peace” following Michael’s death,<sup>27</sup> due in large part to her feelings of “dismiss[al]” by the St. Louis County Prosecutor’s office, which did “everything in its power to protect the killer of [her] son so that he could walk free.”<sup>28</sup>
19. Ms. McSpadden also notes that “resources are not readily available for people who experience” what she and her family experienced following Michael Brown’s killing.<sup>29</sup> Because the “system that fails to deliver justice and accountability for the perpetrators of violence also denies families the resources to heal from it,” families like Michael Brown’s are often left to “navigate finding community, healing, and counseling,” on their own.<sup>30</sup> McSpadden attested to the “gravity of the pain,”<sup>31</sup> the “mental health toll,”<sup>32</sup> the “heartbreak and trauma,”<sup>33</sup> and the “battle against heartache and loss”<sup>34</sup> that she and her family have suffered.
20. Altogether, petitioners allege that the above facts support their contention that Michael Brown’s, and his family’s, rights to right to life, liberty and personal security; equality before the law; fair trial; protection from arbitrary arrest; and due process of law under the American Declaration were violated by the killing of Michael Brown and the criminal legal procedures that followed.<sup>35</sup>

## **B. REKIA BOYD**

21. Rekia Boyd was twenty-two years old when she was shot and killed on March 21, 2012 in Chicago, Illinois by off-duty police detective, Dante Servin. Ms. Boyd was a beloved daughter, sister, and aunt.<sup>36</sup> On March 21, 2012, Ms. Boyd and her friends were confronted by Officer Servin while walking to the store. Officer Servin drove up to the group in his vehicle to confront them, and an argument ensued. While in his vehicle,

---

<sup>25</sup> Report On Admissibility, Michael Brown, Jr. & Lesley Mcfadden v. United States Report No. 367/22, Petition 909-15, Inter-Am. Comm’n H.R., OEA/Ser.L/V/I Doc. 375 2-4, ¶ 18(Dec. 18, 2022).

<sup>26</sup> *Id.*

<sup>27</sup> Affidavit of Lezley McSpadden, Michael Brown and Lezley McSpadden v. United States of America, Petition No. 909-15, Inter-Am. Comm’n H.R., Report 367/22 ¶ 5 (2023).

<sup>28</sup> *Id.* at 4.

<sup>29</sup> *Id.* at 3.

<sup>30</sup> *Id.* at 3-4.

<sup>31</sup> *Id.* at 2-3.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 3-4.

<sup>35</sup> *Id.* at 4 (citing the American Declaration).

<sup>36</sup> Public Hearing on Reports of Excessive Use of Force by the Police against People of African Descent in the United States Before the IACHR, 156th Sess. (Oct. 23, 2015) [https://www.youtube.com/watch?v=c\\_ZLnaWeXCk](https://www.youtube.com/watch?v=c_ZLnaWeXCk).

Officer Servin fired between 10 to 18 shots at the group, one of which fatally struck Ms. Boyd in the back of the head.<sup>37</sup>

22. Petitioners bring this matter on behalf of Ms. Angela Helton, Rekia Boyd’s mother, and Mr. Martinez Sutton, Rekia Boyd’s brother. Petitioners allege that the City of Chicago’s failure to properly investigate the killing of Rekia Boyd and its failure to properly charge Officer Servin with intentional homicide resulted in a directed verdict acquittal of Officer Servin and, ultimately, in a lack of accountability and remedy for the crime.<sup>38</sup> Petitioners allege violations of Articles I (the right to life, liberty and personal security), II (the right to equality before the law), XVIII (the right to a fair trial), and XXV (the right to protection from arbitrary arrest), and XXVI (the right to due process of law) of the American Declaration.<sup>39</sup>
23. Petitioners allege that “the Chicago Police Department failed to act expediently with haste in relation to Officer Servin” and his conduct in their investigation of the crime.<sup>40</sup> Petitioners also allege that the subsequent investigation by the State Attorney’s Office “was replete with errors and irregularities,” including the State Attorney’s choice to “discourage[] police from taking depositions,” the City’s failure to interview Officer Servin or other witnesses under oath, and waiting “months before key evidence of the shooting was gathered.”<sup>41</sup> It was twenty-months after Rekia Boyd’s killing before the State Attorney’s Office charged Officer Servin.<sup>42</sup>
24. Petitioners allege that this failure to conduct an “expeditious and effective investigation in line with Article I,”<sup>43</sup> “also extended to the failure to correctly charge Officer Servin.”<sup>44</sup> In November 2013, the State Attorney charged Officer Servin with involuntary manslaughter, reckless discharge of a firearm, and reckless conduct in the killing of Rekia Boyd.<sup>45</sup> Petitioners contend that State Attorney Anita Alvarez’s decision to charge Officer Servin “with involuntary manslaughter rather than first degree murder...led to his acquittal” and “breache[d] fair trial guarantees.”<sup>46</sup> Officer Servin was acquitted on all counts by Judge Porter in a rare directed verdict based on his observation that the “correct charge should have been first-degree murder, a more serious crime, rather than involuntary manslaughter,” because the mens rea of recklessness for involuntary manslaughter could not be proven.<sup>47</sup> Petitioners ultimately contend that this discretionary choice by State Attorney Alvarez “was a fatal blow to Ms. Boyd’s family’s quest for justice” and “allowed Servin to avoid punishment for the unlawful killing of Rekia Boyd.”<sup>48</sup> Petitioners acknowledge that “[w]hether the

---

<sup>37</sup> Brief of Petitioners, Rekia Boyd, Angela Helton, and Martinez Sutton v. United States of America, Petition 1720-15, IACHR, Report 374/22 (2023).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 4 (citing the American Declaration).

<sup>40</sup> *Id.* at 27.

<sup>41</sup> *Id.* at 27.

<sup>42</sup> *Id.* at 27.

<sup>43</sup> *Id.* at 38.

<sup>44</sup> *Id.* at 27.

<sup>45</sup> Report on Admissibility, No. 374/22, Petition 1720-15, IACHR, OEA/Ser.L/V/II Doc. 382 (Dec. 19, 2022).

<sup>45</sup> Brief of Petitioners at 2-4, Rekia Boyd, Angela Helton, and Martinez Sutton v. United States of America, Petition 1720-15, IACHR, Report 374/22 ¶ 2-4 (2023).

<sup>46</sup> *Id.* at 38.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 46.



State’s Attorney deliberately mishandled the case or whether she conducted the process irresponsibly is immaterial, as the outcome is the same: the State failed to hold Mr. Servin accountable through the criminal justice system.”<sup>49</sup>

25. The U.S. Department of Justice and the U.S. Attorney’s Office for the Northern District of Illinois later conducted a federal investigation into the Chicago Police Department [CPD] and its Independent Review Authority. This investigation found that the CPD “engaged in a pattern or practice of using force, including deadly force, in violation of the Fourth Amendment of the U.S. Constitution.”<sup>50</sup> However, no federal criminal action was ever undertaken to investigate Ms. Boyd’s killing itself, or to prosecute Officer Servin federally. The investigation into CPD made no effort “to establish the relevant facts of Ms. Boyd’s killing and/or to impose any sanctions or remedies on Officer Severin [sic] or the State.”<sup>51</sup>
26. Petitioners also conclude that the monetary settlement achieved by Ms. Helton, acting on behalf of Rekia Boyd’s estate, from the City of Chicago “does not absolve the State of its outstanding obligation to deliver criminal accountability for Ms. Boyd’s death.”<sup>52</sup>
27. In sum, “Mr. Servin has yet to be held criminally accountable for the killing of Ms. Boyd,”<sup>53</sup> violating Ms. Helton’s and Mr. Sutton’s rights to judicial accountability. Too, petitioners contend that this violation has placed “an extensive strain on [their] health and well-being,” resulting in a continued violation of their right to personal security.<sup>54</sup> Petitioners’ brief explains that “Ms. Boyd’s family is left in a state of endless suffering and anguish,” a state which is worsened by the State’s “failure to prosecute and punish” Officer Servin and a “culture of police impunity” which have “fostered her family’s inability to seek recourse.”<sup>55</sup> Ultimately, “because they have no means to seek justice for Ms. Boyd, Ms. Helton and Mr. Sutton are left in a state of insecurity and helplessness.”<sup>56</sup> Mr. Sutton himself has explained this impact:

The pain that I feel in my heart will never be healed, because of the psychological trauma that plays in my head on a constant basis. There was no help offered to help soothe the pain that me and my family feels, no mental health services offered, not even an apology for taking my sister off this earth. The constant harassment I receive from police officers for speaking up about the loss hasn’t died down yet. At times I feel like I am the next to die and it could happen to me at any moment. The pain in my mother’s eyes, along with the constant flow of tears that fall down her face is never ending. How can I dry up a river of tears with Kleenex. Explaining to my children, my nieces, and my nephews that their aunt is never coming home is tough, especially the youngest ones that always expect her to walk through that door. In the search for answers, I’ve just been presented with more problems that seem to have no solutions . . . I’m still trying to find justice, but then I’m finding out that, what is justice? To me it’s just ice to

---

<sup>49</sup> *Id.* at 40.

<sup>50</sup> *Id.* at 27.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at 39.

<sup>53</sup> *Id.* at 29.

<sup>54</sup> *Id.* at 28 (citing the American Declaration, art. I).

<sup>55</sup> *Id.* at 29.

<sup>56</sup> *Id.*

numb the situation. I'm still trying to find answers and I'm hoping that y'all can help me.<sup>57</sup>

28. Altogether, petitioners allege that the above facts support their contention that Rekia Boyd's, and her family's, rights to right to life, liberty and personal security; equality before the law; fair trial; protection from arbitrary arrest; and due process of law under the American Declaration were violated by the killing of Michael Brown and the criminal justice procedures that followed.

#### SUMMARY OF ARGUMENT

1. State actors failed to meet international standards for victim treatment and protection in their responses to the police killings of Michael Brown, Jr. and Rekia Boyd. These standards are established by international law, guidelines, and norms. They specifically draw from precedent, rules, and guidance provided by regional and global bodies including the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, as well as the United Nations and the International Criminal Court.
2. Under the norms and obligations of international law at large, victims of crimes, including police violence, and their next-of-kin, who are also considered victims, are entitled to robust protections and rights from the investigatory stage through prosecution, and beyond. Broadly, victims maintain rights to truth, judicial protection, and remedies. More specifically, victims are entitled to prompt, thorough, and impartial investigation; transparency and communication through the investigative process; prosecution and punishment where crimes are proven; comprehensive remedies, rehabilitation, and redress; and, importantly, to prompt and individualized social, psychological, financial, and other support from the point of victimization well beyond any criminal or civil resolution.
3. Michael Brown, Jr.'s and Rekia Boyd's families were denied these rights, protections, and modes of support. Following the unspeakably violent and traumatic deaths of their loved ones, they were not provided with the crisis response and support mandated by international standards. Law enforcement officials failed to provide transparency or truth, and the families received no judicial resolution or protection from the criminal-legal process, as the officers responsible were not held accountable in a state or federal court. Consequently, the civil damages awarded to each family did not meet international standards for remedy, rehabilitation, and ensuring non-repetition, as there was no criminal-legal accountability, truth, or recognition.

---

<sup>57</sup> Public Hearing on Reports of Excessive Use of Force by the Police against People of African Descent in the United States Before the IACHR, 156th Sess. (Oct. 23, 2015) [https://www.youtube.com/watch?v=c\\_ZLnaWeXCk](https://www.youtube.com/watch?v=c_ZLnaWeXCk).

## ARGUMENT

### A. THE IACHR RECOGNIZES VICTIMS' RIGHTS TO TRUTH, TRANSPARENCY, PARTICIPATION, AND INFORMATION UNDER THE RIGHTS TO HUMANE TREATMENT, FAIR TRIAL, AND JUDICIAL PROTECTION.

1. The Organization of American States [OAS] has long entrusted the Inter-American Commission on Human Rights [IACHR] to “set forth” the “obligations” of OAS member States, including the United States, to “carry out the commitments assumed in the American Declaration.”<sup>58</sup> The American Declaration recognizes the right of every person to civil rights, health and wellbeing, judicial protection, fair trial, and due process of law.<sup>59</sup> Victims’ entitlements to humane treatment,<sup>60</sup> a fair trial,<sup>61</sup> and judicial protection<sup>62</sup>, as upheld by the IACHR and the Inter-American Court of Human Rights [the Court] serve to promote victims’ interests in investigating, prosecuting, and punishing crimes and violations against them, as exemplified in cases such as *Lund v. Brazil* and *Gelman v. Uruguay*.<sup>63</sup>
2. In *Lund v. Brazil*, the Court held that a “lack of access to justice, to the truth, and to information” was a “violation of the right to personal integrity” under Article 5, and that “inefficienc[ies] of non-criminal judicial actions” violate the rights both to a fair trial and to judicial protection under Article 8.<sup>64</sup> Further, the *Gelman v. Uruguay* Court

---

<sup>58</sup> G.A. Res. 314, AG/RES. 314 VII-O/77 (June 22, 1977) <http://scm.oas.org/pdfs/agres/ag03791E01.pdf>); OAS, G.A. Res. 371, AG/RES. 371 VIII-O/78 (July 1, 1978) <http://www.oas.org/en/sla/docs/ag03792E01.pdf> (reaffirming the OAS commitment to “promote the observance of the American Declaration”); see OAS, IACHR, African Americans, Police Use of Force, and Human Rights in the United States, OEA/Ser.L/V/II Doc. 156 (Nov. 26, 2018) [hereinafter Police Use of Force and Human Rights] <http://www.oas.org/en/iachr/reports/pdfs/PoliceUseOfForceAfrosUSA.pdf>.

<sup>59</sup> OAS, American Declaration of the Rights and Duties of Man, arts. 17; 11; 5; 18; & 26 Apr. 1948 [https://www.oas.org/dil/access\\_to\\_information\\_human\\_right\\_American\\_Declaration\\_of\\_the\\_Rights\\_and\\_Duties\\_of\\_Man.pdf](https://www.oas.org/dil/access_to_information_human_right_American_Declaration_of_the_Rights_and_Duties_of_Man.pdf).

<sup>60</sup> OAS, American Convention on Human Rights art. 5, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123 [hereinafter American Convention]. Note also that the American Convention was signed by the United States in 1977 but never ratified.

<sup>61</sup> *Id.* at art. 8.

<sup>62</sup> *Id.* at art. 25.

<sup>63</sup> *E.g.*, *Lund v. Brazil*, Preliminary Objections, Merits, Reparations, and Costs, Judgement Inter-Am. Ct. H.R. (ser. C) No. 219, ¶¶ 257, 201 (Nov. 24, 2010); *Gelman v. Uruguay*, Merits and Reparations, Judgement, Inter-Am. Ct. H.R. (ser. C) No. 221 ¶ 187 (Feb. 24, 2011) [[https://www.corteidh.or.cr/docs/casos/votos/vsc\\_vio\\_221\\_ing.doc](https://www.corteidh.or.cr/docs/casos/votos/vsc_vio_221_ing.doc)]; *Oropeza v. Mexico*, Report, Inter-Am. Ct. H.R. No. 130/99, Case 11.740 (Nov. 19, 1999) <https://www.cidh.oas.org/annualrep/99eng/Merits/Mexico11.740.htm>; Press Release, IACHR, IACHR Takes to Inter-American Court of Human Rights Case Concerning Brazil’s Lack of Due Diligence to Investigate Murder of Rural Laborer (Jan. 10, 2022), [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2022/008.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2022/008.asp) [hereinafter IACHR Press Release Concerning Brazil]; see, Letter, American Civil Liberties Union Human Rights Program, Request for IACHR Hearing on the Right to Remedies and Reparations for Victims and Survivors of CIA Torture Program 6 (July 27, 2015) [hereinafter ACLU Request for Hearing on Remedies], <https://www.aclu.org/documents/request-iachr-hearing-right-remedies-and-reparations-victims-and-survivors-cia-torture> (citing *Lund* for the proposition that “[t]he survivor and victim’s next-of-kin should be invited to be involved in a meaningful way with the investigation and be afforded full access to the process”); IACHR, Compendium on Truth, Justice and Reparation in Transitional Context, OEA/Ser.L/V/II Doc. 121 54 ¶ 70 (2021) <https://www.oas.org/en/iachr/reports/pdfs/compendiumtransitionaljustice.pdf>.

<sup>64</sup> *Lund*, *supra* note 63, at ¶¶ 257, 201.

held that the Article 8 right to a fair trial requires “that the victims of human rights violations, or their relatives, must have ample opportunity to be heard and to act in the respective proceedings, both to clarify the facts and punish those responsible,” and “to seek due reparation.”<sup>65</sup>

3. Additionally, the right to judicial protection under Article 25 guarantees “simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate [] fundamental rights recognized by the constitution or laws of the state concerned or by this Convention,” and requires that States “ensure that any person claiming such remedy shall have his rights determined by the competent authority provided by the legal system of the state;” “develop the possibilities of judicial remedy;” and “ensure that the competent authorities shall enforce such remedies when granted.”<sup>66</sup> The Court has found these rights to judicial guarantees and judicial protection to have been violated where “the criminal definitions of [] conducts are interpreted in a manner incompatible with their constituent elements or with their formulation in the international instrument,” including when misinterpreted by prosecutors.<sup>67</sup>

#### **1) Victims Have a Right to Participate in Proceedings, be Informed, and Access Remedies:**

- a) The IACHR and the Court have both recognized a right of victims and their next of kin to participate in proceedings, to be informed, and to obtain remedies under the American Convention.
- b) In *Gelman*, the Court held that “Article 8 of the Convention states that the victims of human rights violations, or their relatives, must have ample opportunity to be heard and to act in the respective proceedings, both to clarify the facts and punish those responsible, as well as to seek due reparation.”<sup>68</sup>
- c) Similarly, the IACHR has set out that, the “right of victims of human rights violations and their next of kin to be heard is protected in the American Convention and Declaration,” and has “repeatedly emphasized that adequate access and participation of victims and their next of kin in all stages of judicial proceedings aimed at clarifying human rights violations is essential” because prosecutions can “only be real measures of justice if the victims and their families receive the necessary information and participate effectively in the judicial proceedings.”<sup>69</sup>

---

<sup>65</sup> *Gelman v. Uruguay*, Merits and Reparations, Judgement, Inter-Am. Ct. H.R. (ser. C) No. 221 ¶ 187 (Feb. 24, 2011) [https://www.corteidh.or.cr/docs/casos/votos/vsc\\_vio\\_221\\_ing.doc](https://www.corteidh.or.cr/docs/casos/votos/vsc_vio_221_ing.doc).

<sup>66</sup> American Convention, *supra* note 60, art. 25.

<sup>67</sup> Compendium on Truth, Justice and Reparation in Transitional Context, *supra* note 63; e.g., *Marín v. Peru*, Merits, Report, Inter-Am. Ct. H.R. No. 24/18, Case 12.982 (Feb. 24, 2018)

[[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_402\\_ing.docx](https://www.corteidh.or.cr/docs/casos/articulos/seriec_402_ing.docx)] (finding that the Peruvian State incorrectly construed the legal definition of torture and incorrectly found that the requisite elements of intentionality were *not* present, and finding that the Peruvian State violated its obligations to protect and provide care to victims, as well as the victim’s rights to judicial guarantees and judicial protection).

<sup>68</sup> *Gelman*, *supra* note 65, at ¶ 187.

<sup>69</sup> Compendium on Truth, Justice and Reparation in Transitional Context, *supra* note 63 at 60 ¶ 83; *see Id.* at 23 ¶ 19 (same); American Convention, *supra* note 60, art. 8.

- d) The recognition by the IACHR and the Court of the right of victims and their next of kin to participate in proceedings, to be informed, and to obtain remedies, as established under the American Convention, is crucial for achieving restorative justice in the present cases, as it ensures that those affected by human rights violations have ample opportunity to be heard, seek reparation, and ensure accountability.

**2) States Are Obligated to Conduct Credible and Independent Investigations and Provide Effective Remedies and Reparations:**

- a) In order to meet substantive international obligations and guidelines against torture, ill-treatment, freedom of expression, protections for persons deprived of liberty, human rights in transitional contexts, and the like,<sup>70</sup> the Court has recognized “affirmative obligations” imposed on Member States to guarantee that such norms are met through “investigations, prosecution, and punishment,” as well as through “provision of remedies, including reparations, to victims and survivors.”<sup>71</sup>
- b) In *Oropeza v. Mexico*, the Court found Mexico responsible for violations of Articles 8 and 25 because the state “fail[ed] to investigate the facts” surrounding the assassination of a Mexican journalist, and considered the State responsible “for the resulting impunity of the perpetrators.”<sup>72</sup>
- c) In *Cruz & Silvestre v. Mexico*, the Court found that Mexico was also obligated to “investigate the facts, identify, prosecute and, if necessary, punish with due diligence,” and was required to do so “within a reasonable period of time.”<sup>73</sup> The IACHR has found States to have failed these timeliness and diligence requirements where “the suspects had not been found guilty, [] the rest had not yet been tried, [] deficiencies concerning evidence had not been corrected, and [] lines of investigation had not been exhausted,” and held the State responsible for violations of Articles 5, 8, and 25, and “the right to mental and moral integrity of members of [the victim’s] family,” as a result.<sup>74</sup>
- d) The IACHR has recognized this obligation to investigate in other, more specific, contexts as well, including in protecting the right to freedom of expression and the

---

<sup>70</sup> Such norms, prohibitions, and obligations include those against forced disappearances, torture, and ill-treatment, freedom of expression, protections for persons deprived of liberty, and human rights protections in the transitional justice context. ACLU Request for Hearing on Remedies, *supra* note 63 at 5; OAS, IACHR, Declaration of Principles on Freedom of Expression, 108th Sess. (Oct. 2-20, 2000) <https://www.oas.org/en/iachr/mandate/Basics/principlesfreedom.asp>; OAS, IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty, 131st Sess. (Mar. 3-14, 2008) <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/basics/principlesdeprived.asp>; Compendium on Truth, Justice and Reparation in Transitional Context, *supra* note 63.

<sup>71</sup> ACLU Request for Hearing on Remedies, *supra* note 63, at 5.

<sup>72</sup> *Oropeza*, *supra* note 63, at ¶¶ 1 & 3.

<sup>73</sup> *Cruz & Silvestre v. Mexico*, Merits, Reparations, and Costs, Judgement, Inter-Am. Ct. H.R. (ser. C) No. 273, ¶¶ 70-71 (Nov. 26, 2013) [[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_273\\_ing.doc](https://www.corteidh.or.cr/docs/casos/articulos/seriec_273_ing.doc)] (finding that Mexico “failed to discharge its obligation” within a “reasonable period of time”). See *Godoy v. Argentina*, Merits, Case 12.324, Inter-Am. Comm’n H.R., Report No. 66/12, OEA/Ser.L/V/II.147, Doc. 1 ¶ 82 (2012); ACLU Request for Hearing on Remedies, *supra* note 63, at 6.

<sup>74</sup> IACHR Press Release Concerning Brazil, *supra* note 63.

rights of individuals deprived of liberty.<sup>75</sup> These contexts that might also be analogized to the allegations in the instant petitions.

### 3) Victims' Rights and State Obligations Regarding Police Violence Against Afro-Descendants in the United States:

- a) The IACHR has found police violence, racial disparities, and structural discrimination in the United States to implicate the American Declaration, as well as other treaties ratified by the United States, including the OAS Charter, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT).<sup>76</sup> Motivated in part by the police killings of Ms. Boyd and Mr. Brown, the IACHR released a 2018 report on African Americans, Police Use of Force, and Human Rights in the United States.<sup>77</sup> Informed by hearings and on-site visits between 2014-2017, the IACHR examined the United States' international obligations in the police violence context and set out standards for the treatment of victims.<sup>78</sup>
- b) The IACHR report notes that the Commission had previously considered the United States' response to police violence "ineffective" and resulting in few convictions, little accountability, "high levels of impunity," and the "chronic repetition of incidents of excessive use of force by police [] leaving victims and their families defenseless."<sup>79</sup> Such impunity also "has a deep impact on the families of victims, contributes to mistrust between communities and police departments, and ultimately works to undermine the rule of law."<sup>80</sup>
- c) Regarding access to justice, the IACHR has emphasized that "the government—federal, state, and local—is responsible for ensuring access to justice, including...establishing adequate, effective, and accessible legal remedies for police violence against African Americans; and ensuring reparations for victims."<sup>81</sup> The United States is obligated to investigate alleged human rights violations ex officio ad must do so in accordance with "certain standards," including by meeting "the principles of celerity, professionalism, exhaustiveness, and victim participation."<sup>82</sup>

---

<sup>75</sup> In the freedom of expression context, the IACHR has recognized a State "duty ... to prevent and investigate" crimes and threats against "social communicators," "to punish their perpetrators and to ensure that victims receive due compensation." Declaration of Principles on Freedom of Expression, *supra* note 70. Where individuals are deprived of liberty, the IACHR requires that "Member States...carry out serious, exhaustive, impartial, and prompt investigations in relation to all acts of violence or situations of emergency that have occurred in places of deprivation of liberty, with a view to uncovering the causes, identifying those responsible, and imposing the corresponding punishments on them," and that States make "every effort possible to prevent the recurrence of acts of violence or situations of emergency." Principles and Best Practices on the Protection of Persons Deprived of Liberty, *supra* note 70.

<sup>76</sup> Police Use of Force and Human Rights, *supra* note 58 at 19-20 ¶¶ 12-30 & 26 ¶ 36.

<sup>77</sup> Police Use of Force and Human Rights, *supra* note 58.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 65-66 ¶¶ 104-106.

<sup>80</sup> *Id.* at 67 ¶ 108.

<sup>81</sup> *Id.* at 14 ¶ 9.

<sup>82</sup> *Id.* at 135 ¶ 268.

- d) When a criminal investigation is underway, the “entire process should be marked by transparency and participation of the victims and their next of kin.”<sup>83</sup> Among its recommendations for due diligence and accountability, the IACHR recommends that the State “[e]stablish permanent, independent, and specialized bodies at the local and or state level with the capacity and expertise to supervise investigations of police misconduct and crimes committed by police,” which must prioritize “transparency and victim and next of kin participation.”<sup>84</sup>
- e) The Commission notes that, “[u]nder international law, remedies for victims of gross violations of human rights law include equal and effective access to justice; access to relevant information about the violations committed and reparation mechanisms available; and adequate, effective, and prompt reparation for the harm suffered.”<sup>85</sup> The Commission finds that “the right to the truth is an important form of reparation, because it constitutes a recognition of the significance and value of persons as individuals, as victims, and as holders of rights.”<sup>86</sup> Furthermore, a satisfactory remedy should include “[v]erification of the facts and full and public disclosure of the truth;” an “official declaration or a judicial decision restoring the dignity, reputation and rights of the victim and of persons closely connected with the victim;” and “[p]ublic apology, including acknowledgment of the facts and acceptance of responsibility.”<sup>87</sup>
- f) The Commission has reiterated its findings and recommendations in a public statement issued after the extra-judicial killing of George Floyd and the eruption of Black Lives Matter protests in the United States and around the world.<sup>88</sup>

#### 4) Standards and Guidelines of Victims’ Rights in Other Contexts:

- i. The IACHR has set out detailed guidelines and principles for State investigations of human rights violations against human rights defenders in the Northern Triangle<sup>89</sup> and of human rights violations in nations undergoing transition.<sup>90</sup> These contexts are distinguishable in some respects from U.S. police killings: for example, the IACHR

<sup>83</sup> *Id.* at 137 ¶ 274.

<sup>84</sup> *Id.* at 162 ¶ 23; 76-77 ¶ 131; 137 ¶ 274.

<sup>85</sup> *Id.* at 143 ¶ 290 (citing UN Commission on Human Rights, Res. 2005/35 on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Humanitarian Law, E/CN.4/RES/2005/35 ¶ 11 (Apr. 19, 2005) [hereinafter Basic Principles and Guidelines for Victims] <https://digitallibrary.un.org/record/558893?ln=en>).

<sup>86</sup> *Id.* at 148 ¶ 302 (citing OAS, IACHR, The right to Truth, ¶ 123 (2014)

<http://www.oas.org/en/iachr/reports/pdfs/right-to-truth-en.pdf>; UN, Human Rights Council, Report of the Special Rapporteur on the Promotion of Truth Justice, Reparation and Guarantees of Non-recurrence, Pablo de Grieff, Rep., A/HRC/21/46 ¶ 30 (Aug. 9, 2012)

[https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-46\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-46_en.pdf).

<sup>87</sup> *Id.* at 147 ¶ 300 (citing Basic Principles and Guidelines for Victims, *supra* note 85 at ¶ 22).

<sup>88</sup> OAS, Press Release, The IACHR expresses strong condemnation for George Floyd’s murder, repudiates structural racism, systemic violence against Afro-Americans, impunity and the disproportionate use of police force, and urges measures to guarantee equality and non-discrimination in the United States, OAS Press Release 2020/129 (June 8, 2020) [https://www.oas.org/en/iachr/media\\_center/PReleases/2020/129.asp](https://www.oas.org/en/iachr/media_center/PReleases/2020/129.asp).

<sup>89</sup> OAS, IACHR, Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle, OEA/Ser.L/V/II Doc. 110 19-20 ¶¶ 12-30 & 26 ¶ 36 (2021) <https://www.oas.org/en/iachr/reports/pdfs/directrices-triangunorte-en.pdf>.

<sup>90</sup> Compendium on Truth, Justice and Reparation in Transitional Context, *supra* note 63.

has considered the “obligation to investigate [] greater when a human rights defender is involved.”<sup>91</sup> However, the principles set out in those contexts and discussed below are indicative of the IACHR’s views and standards requiring States to conduct thorough investigation, ensure non-repetition, and guarantee effective remedies to victims, and can largely be analogized to the circumstances alleged in the instant petitions.

**a) *Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle:***

- i. The Commission has set out particular guidelines for safeguarding human rights defenders in the Northern Triangle countries due to the particular importance of their democratizing work in the Northern Triangle, and the sustained trends of violence against defenders.<sup>92</sup> These guidelines are built largely on Inter-American Court of Human Rights precedent.
- ii. The Court considered “[c]ompliance with the duties of investigation and punishment of those responsible” to relate to the “right of the next of kin of the alleged victims to know what happened and to know who was responsible for the respective events,” which requires that “authorities must ensure knowledge of the truth by the relatives of the defenders who have been irreparably affected in their human rights.”<sup>93</sup>
- iii. In this context, as above, States “have an obligation to ensure an exhaustive search of all information in order to design and conduct an investigation that results in proper analysis of the theories of the crime, ...exploring all relevant lines of investigation in order to identify the different perpetrators.”<sup>94</sup> Such “investigative steps” should be taken “expeditiously, avoiding delays, obstructions, or unwarranted complications,” which might “lead to impunity and violate due judicial protection,” so as to “protect the interests of the victims, to preserve the evidence and even to safeguard the rights of all persons who...may be considered suspect.”<sup>95</sup> In introducing these guidelines, the IACHR notes also that “the most effective means of protecting human rights defenders is the effective investigation of threats and violence against them and punishing the perpetrators.”<sup>96</sup> The IACHR also notes also that investigation and prosecution is a “fundamental obligation of the states in combating impunity”<sup>97</sup> and that its lack has “resulted in high levels of impunity...which encourages [] repetition by sending a message...regarding the tolerance of these acts by the States.”<sup>98</sup>

---

<sup>91</sup> Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle, *supra* note 89 at 14 ¶ 31.

<sup>92</sup> *Id.* at 7-8.

<sup>93</sup> *Id.* at 16 ¶ 39 (citing *García Prieto v. El Salvador*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168, ¶ 102 (Nov. 20, 2007); “*Masacre de las Dos Erres*” v. *Guatemala*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 2211, ¶ 105 (Nov. 24, 2009); IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II Doc. 66, 31 ¶ 237 (Dec. 2011)).

<sup>94</sup> *Id.* 17 ¶ 44 (citing *Escaleras Mejía v. Honduras*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 361, ¶ 143 (Sept. 26, 2018)).

<sup>95</sup> *Id.* at 19 ¶ 50 (citing *Jesús María Valle Jaramillo v. Colombia*, Admissibility, Report, Inter-Am. Comm’n H.R. No. 05/03, ¶ 31 (Feb. 20, 2003)).

<sup>96</sup> *Id.* at 7-8 ¶ 4.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* at 9 ¶ 11. *See also Id.* at 14-16 ¶¶ 31-38 (same).



**b) Standards for Rights to Truth, Investigation, and Enforcement in the Transitional Justice Context:**

- i. In the transitional justice context, the IACHR recognizes “the rights of victims of human rights violations to access to justice [sic] and to be heard in proceedings related to [] violations.”<sup>99</sup> The IACHR recognizes “the right of [] victims and their next of kin to know the truth regarding the facts that gave rise to serious human rights violations,” which “entails the obligation of States to clarify, investigate, prosecute, and punish those responsible for cases of serious human rights violations.”<sup>100</sup>
- ii. In violations considered to be “serious human rights violations,” specifically, “States have an obligation to investigate them criminally ex officio, identify those responsible, submit them to trial and impose the corresponding sanctions.”<sup>101</sup> This “obligation to investigate serious human rights violations and its inalienable nature” are not to be superseded by amnesty laws that might “hinder the fulfilment of this obligation with inter-American instruments.”<sup>102</sup> The IACHR instructed that a confession of the accused also does “not exempt the authorities from the duty to diligently investigate,”<sup>103</sup> nor does the presence of “State measure[s] adopted in the area of justice.”<sup>104</sup>
- iii. The IACHR has emphasized the particular importance of a “contextual investigation” undertaken with “due coordination” between “entities with competence” to “establish patterns, *modus operandi* and patterns of macro-criminality with multiple actors involved,”<sup>105</sup> as well as the “criminal structures associated with serious human rights violations,”<sup>106</sup> considerations that might also be analogized to police violence. In *Members and Militants of the Patriotic Union v. Colombia*, the Court agreed that investigations should be directed “to unravel the criminal structures that perpetrated the human rights violations.”<sup>107</sup> The IACHR considered contextual investigations undertaken in this manner to be associated with “guarantees of non-repetition,”<sup>108</sup> whereas the absence of such an investigation was considered to indicate “a message of tolerance” for violative conduct.<sup>109</sup>
- iv. Within these guidelines on transitional justice contexts, the IACHR explicitly distinguishes human rights violations from other punishable acts and recognizes that some potential limitations to investigation and prosecution, such as to respect the res

---

<sup>99</sup> Compendium on Truth, Justice and Reparation in Transitional Context, *supra* note 63 at 23 ¶ 19.

<sup>100</sup> *Id.* at 74 ¶ 108.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.* at 24 ¶ 22 (citation omitted).

<sup>103</sup> *Id.* at 59 ¶ 81.

<sup>104</sup> *Id.* at 61 ¶ 86.

<sup>105</sup> *Id.* at 55 ¶ 71.

<sup>106</sup> *Id.* at 56 ¶ 74.

<sup>107</sup> *Members and Militants of the Patriotic Union v. Colombia*, Merits, Report, Inter-Am. Ct. H.R. No. 170/17, Case 11.227 ¶ 1533 (Dec. 6, 2017); *see also Vargas v. Colombia*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) ¶ 118 (May 26, 2010) (same); Compendium on Truth, Justice and Reparation in Transitional Context, *supra* note 63 at 56 ¶ 74 (quoting *Members and Militants of the Patriotic Union* and citing *Vargas*).

<sup>108</sup> Compendium on Truth, Justice and Reparation in Transitional Context, *supra* note 63 at 56 ¶ 76.

<sup>109</sup> *Id.* at 57 ¶ 77.

judicata principle, are not justified in cases of serious human rights violations.<sup>110</sup> The IACHR considers the *impunity* resulting from uninvestigated and unpunished human rights violations “generates a fairly high impact on the rights of victims,” which justifies exceptions to limitations that might apply outside of serious and/or systematic human rights violations.<sup>111</sup> Given the seriousness, impunity, and systematic nature of police violence in the United States, the IACHR standards for human rights violations in the transitional justice context might fairly be analogized to the conduct and circumstances in the present petitions.

## **B. ADDITIONAL REGIONAL AND INTERNATIONAL AUTHORITIES SIMILARLY AFFIRM VICTIMS’ RIGHTS TO EFFECTIVE INVESTIGATION, JUDICIAL REMEDY, TRUTH, TRANSPARENCY, PARTICIPATION, AND REMEDY.**

1. Beyond the IACHR, other regional and international human rights and justice bodies have set out standards for the rights of victims, obligations of States to affect those rights, and recommendations to support State efforts in realizing them. International criminal tribunals, starting from the International Criminal Court (ICC)—via its Rome Statute and Rules of Procedure and Evidence—have provided specific rights and guidelines, as have the CAT, the HRC and the ICERD.
2. The United Nations High Commissioner for Human Rights has recently evaluated the state of systemic racism and police violence in the United States and has made recommendations for its elimination in the broader context of racial discrimination and oppression.<sup>112</sup> Notably, in 2021, the UN Human Rights Council established the International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (EMLER).<sup>113</sup> Since its inception, EMLER has conducted several countries visits including to the United States and published country and thematic reports issuing relevant recommendations on policing and highlighting applicable human rights standards. Beyond EMLER, the UN has repeatedly set out standards for victims’ rights and State obligations in meeting those rights through its Declaration on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (“Basic Principles and Guidelines for Victims”). The work of the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, the UN Special Rapporteur on Truth, Justice and Reparation and the publications of the UN Office on

---

<sup>110</sup> *Id.* at 46 ¶¶ 43-44.

<sup>111</sup> *Id.*

<sup>112</sup> See Report of the United Nations High Commissioner for Human Rights on the Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, Conference room paper, UN Human Rights Council 47th Sess., A/HRC/47/CRP.1 (Jun. 28, 2021) [hereinafter 2021 Conference Paper of the UN High Commissioner] [https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/A\\_HRC\\_47\\_CRP\\_1.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/A_HRC_47_CRP_1.pdf) (citations omitted); Report of the UN High Commissioner for Human Rights on the Promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers, UN Human Rights Council 51st Sess., A/HRC/51/53 (Aug. 2, 2022) [2022 Report of the UN High Commissioner for Human Rights] <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/440/71/PDF/G2244071.pdf?OpenElement>.

<sup>113</sup> Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality, UN Human Rights Council, 47<sup>th</sup> Sess., A/HRC/47/21 (Jul. 26, 2021) <https://undocs.org/A/HRC/RES/47/21>

Drugs and Crime (UNODC) have also espoused standard of victims' rights and promoted them in various publications.

3. The European Union has also established a set of minimum standards on the rights, support and protection of victims of crime. Among these international bodies, many principles, obligations, and guidelines are consistent in the victims' rights they recognize, particularly relating to the rights to truth and effective investigation, transparency, participation, and comprehensive support during proceedings and, often, beyond.

#### **5) International and Hybrid Criminal Tribunals Recognize Victims' Rights to Participation, Reparation, Protection, and State Investigation.**

- a) International and hybrid tribunals prosecuting international crimes have been pioneers in putting victims' rights into practice. The Rome Statute of the International Criminal Court (ICC) was the first to establish these rights in 1998, followed by the Extraordinary Chambers in the Courts of Cambodia (2001), the Special Tribunal for Lebanon (2006) and the Kosovo Specialist Chambers (2015). In addition to carving out a role for victims in the proceedings, these tribunals developed outreach programs aimed at ensuring victims remained informed. In setting out the duties and powers of the Prosecutor of the ICC, the Rome Statute requires that the Prosecutor "[t]ake appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court, and in doing so, respect the interests and personal circumstances of victims and witnesses."<sup>114</sup> The Trial Chamber "shall ensure that a trial is fair and expeditious and is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses."<sup>115</sup> In matters involving an admission of guilt, "[w]here the Trial Chamber is of the opinion that a more complete presentation of the facts of the case is required in the interests of justice, in particular the interests of the victims," the Trial Chamber may request additional evidence or order the continuance of the trial.<sup>116</sup>
- b) The Rome Statute prescribes that, where "the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial," including "by the legal representatives of the victims where the Court considers it appropriate."<sup>117</sup> Pursuant to the Rome Statute and the ICC Rules of Procedure and Evidence, victims, through their legal representatives, may attend and participate in hearings (RPE 91(2)), make opening and closing statements (RPE 89(1)), present views and concerns (RPE 8, Rome Statute 68(3)), make written representations to the Pre-Trial Chamber to request investigation (RPE 50(3), Rome Statute 15(3)), submit observations regarding jurisdictional and admissibility challenges in proceedings (Rome Statute 19(3)), request a Chamber for protective measures (RPE 87(1), Rome Statute 68(1)), and request a Chamber for special

---

<sup>114</sup> Rome Statute of the International Criminal Court [hereinafter Rome Statute], art. 54 July 17, 1998; *see also* ICC, Office of Public Counsel for Victims, Representing Victims before the International Court: A manual for legal representatives (5th ed. 2019) [hereinafter Representing Victims before the International Court] <https://www.icc-cpi.int/sites/default/files/2021.03.01-ENG-5th-Rev-Rev.pdf> (explaining article 68(3) of the Rome Statute for victims' legal representatives).

<sup>115</sup> *Id.* at art 64(2).

<sup>116</sup> *Id.* at art 65(4).

<sup>117</sup> *Id.* at art. 68(3).

measures (RPE 88(1), Rome Statute 68 (1)).<sup>118</sup> Further, in order to enable victims to participate effectively, the Court’s Rules require victims and their legal representatives to be notified of key developments in proceedings.<sup>119</sup>

- c) Before making orders on reparations, the Rome Statute provides that the ICC “may invite and shall take account of representations from or on behalf of the convicted person, victims, other interested persons or interested States.”<sup>120</sup> Article 75 regarding reparations also specifically instructs that “[n]othing in this article [] be interpreted as prejudicing the rights of victims under national or international law.”<sup>121</sup> The Statute allows a legal representative of the victims “adversely affected by an order under article 75” to appeal that order for reparations as set out by the Rules of Procedure and Evidence.
- d) The Rome Statute also requires that the Court as a whole “take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses,” and, in doing so, “have regard to all relevant factors, including age, gender...and health, and the nature of the crime.”<sup>122</sup> The Rome Statute established a Victims and Witnesses Unit to “provide...protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given,” and required that Unit staff have “expertise in trauma.”<sup>123</sup> Among the functions and powers of the Pre-Trial and Trial Chambers are to provide for the protection and privacy of victims and witnesses.<sup>124</sup> To that same end, the Statute requires State parties to “comply with requests by the Court to provide...assistance in relation to investigations or prosecutions,” including for the “protection of victims and witnesses and the preservation of evidence.”<sup>125</sup>
- e) Taken together, these measures reflect a necessary commitment to restorative justice by prioritizing the needs and rights of victims, ensuring they are not merely passive participants but active stakeholders in the justice process. The Rome Statute, in particular, has set a precedent by establishing comprehensive measures that allow victims to present their views and concerns, participate through legal representatives, and be notified of key developments.

## **6) The UN Human Rights Committee’s Recognition of the Rights of Victims Under the International Covenant on Civil and Political Rights**

- a) The UN Human Rights Committee (HRC), which monitors implementation of the International Covenant on Civil and Political Rights (ICCPR) has issued several

---

<sup>118</sup> Representing Victims before the International Court at 27-30; Rome Statute art 68; ICC, Rules of Procedure and Evidence 85 (2019) <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf>; *see also* Representing Victims before the International Court at 39-124 (full chapter on victim participation in proceedings under the Rome Statute and Rules of Procedure and Evidence).

<sup>119</sup> Rules of Procedure and Evidence, Rule 92

<sup>120</sup> Rome Statute, art. 75(3).

<sup>121</sup> *Id.* art. 75(6).

<sup>122</sup> *Id.* art. 68(1).

<sup>123</sup> *Id.* art. 43(6).

<sup>124</sup> *Id.* art. 57(3) and 64(2); *see also* art. 68(4) (stating that the “Victims and Witnesses Unit may advise the Prosecutor and the Court on appropriate protective measures, security arrangements, counseling and assistance”).

<sup>125</sup> Rome Statute, art. 93.

interpretative comments affirming the importance of respecting victims' next of kin. In a General Comment on Article 6, right to life, the Committee said that "(t)he arbitrary deprivation of life of an individual may cause his or her relatives mental suffering, which could amount to a violation of their own rights under article 7 of the Covenant".<sup>126</sup> The HRC adds, "even when the deprivation of life is not arbitrary, failure to provide relatives with information on the circumstances of the death of an individual may violate their rights under article 7" (torture or cruel, inhuman or degrading treatment or punishment).

- b) In interpreting Article 2 of the ICCPR (states' obligations to respect and ensure respect rights under the Covenant), the Committee has expanded on what providing effective remedies entails. It has found that the right to an effective remedy under Article 2 requires states to adopt legislative, judicial, administrative, educative, and other appropriate measures to fulfil their legal obligations; to ensure that remedies are accessible and effective and "appropriately adapted so as to take account of the special vulnerability of certain categories of person".<sup>127</sup> Furthermore, mechanisms are required to give effect to the obligation "to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies".
- c) The HRC has also emphasized that Article 2(3) requires States Parties to make reparation to individuals whose Covenant rights have been violated.<sup>128</sup> Otherwise, it found, the obligation to provide an effective remedy is not discharged. Further, "The Committee considers that the Covenant generally entails appropriate compensation", and that, where appropriate, "reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.". Finally, failure to bring to justice perpetrators of violations, just like failure to investigate, could itself give rise to a separate breach of the Covenant, and States Parties must not relieve perpetrators from individual responsibility.<sup>129</sup>
- d) In considering Article 2, the HRC has also emphasized that the obligation to ensure exercise of rights implies the need for measures, beyond a victim-specific remedy, to avoid recurrence of the same type of violation, and that this may require changes in the State Party's laws or practices.<sup>130</sup> This is particularly relevant to restorative justice, which focuses on addressing the root causes of crime and implementing systemic changes to prevent future offenses, thereby promoting long-term healing and safety for both individuals and communities.

## **7) CAT Protections for Victims of Torture and Ill-Treatment:**

- a) Importantly, the UN Committee Against Torture and the UN Special Rapporteur Against Torture have recognized that police violence and killings—including the police killing of Mr. Brown, specifically—violate the prohibition against torture and

---

<sup>126</sup> UN HRC General Comment 36 on Article 6: Right to Life, CCPR/C/GC/36, 3 September 2019, para 56

<sup>127</sup> UN HRC General Comment 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, adopted on 29 March 2004, CCPR/C/21/Rev.1/Add.13, para 15.

<sup>128</sup> *Id.* at para 16.

<sup>129</sup> *Id.* at para 18.

<sup>130</sup> *Id.* at para 17.

- other cruel, inhuman, or degrading treatment or punishment.<sup>131</sup> Following the police killings of Mr. Brown, Ms. Boyd, and others, the Committee Against Torture urged the United States to ensure prompt, effective, and impartial investigation of allegations of police brutality; the prosecution of individuals suspected of torture or ill-treatment; and effective remedies, rehabilitation, and redress to victims.<sup>132</sup>
- b) Article 14 of the CAT requires each State Party to “ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible,” and requires that a victim’s dependents be compensated in “the event of the death of the victim as a result of an act of torture.”<sup>133</sup> Too, the article specifies that “[n]othing” in it “shall affect any right of the victim or other persons to compensation which may exist under national law.”<sup>134</sup> The UN Committee Against Torture has clarified the article 14 requirement that each State party ensure victims receive “redress” and have an “enforceable right to fair and adequate compensation, including . . . rehabilitation.”<sup>135</sup>
- c) Importantly, a person who has experienced torture should be “considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted” and should also include “affected immediate family or dependants [sic] of the victim.”<sup>136</sup>
- d) The Committee Against Torture “highlights the importance of the State party affirmatively ensuring that victims and their families are adequately informed of their right to pursue redress,” and emphasizes that “the procedures for seeking reparation should be transparent.”<sup>137</sup> State parties should “provide assistance and support to minimize the hardship to complainants and their representatives,” and should ensure that civil and other proceedings “[do] not impose a financial burden upon victims that would prevent or discourage them from seeking redress.”<sup>138</sup> In cases where available civil remedies are “unable to provide adequate redress to victims,” State parties should “implement[] mechanisms that are readily accessible to victims..., including the

<sup>131</sup> UN CAT, United States’ Compliance with the Convention against Torture and other Cruel, Inhuman or Degrading Punishment or Treatment, Written Statement on the Police Shooting of Michael Brown and Ensuring Police Violence Against Protesters in Ferguson, Missouri by the Family of Michael Brown, HandsUpUnited, Organization for Black Struggle, and Missourians Organizing for Reform and Empowerment (Nov. 3-28, 2014) <http://i2.cdn.turner.com/cnn/2014/images/11/11/fergusonreport.pdf> (recognizing that both the police killing of Michael Brown and the violent police response against protesters in Ferguson, Missouri constitute violations of the CAT).

<sup>132</sup> UN, Committee Against Torture, Concluding observations on the combined third to fifth periodic reports of the United States of America, CAT/C/USA/CO/3-5 (Dec. 19, 2014) [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FUSA%2FCO%2F3-5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FUSA%2FCO%2F3-5&Lang=en).

<sup>133</sup> G.A. Res. 39/46, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 14 (Dec. 10, 1984) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

<sup>134</sup> *Id.*

<sup>135</sup> General comment No. 3 on the implementation of article 14 by States parties, CAT/C/GC/3 1 ¶ 1 (Dec. 13, 2012) [hereinafter General comment on article 14] <https://www.ohchr.org/en/documents/general-comments-and-recommendations/catcgc3-general-comment-no-3-2012-implementation>.

<sup>136</sup> *Id.* at 1 ¶ 3.

<sup>137</sup> *Id.* at 6-7 ¶ 29.

<sup>138</sup> *Id.*

establishment of a national fund to provide redress,” and “[s]pecial measures” to “ensure access by persons belonging to groups which have been marginalized or made vulnerable.”<sup>139</sup>

- e) To effect article 14 pursuant to the above standards, State parties should “enact legislation specifically providing a victim of torture and ill-treatment with an effective remedy and the right to obtain adequate and appropriate redress, including compensation and as full rehabilitation as possible,” and should “ensure that laws provide victims with “adequate care and protection to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.”<sup>140</sup>
- f) The Committee Against Torture “emphasize[d] the importance of victim participation in the redress process, and that the restoration of the dignity of the victim is the ultimate objective in the provision of redress.”<sup>141</sup> To meet article 14 standards, “[r]eparation must be adequate, effective and comprehensive,” must consider the “specificities and circumstances of each case,” and must be “tailored to the particular needs of the victim and [] proportionate to the gravity of the violations committed against them.”<sup>142</sup> Accordingly, “the provision of monetary compensation only is inadequate for a State party to comply with its obligations under article 14.”<sup>143</sup>
- g) To satisfy the “multi-layered” nature of victims’ right to compensation, it must be “sufficient to compensate for any economically assessable damage resulting from torture or ill-treatment,” including:
  - reimbursement of medical expenses paid and provision of funds to cover future medical or rehabilitative services needed by the victim to ensure as full rehabilitation as possible; pecuniary and non-pecuniary damage resulting from the physical and mental harm caused; loss of earnings and earning potential due to disabilities caused by the torture or ill-treatment; [] lost opportunities such as employment and education.<sup>144</sup>Victim compensation also requires “legal or specialist assistance, and other costs associated with bringing a claim for redress.”<sup>145</sup>
- h) Victim rehabilitation “seeks to enable [] maximum possible self-sufficiency and function,... may involve adjustments to [a victim’s] physical and social environment,” and “should aim to restore ... their independence, physical, mental, social and vocational ability; and full inclusion and participation in society.”<sup>146</sup> To meet this obligation, States should “adopt a long-term and integrated approach and ensure that specialist services for victims of torture or ill-treatment are available, appropriate and readily accessible.”<sup>147</sup> This approach should include “a procedure for the assessment and evaluation of individuals’ therapeutic and other needs,” including “medical, physical and psychological rehabilitative services; vocational training; education etc.”

---

<sup>139</sup> *Id.*

<sup>140</sup> *Id.* at 5 ¶¶ 20-21.

<sup>141</sup> *Id.* at 1 ¶ 4.

<sup>142</sup> *Id.* at 2 ¶ 6.

<sup>143</sup> *Id.* at 2 ¶ 9.

<sup>144</sup> *Id.* at 2-3 ¶

<sup>145</sup> *Id.*

<sup>146</sup> *Id.* at 3 ¶ 11.

<sup>147</sup> *Id.* at 3 ¶ 13.

- and should take a “holistic approach” with sensitivity toward “re-traumatization.”<sup>148</sup> States should “ensure that effective rehabilitation services and programmes are established” and “accessible to all victims without discrimination and regardless of a victim’s identity or status,” and that services consider “a victim’s culture, personality, history and background.”<sup>149</sup>
- i) Importantly, the Committee instructs State parties that the “requirement in the Convention to provide these forms of rehabilitative services does not extinguish the need to provide medical and psychosocial services for victims in the aftermath of torture, nor does such initial care represent the fulfilment of the obligation to provide the means for as full rehabilitation as possible.”<sup>150</sup>
  - j) The Committee instructs that, to meet article 14 standards, satisfaction should include: effective measures aimed at the cessation of continuing violations; verifications of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, ... an official declaration or judicial decision restoring the dignity, the reputation and the rights of the victim and persons closely connected with the victim; judicial and administrative sanctions against persons liable for the violations; public apologies, including acknowledgement of the facts and acceptance of responsibility; [and] commemorations and tributes to the victims.<sup>151</sup>
  - k) The Committee notes that “[s]ecuring the victim’s right to redress requires that a State party’s competent authorities promptly, effectively and impartially investigate and examine the case of any individual who alleges that she or he has been subjected to torture or ill-treatment.” Any “[u]ndue delays in initiating or concluding legal investigations into complaints of torture or ill-treatment compromise victims’ rights under article 14 to obtain redress, including fair and adequate compensation and the means for as full rehabilitation as possible.”<sup>152</sup> Pursuant to these investigatory obligations, the Committee “considers the training of relevant police, prison staff, medical personnel, judicial personnel and immigration personnel, including training on the Istanbul Protocol, to be fundamental to ensuring effective investigations.”<sup>153</sup> Such efforts should include “training in order to prevent re-traumatization of victims,” and the establishment of “human rights offices within police forces.”<sup>154</sup>
  - l) A State’s “failure to investigate, criminally prosecute, or to allow civil proceedings related to allegations of acts of torture in a prompt manner, may constitute a de facto denial of redress and thus constitute a violation of the State’s obligations under article

---

<sup>148</sup> *Id.*

<sup>149</sup> *Id.* at 3 ¶ 15.

<sup>150</sup> *Id.* at 3 ¶ 14.

<sup>151</sup> *Id.* at 4 ¶ 17.

<sup>152</sup> *Id.* at 6 ¶ 25.

<sup>153</sup> *Id.* at 7 ¶ 35; *see also* UN Office of the High Commissioner for Human Rights, Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, HR/P/PT/8/Rev.2 (June 29, 2022) <https://www.ohchr.org/en/publications/policy-and-methodological-publications/istanbul-protocol-manual-effective-0> (setting out further standards for effective investigation of crimes and violations under CAT).

<sup>154</sup> General comment on article 14, *supra* note 135 at 7 ¶ 35.



14.”<sup>155</sup> The Committee urges State parties to “undertake measures to combat impunity for violations of the Convention” in order to “guarantee non-repetition of torture or ill treatment.”<sup>156</sup>

**8) The UN High Commissioner for Human Rights on Systemic Racism and Police Violence:**

- a) Following the May 2020 murder of George Floyd by Minneapolis Police Department officers, the UN Human Rights Council held an “urgent debate on current racially inspired human rights violations, systemic racism, police brutality and violence against peaceful protests.”<sup>157</sup> The UN High Commissioner for Human Rights subsequently released a report in June of 2021 on systemic racism globally, including “in the area of law enforcement, focusing on incidents that result in death as its most visible and irreversible outcome, and on the consistent lack of accountability and redress for victims.”<sup>158</sup>
- b) The High Commissioner emphasized that States must “respect the right of families affected by law enforcement violations to know the truth, achieve justice and advocate for guarantees of non-repetition for what happened to their loved ones, including demanding the prosecution and sanction of those responsible.”<sup>159</sup> And, too, must “take appropriate measures to establish the truth relating to events leading to the deprivation of life, including the reasons and legal basis for targeting certain individuals and the procedures employed by State forces before, during and after the time in which the deprivation occurred,”<sup>160</sup> which should include taking “the central element of race into consideration during investigations and prosecution.”<sup>161</sup>
- c) One “important element of the protection afforded to the right to life is the obligation on States to investigate and, where appropriate, prosecute potentially unlawful deprivations of life.”<sup>162</sup> Such investigations “should aim to establish the facts about what happened and whether it is necessary to take further action,” and should be “independent, impartial, prompt, thorough, effective, credible and transparent.”<sup>163</sup> Importantly, “[t]here is a particular duty to investigate allegations of violations of the right to life wherever State authorities have used or appear to have used firearms or other potentially lethal force....”<sup>164</sup>
- d) In the investigative process, “States parties [sic] should also disclose relevant details about the investigation to the victim’s next of kin, allow them to present new evidence,

---

<sup>155</sup> *Id.* at 4 ¶ 17.

<sup>156</sup> *Id.* at 4 ¶ 18.

<sup>157</sup> Report of the UN High Commissioner for Human Rights on the Promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers, UN Human Rights Council 47th Sess., A/HRC/47/53, 4 ¶ 2 (June 1, 2021) [hereinafter 2021 Report of the UN High Commissioner] <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/122/03/PDF/G2112203.pdf?OpenElement>.

<sup>158</sup> *Id.* at 4 ¶ 3.

<sup>159</sup> 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 59 ¶ 192.

<sup>160</sup> *Id.* at 45 ¶ 136.

<sup>161</sup> *Id.* at 46 ¶ 138 (citing ICERD/C/GC/34 ¶ 37 [FULL CITE]).

<sup>162</sup> *Id.* at 47 ¶ 142.

<sup>163</sup> *Id.*; *Id.* at 47 ¶ 143.

<sup>164</sup> *Id.* at 47 ¶ 144; 2021 Report of the UN High Commissioner, *supra* note 157 at 14 ¶ 40.

- afford them with legal standing in the investigation, and make public information about the investigative steps taken and the investigation’s findings, conclusions, and recommendations.”<sup>165</sup> A “[f]ailure to provide relatives with information on the circumstances of the death of an individual may violate the absolute prohibition of torture or other cruel, inhuman or degrading treatment or punishment.”<sup>166</sup>
- e) Despite these obligations, the High Commissioner noted that “[l]aw enforcement officers are rarely held accountable for human rights violations and crimes against persons of African descent, in part due to deficient investigations, a lack of independent and robust oversight, complaint and accountability mechanisms, [] a widespread ‘presumption of guilt’ against people of African descent,”<sup>167</sup> and “an inequality of arms resulting from the State providing police officers with legal assistance, while not doing so routinely for families of victims of alleged police killings.”<sup>168</sup> The High Commissioner also considered that “[d]isciplinary proceedings are often inadequate, ineffective or not subject to independent oversight, and seldom lead to appropriate sanctions.”<sup>169</sup> Accordingly, “a criminal investigation is normally required.”<sup>170</sup> Generally, too, “investigations and judicial decisions fail to consider the role that racial discrimination and institutional bias may have played in the deaths.”<sup>171</sup>
- f) As a result, “families of people of African descent who have died after an encounter with law enforcement officials face considerable challenges in their demands for truth and justice,” including “a profound lack of information available about possible or ongoing processes.”<sup>172</sup> Accordingly, many people of African descent in the United States feel “continuously betrayed” by the criminal justice system and experience a “profound lack of trust in law enforcement and the criminal justice system, primarily due to impunity.”<sup>173</sup> The report considered also that it “often falls on victims and families to fight for accountability, without adequate support, when they have already been overpoliced and traumatized.”<sup>174</sup> Importantly, accountability “serves to restore trust in [] institutions, in particular law enforcement, with communities of African descent.”<sup>175</sup>
- g) To meet the needs of victims and their families, “States should establish and resource independent mechanisms to support families and communities in accessing truth and justice” to “ensure that families can benefit from victim compensation programmes, including psychosocial and bereavement assistance,” “support to bury victims,” and

<sup>165</sup> 2021 Report of the UN High Commissioner, *supra* note 157 at 51 ¶ 157.

<sup>166</sup> 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 51 ¶ 158 (citing CCPR/C/GC/36 ¶ 56; ICCPR, art. 7) [FULL CITES].

<sup>167</sup> *Id.* at 12 ¶ 33 (citations omitted); 2021 Conference Paper of the UN High Commissioner, *supra* note 112 15 48 ¶ 145 (citing <https://mappingpoliceviolence.org/>; submission by the American Civil Liberties Union (ACLU); [http://www.washingtonpost.com/sf/investigative/2015/04/11/thousands-dead-few-prosecuted/?utm\\_term=.90c3d610122a](http://www.washingtonpost.com/sf/investigative/2015/04/11/thousands-dead-few-prosecuted/?utm_term=.90c3d610122a)).

<sup>168</sup> 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 48 ¶ 146.

<sup>169</sup> 2021 Report of the UN High Commissioner, *supra* note 157 at 12 ¶ 33 (citation omitted).

<sup>170</sup> 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 49 ¶ 149.

<sup>171</sup> 2021 Report of the UN High Commissioner, *supra* note 157 at 12 ¶ 34.

<sup>172</sup> 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 51 ¶ 158.

<sup>173</sup> *Id.* at 12 ¶ 35.

<sup>174</sup> *Id.*

<sup>175</sup> 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 46 ¶ 139.

“measures to memorialize the lives of victims,”<sup>176</sup> taking at all times a “victim-centered approach.”<sup>177</sup>

- h) More broadly, the High Commissioner urged states to integrate measures to address the “[s]tructures and systems that were designed and shaped by enslavement, colonialism, and successive racially discriminatory policies and systems.”<sup>178</sup> Reparations should include financial compensation, but also “measures aimed at restitution, rehabilitation, satisfaction and guarantees of non-repetition, including for example, formal acknowledgement and apologies, memorialization and institutional and educational reforms.”<sup>179</sup>
- i) The following year, the High Commissioner released a second report evaluating “developments and actions taken by States and others since the launch in July 2021 of the agenda towards transformative change for racial justice and equality.”<sup>180</sup> Although the 2022 report notes some progress,<sup>181</sup> it calls out many continued challenges as well.<sup>182</sup>

**9) The UN Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement:**

- a) In 2021, following the High Commissioner’s report on racial justice and equality, the Human Rights Council established the International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (EMLER). EMLER was established, “to further transformative change for racial justice and equality in the context of law enforcement globally, especially where relating to the legacies of colonialism and the Transatlantic slave trade in enslaved Africans” and “to investigate Governments’ responses to peaceful anti-racism protests and all violations of international human rights law and to contribute to accountability and redress for victims”.<sup>183</sup>
- b) Pursuant to Human Rights Council resolution 47/21, and at the invitation of the Government, EMLER visited the United States from April 24 to May 5, 2023. During

---

<sup>176</sup> 2021 Report of the UN High Commissioner, *supra* note 157 at 14 ¶ 43; 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 59 ¶ 194 (citing <https://www.ohchr.org/EN/ProfessionalInterest/Pages/VictimsOfCrimeAndAbuseOfPower.aspx>).

<sup>177</sup> 2021 Conference Paper of the UN High Commissioner, *supra* note 112 at 59 ¶ 193.

<sup>178</sup> 2021 Report of the UN High Commissioner, *supra* note 157 at 20 ¶ 64.

<sup>179</sup> *Id.* (citations omitted).

<sup>180</sup> 2022 Report of the UN High Commissioner for Human Rights, *supra* note 112.

<sup>181</sup> *E.g.* the conviction and sentence of Derek Chauvin for the murder of George Floyd, the finding of probable cause by the Minnesota Department of Human Rights that the City of Minneapolis and its Police Department “engage in a pattern or practice of race discrimination in violation of the Minnesota Human Rights Act,” and the May 2022 Executive Order by President Biden on “advancing effective, accountable policing and criminal justice practices.” *Id.* at 10 ¶ 3 (citations omitted).

<sup>182</sup> *E.g.* a lack of progress on the proposed Justice for Breonna Taylor Act intended to prohibit no-knock warrants, *id.*, the continued use of facial recognition technology by U.S. police departments, which is known to increase racial disparities in policing, *id.* at 12 ¶ 35, and ongoing racial disparities in death penalty sentences, *id.* at 12 ¶ 36.

<sup>183</sup> Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality, UN Human Rights Council, 47<sup>th</sup> Sess., A/HRC/47/21 (Jul. 26, 2021) <https://undocs.org/A/HRC/RES/47/21>

this trip, EMLER visited the District of Columbia, Atlanta, Los Angeles, Chicago, Minneapolis and New York City.<sup>184</sup> In its country visit report, EMLER reaffirmed that systemic racism against Africans and people of African descent in the United States severely impacts their human rights, especially in the context of police brutality and the criminal justice system.<sup>185</sup>

- c) EMLER explicitly expressed concern over the United States' current use of force standards which are "conducive to the early and unjustified use of force, including lethal force, by law enforcement."<sup>186</sup> As such, EMLER emphasized that "the United States must ensure that all laws, policies, procedures and practices to restrict the use of force are in compliance with international standards on the use of force and firearms by law enforcement officials," particularly, "the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination."<sup>187</sup>
- d) Concerning reparation of harm and civil lawsuits involving victims of police brutality, EMLER emphasized that the victims' right to reparations "must always be protected and guaranteed, including restitution, compensation, rehabilitation and satisfaction."<sup>188</sup> These rights "should include the possibility of seeking reparation through civil lawsuits against the perpetrators and authorities involved."<sup>189</sup> EMLER reiterated that civilian settlements for damages are "only a partial form of reparation and should never replace prompt, effective and independent criminal investigations, with a view to holding perpetrators accountable."<sup>190</sup>
- e) In a 2023 thematic report centered on reimagining policing<sup>191</sup>, EMLER recognized that "victims of racial discrimination and racially motivated misconduct by the police are in a particularly vulnerable situation."<sup>192</sup> As such, EMLER emphasized that investigations relating to police misconduct must be independent, prompt, and must involve victims and their families.<sup>193</sup> In its report, EMLER advocated for robust accountability frameworks, stressing the need for independent oversight, thorough investigations, and prosecutions sensitive to racial dynamics to deliver justice, prevent recurrence, and rebuild institutional trust.<sup>194</sup>

#### **10) The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:**

- f) The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power sets out standards and guidelines for the treatment of victims, or those who have "suffered harm...through acts or omissions that are in violation of criminal laws

---

<sup>184</sup> International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement, Visit to the United States of America, U.N. Doc. A/HRC/54/CRP.7 (Sept. 26, 2023).

<sup>185</sup> *Id.* at 2

<sup>186</sup> *Id.*

<sup>187</sup> *Id.* at 8

<sup>188</sup> *Id.* at 16

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> H.R. Council, Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, U.N. Doc. A/HRC/54/69 (Aug. 21, 2023).

<sup>192</sup> *Id.* at 17

<sup>193</sup> *Id.* at 19

<sup>194</sup> *Id.* at 22

operative within Member States.”<sup>195</sup> These principles have “provided the basis for the subsequent development and implementation of international standards and norms concerning the fair treatment of victims of crime within legal and criminal justice systems.”<sup>196</sup> Under these Principles, “[v]ictims should be treated with compassion and respect for their dignity,” and “are entitled to access the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.”<sup>197</sup>

- g) According to the Principles, States should promote judicial and administrative responsiveness to victims’ rights and needs by:
- (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases...;
  - (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected...;
  - (c) Providing proper assistance to victims throughout the legal process;
  - (d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
  - (e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.<sup>198</sup>
- h) States should also ensure that victims “receive the necessary material, medical, psychological and social assistance,” through means that may be “governmental, voluntary, community-based and[/or] indigenous.”<sup>199</sup> Accordingly, victims “should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.”<sup>200</sup>
- i) Furthermore, the principles urge States to “consider incorporating into national law norms proscribing abuses of power and providing remedies to victims of such abuses,” particularly remedies including “restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.”<sup>201</sup>
- j) Importantly, in defining “victims” of crime, the principles acknowledge that the term includes, where appropriate, the immediate family or dependents of the direct victim.<sup>202</sup> Thus next of kin are considered to be victims in their own right, due to the harm (that could include physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights) they have suffered as a result of the abuse.

---

<sup>195</sup> G.A. Res. 40/34, United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Nov. 29, 1985) [hereinafter UN Principles of Justice for Victims] <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>.

<sup>196</sup> UNODC, Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework, 1 (2015) [hereinafter Good Practices in Supporting Victims of Terrorism] [https://www.unodc.org/documents/terrorism/Publications/Good%20practices%20on%20victims/good\\_practices\\_victims\\_E.pdf](https://www.unodc.org/documents/terrorism/Publications/Good%20practices%20on%20victims/good_practices_victims_E.pdf).

<sup>197</sup> UN Principles of Justice for Victims, *supra* note 191 at ¶ 4.

<sup>198</sup> *Id.* at ¶ 6.

<sup>199</sup> *Id.* at ¶ 14.

<sup>200</sup> *Id.* at ¶ 15.

<sup>201</sup> *Id.* at ¶ 19.

<sup>202</sup> *Id.* at ¶ 2

## 11) UN Principles and Guidelines on the Right to a Remedy for Victims:

- a) The United Nations Basic Principles and Guidelines for Victims<sup>203</sup> are also instructive of international standards regarding victim rights. Broadly, “States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations,” including by ensuring “that their domestic law provides at least the same level of protection for victims as that required by their international obligations.”<sup>204</sup>
- b) The Principles require that victims “have equal access to an effective judicial remedy as provided for under international law” and, to that end, calls on States to “[p]rovide proper assistance to victims seeking access to justice” and to “[m]ake available all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights to remedy.”<sup>205</sup> The Guidelines note also the right of victims “to benefit from remedies and reparation”<sup>206</sup> and that such remedies shall include “(a) Equal and effective access to justice; (b) Adequate, effective and prompt reparation for harm suffered; [and] (c) access to relevant information concerning violations and reparation mechanisms.”<sup>207</sup> As in the Principles of Justice for Victims of Crime and Abuse of Power, the term “victim” for the purposes of these Principles explicitly includes indirect victims who are immediate family or dependents of the direct victim, who should also therefore be entitled to reparation.<sup>208</sup>
- c) The Guidelines prescribe that reparation for harm suffered should include, as appropriate and proportional to the gravity of the violation and the circumstances of each case, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.<sup>209</sup> Satisfaction “should include, where applicable:”
  - (a) Effective measures aimed at the cessation of continuing violations; (b) Verification of the facts and full and public disclosure of the truth to the extent that disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;...(d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim; (e) Public apology, including acknowledgement of the facts and acceptance of responsibility; (f) Judicial and administrative sanctions against persons liable for the violations; (g) Commemorations and tributes to the victims; (h) Inclusion of an accurate account of the violations that occurred in the international human rights law and international humanitarian law training and in educational material at all levels.<sup>210</sup>
- d) The Principles set out standards for the general treatment of and respect for victims of humanitarian and human rights violations. The Guidelines adopt a “victim-oriented

---

<sup>203</sup> *Supra* note 85.

<sup>204</sup> *Id.* at § I.

<sup>205</sup> *Id.* § VII ¶ 12.

<sup>206</sup> *Id.* at preamble.

<sup>207</sup> *Id.* at § I.

<sup>208</sup> *Id.* at ¶ 8.

<sup>209</sup> *Id.* at ¶ 18.

<sup>210</sup> *Id.* at § IX ¶ 22.

perspective” to affirm the international community’s “human solidarity with victims of violations.”<sup>211</sup> Under the Guidelines, “[v]ictims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families.”<sup>212</sup> To that end, States should ensure that their domestic laws provide for “special consideration and care to avoid [the] re-traumatization [of victims] in the course of legal and administrative procedures designed to provide justice and reparation.”<sup>213</sup>

## 12) The UN Special Rapporteur on Truth, Justice and Reparation

- a) In recognition of the importance of these issues, the UN has appointed, since 2011, a Special Rapporteur (SR) on the promotion of truth, justice, reparation and guarantees of non-recurrence. In a series of annual thematic reports, the mandate holders have issued reports setting out international standards and guidelines on how each element could be realized. While intended mainly to provide guidance to states in transition in the aftermath of conflict or repression, they provide useful detail on the content of the various international standards enumerated.
- b) For instance, the SR has written on the importance of public apology for human rights violations, which must place primary emphasis on the rights, agency and perspective of victims: “their perspectives and feedback must be taken into account and respected in the context of choosing the words used in apologies and the style and context of their delivery.”<sup>214</sup> This mandate has also explored ways to reform police and prosecutorial actors, among others, in order to guarantee non-recurrence of violations.<sup>215</sup>

## 13) The UN Special Rapporteur on Counterterrorism and Human Rights:

- i. Both the current Special Rapporteur [SR] on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Fionnuala Ní Aoláin, and her predecessor, Ben Emmerson, have set out international standards and guidelines as to the rights of victims of terrorism and to the State obligation to investigate and prosecute do so effectively.<sup>216</sup>

---

<sup>211</sup> *Id.* at preamble.

<sup>212</sup> *Id.* at § VI.

<sup>213</sup> *Id.*

<sup>214</sup> Report of the Special Rapporteur, 12 July 2019, A/74/147, para. 6

<sup>215</sup> Report of the Special Rapporteur, 21 October 2015, A/70/438

<sup>216</sup> Fionnuala Ní Aoláin, Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Technical visit to the United States and Guantánamo Detention Facility (June 14, 2023) [hereinafter UNSR Guantánamo Report] <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/2023-06-26-SR-terrorism-technical-visit-US-guantanamo-detention-facility.pdf>; Ben Emmerson, Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, *Rep. on Framework Principles for Securing the Human Rights of Victims of Terrorism*, U.N. Doc. A/HRC/20/14 (June 4, 2012) [hereinafter UNSR Principles for the Human Rights of Victims] <https://digitallibrary.un.org/record/731064>.; U.N. Human Rights Counsel, Statement on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Submitted by Ben Emmerson (Special Rapporteur), 25th Sess. (Mar. 11, 2014) <https://www.ohchr.org/en/statements/2014/07/statement-ben-emmerson-special-rapporteur-promotion-and-protection-human-rights>.

**a) Report of Special Rapporteur Ní Aoláin on her Technical Visit to the United States and Guantánamo Detention Facility:**

- i. Part I of the Special Rapporteur’s Guantánamo Report concerns the rights of victims of terrorism, with particular focus on victims of the 9/11 attacks. The SR noted that all “victims, survivors, and families” impacted by terrorism “have an equal right to remedy and reparation, encompassing a wide set of entitlements like access to justice and access to information.”<sup>217</sup>
- ii. The SR “underscore[d] the right of victims to know as much information and truth about 9/11 as possible,” to “facilitate[e] an indispensable aspect of their rights to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to serious violations of international law.”<sup>218</sup> The right of victims and families “to be treated with dignity,” necessarily “includes treating them as capable and autonomous subjects entitled to honesty, transparency, and the truth.”<sup>219</sup> The SR’s calls on States to “[e]nhance existing communications and access to information for victims and families, including in ongoing litigation.”<sup>220</sup>
- iii. The SR’s report considered that victims “were managing profound grief and extraordinary burdens of care,” including “long-term trauma and post-traumatic stress disorder,” and observed that victims required “long-term care...inter-generational mental health support, and psychological care for second-generation survivors, as well as families of victims.”<sup>221</sup> The SR urged states to begin a “human rights compliant and victim-focused” evaluation of “existing medical support (physical and psychological) for victims and survivors,” which should be “committed to comprehensive life-long holistic support for survivors.”<sup>222</sup>
- iv. With respect to remedies and reparation, the SR underscored the importance of considering victims, families, and communities individually based on their different needs.<sup>223</sup> The SR emphasized the importance of “memorialization,”<sup>224</sup> as well as “apology and guarantees of non-repetition to both the victims of terrorism and the victims of torture betrayed by these practices.”<sup>225</sup> To this end, the SR recommended that the United States “[f]und 9/11 memorial work that captures the multifaceted aspects of the 9/11 experience and its complex human rights legacy and meaningfully engages with victims and families.”<sup>226</sup>

**b) Report of Special Rapporteur Emmerson on Framework Principles for Securing the Human Rights of Victims of Terrorism:**

---

<sup>217</sup> UNSR Guantánamo Report, *supra* note 216 at 2 ¶ 5 (citing Good Practices in Supporting Victims of Terrorism, *supra* note 192).

<sup>218</sup> *Id.* at 3 ¶ 9.

<sup>219</sup> *Id.* at 3 ¶ 11.

<sup>220</sup> *Id.* at 4 (citing Good Practices in Supporting Victims of Terrorism, *supra* note 192).

<sup>221</sup> *Id.* at 3 ¶ 7.

<sup>222</sup> *Id.* at 4 (citing Good Practices in Supporting Victims of Terrorism, *supra* note 192).

<sup>223</sup> *Id.* at 4 ¶ 12.

<sup>224</sup> *Id.*

<sup>225</sup> *Id.* at 3 ¶ 11.

<sup>226</sup> *Id.* at 4 (citing Good Practices in Supporting Victims of Terrorism, *supra* note 192).



- i. Former SR Ben Emmerson’s 2012 Report instructed States to provide victims and/or victim’s next-of-kin “with the information necessary to exercise any rights they may have in domestic law to participate in criminal proceedings against the suspected perpetrator.”<sup>227</sup> States should “establish a support service to assist victims of terrorism throughout the process” of criminal proceedings, and should ensure that professionals “brief victims or their next-of-kin as to their rights, and direct them to institutions where they can obtain the required assistance.”<sup>228</sup> The Report also requires States to “ensure a victim-sensitive criminal justice procedure” through affirmative safeguards and protective measures to prevent secondary victimization.<sup>229</sup>
- ii. Should an investigation lead to “criminal or other judicial proceedings, there must be a possibility for the effective participation of the next-of-kin.”<sup>230</sup> The Special Rapporteur “strongly recommends” that States without an institutionalized route for victim participation in criminal proceedings against the perpetrator—other than as a witness of fact—“give serious and urgent consideration to implementing” such a system, as the “Special Rapporteur considers the formal recognition of victims of terrorism in criminal proceedings to be an important part of recognizing the humanity of the victims.”<sup>231</sup>
- iii. The Special Rapporteur also set out standards for the State obligations to investigate and prosecute, to do so effectively and promptly, and to provide reparation to victims. The State must “conduct an effective official investigation whenever individuals have been killed or seriously injured as the direct or indirect result of an act of terrorism.”<sup>232</sup> One key feature of an effective investigation, as discussed above, is the assurance that a “victim or his/her next-of-kin are kept fully informed of the progress of the investigation, and are provided with an adequate opportunity to participate in the process.”<sup>233</sup> Criminal proceedings “should be conducted with reasonable expedition” not only to “guarantee the right of the accused to a trial within a reasonable time,” but also to “avoid[] prolonging the agony of uncertainty for the victim or his/her next-of-kin.”<sup>234</sup>
- iv. In any circumstance where, following an investigation, no prosecution is initiated, “the competent prosecuting authority must give reasons for its decision,” and “States should allow victims to challenge any such decision before an independent court or tribunal or other comparable authority.”<sup>235</sup>

#### **14) UNODC Standards for the Rights of Crime Victims and Resources for Meeting those Standards:**

---

<sup>227</sup> UNSR Principles for the Human Rights of Victims, *supra* note 216 at 12-13 ¶ 37 (citations omitted).

<sup>228</sup> *Id.* (citations omitted).

<sup>229</sup> *Id.* at 13-14 ¶ 42 (citations omitted); *Id.* at 20 (setting out the corresponding conclusion and recommendation).

<sup>230</sup> *Id.* at 11-12 ¶ 36 (citation omitted). Importantly, the European Court of Human Rights requires that, “once an investigation has been opened, the authorities must ensure that the next-of-kin are kept fully informed of its progress, and are provided with an adequate opportunity to participate.” *Id.*

<sup>231</sup> *Id.* at 13 ¶ 39 (citations omitted); *Id.* at 19 (setting out the corresponding conclusion and recommendation).

<sup>232</sup> *Id.* at 19.

<sup>233</sup> *Id.*

<sup>234</sup> *Id.* at 14 ¶ 43.

<sup>235</sup> *Id.* at 14 ¶ 44 (citations omitted); *see Id.* at 20.

- i. The UNODC has released several important materials on crime victims' rights, including: a 1999 handbook<sup>236</sup> applying the UN Principles of Justice for Victims,<sup>237</sup> an instructive 2011 report on supporting victims of acts of terrorism within the criminal justice system,<sup>238</sup> and a 2015 list of good practices in undertaking that support.<sup>239</sup> Each of these three resources addresses victims' rights to dignity, transparency, participation, and remedies. As note, although the UN Principles of Justice for Victims is considered "soft law" as an international standard, the UN Economic and Social Council has adopted two resolutions to "encourage the implementation of the declaration."<sup>240</sup>
- a) UNODC Handbook on Justice for Victims applying the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:**
- i. The UNODC Handbook outlines steps for "developing comprehensive assistance services for victims of crime, as well as victim-sensitive policies, procedures and protocols for criminal justice agencies."<sup>241</sup>
  - ii. The United States Department of Justice Office for Victims of Crimes (OVC) itself aided in developing the Handbook with the United Nations Commission on Crime Prevention and Criminal Justice.<sup>242</sup> The OVC has also endorsed the Handbook as a resource for Sexual Assault Response Teams. The Office of Justice Program has noted that the Handbook "[h]elps criminal justice agencies and others who meet with victims implement victim services programs and develop victim-sensitive policies, procedures and protocols," and "also applies to those to whom victims reach out in their immediate circle," including "family, friends, and neighbors."<sup>243</sup>
  - iii. The UNODC acknowledges that surviving victims of homicides will "suffer feelings of helplessness and powerlessness," and "shock" following the death of a loved one, and "may not understand questions or directives addressed to them."<sup>244</sup> Crisis interveners must respond to the "victim's need for nurturing," their needs in "practical tasks," and must play a "primary role in planning their future" and securing their physical safety.<sup>245</sup> Crisis intervention must be "designed to help victims organize their thoughts and to reassure them," including by assuring them that "the incident was

---

<sup>236</sup> UNODC, Handbook on Justice for Victims: On the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1999) [hereinafter Handbook on Justice for Victims] [https://www.unodc.org/pdf/crime/publications/standards\\_9857854.pdf](https://www.unodc.org/pdf/crime/publications/standards_9857854.pdf).

<sup>237</sup> UN Principles of Justice for Victims, *supra* note 191.

<sup>238</sup> UNODC, The Criminal Justice Response to Support Victims of Acts of Terrorism (Nov. 2011) [hereinafter Response to Support Victims of Terrorism] [https://www.unodc.org/documents/terrorism/Victims\\_Rights\\_E-Book\\_EN.pdf](https://www.unodc.org/documents/terrorism/Victims_Rights_E-Book_EN.pdf).

<sup>239</sup> Good Practices in Supporting Victims of Terrorism, *supra* note 192.

<sup>240</sup> Response to Support Victims of Terrorism, *supra* note 238 at 4-5 ¶¶ 16-17 (citing UN ECOSOC resolution 1989/57 (May 24, 1989); UN ECOSOC resolution 1998/21 (July 28, 1998)).

<sup>241</sup> Good Practices in Supporting Victims of Terrorism, *supra* note 192 at 3 ¶ 11.

<sup>242</sup> Office for Victims of Crimes, International Activities Fact Sheet, Department of Justice, Office of Justice Programs [https://www.ncjrs.gov/ovc\\_archives/factsheets/interact.htm](https://www.ncjrs.gov/ovc_archives/factsheets/interact.htm) (last visited Aug. 3, 2023).

<sup>243</sup> Office for Victims of Crime, Resources for Sexual Assault Response Teams, Department of Justice, Office of Justice Programs [https://www.ncjrs.gov/ovc\\_archives/sartkit/about/about-evolve-resources.html](https://www.ncjrs.gov/ovc_archives/sartkit/about/about-evolve-resources.html) (last visited Aug. 3, 2023).

<sup>244</sup> Handbook on Justice for Victims, *supra* note 236 at 22.

<sup>245</sup> *Id.*

condemned by society” and that they are “still a valued member of society.”<sup>246</sup> At this stage, victims must have an “opportunity to express their feelings and their experiences, and to relate their ‘story’, [sic] whether to the individual victim support worker or, as appropriate, to a group.”<sup>247</sup> Also in this stage, “[o]ne of the most potent needs that many victims have is for information about the crime and what will happen next in their lives.”<sup>248</sup> Obtaining information about “what has happened and what will happen” is an important way for victims to “regain control.”<sup>249</sup> Ultimately, those “who deal with victims in crisis should be prepared to either refer victims for additional counselling and advocacy or to provide these themselves,” particularly where “there is no arrest,” as victims will perceive “that the criminal justice system has failed to do its job.”<sup>250</sup>

- iv. Broadly, the UNODC recognizes that “[g]ranting the victim basic human respect and dignity can yield many benefits,” including assuring the victim “that the community condemns victimization in general and is interested in being told that justice is done,” which is “basic to the victim’s recovery.”<sup>251</sup> Too, treatment with respect and dignity contributes to the victim’s “greater willingness to assist in the investigation and judicial process.”<sup>252</sup>
- v. Under the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the “responsiveness of judicial and administrative processes to the needs of victims should be facilitated by: ... allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected.”<sup>253</sup>
- vi. Victims should also:
  - be supported in their efforts to participate in the justice system through direct and indirect means; timely notification of critical events and decisions, provision in full of information on the procedures and processes involved; support of the presence of victims at critical events; and assistance when there are opportunities to be heard.<sup>254</sup>

Victim participation and “involvement in decision-making [] requires that victims be kept aware of developments in the case, in particular on decisions taken.”<sup>255</sup> The UNODC acknowledged the critique that “participation, specifically in the form of victim impact statement, occurs too late in the criminal justice process,” and that victims “want to be treated with consideration and respect for their views throughout the criminal justice process and not just at the time of sentencing.”<sup>256</sup>

---

<sup>246</sup> *Id.* at 22-23.

<sup>247</sup> *Id.*

<sup>248</sup> *Id.* at 24.

<sup>249</sup> *Id.*

<sup>250</sup> *Id.* at 27.

<sup>251</sup> *Id.* at 34.

<sup>252</sup> *Id.*

<sup>253</sup> *Id.* at 36.

<sup>254</sup> *Id.* at 34.

<sup>255</sup> *Id.* at 38.

<sup>256</sup> *Id.* at 36.

- vii. Also important for “access to justice is the provision of a means for obtaining a review of a decision taken,” including the decision not to prosecute.<sup>257</sup> In this case, a victim “may request that a superior of the prosecutor review the decision or that the court do so,” or may “appeal directly to the court,” depending on the justice system.<sup>258</sup>
- viii. In the abuse of power context, victims “face added problems in that it is sometimes difficult to persuade state agencies that an offence has occurred and that the case should be pursued through the criminal justice system.”<sup>259</sup> As a result, where specialized reporting or prosecuting agencies exist, it is “important that victims be aware of the existence of these agencies and that the agencies themselves use national and local media to inform the public of their existence.”<sup>260</sup>
- ix. The UNODC Handbook also provides guidelines for prosecutors in engaging with and supporting victims, and promoting victims’ rights. Firstly, prosecutors should be mindful that “it is the victim who is directly harmed by the crime,” and who has “a valid interest in the prosecution of the case and should be involved at all stages of the proceedings.”<sup>261</sup>

**b) UNODC Criminal Justice Response to Support Victims of Acts of Terrorism:**

- i. The UNODC later published the Criminal Justice Response to Support Victims of Acts of Terrorism as an “elaboration” on the handbook.<sup>262</sup> As such, the Response reiterates many of the handbook’s specific recommendations and standards.<sup>263</sup> The response emphasized that “[e]ffective criminal prosecution of alleged perpetrators is a crucial factor in reducing the perception of victimization and of impunity for terrorist acts,” and “[g]ranting victims equal and effective access to justice is also essential.”<sup>264</sup> While not directly applicable, this elaboration on the handbook serves as analogous guidance for cases of police brutality, reflecting widely recognized standards in centering victim participation in criminal proceedings.
- ii. The UNODC recognized that victims had “long played a secondary, and mostly silent, role in criminal trials,”<sup>265</sup> and that “specific legal recognition” of victims of terrorism has largely “been limited to the area of compensation, rather than participation in criminal procedures or victims’ protection.”<sup>266</sup> In some countries, though, including France, “victims ... do not lose their status as a victims imply because they have received financial compensation.”<sup>267</sup> Despite these challenges, the Response notes

---

<sup>257</sup> *Id.* at 39-40.

<sup>258</sup> *Id.*

<sup>259</sup> *Id.* at 40.

<sup>260</sup> *Id.*

<sup>261</sup> *Id.* at 66.

<sup>262</sup> Response to Support Victims of Terrorism, *supra* note 238 at v.

<sup>263</sup> *See Id.* at 33 ¶ 132 (explaining goals of victim protections and victim responsiveness, broadly); 97-99 ¶¶ 389-390 (repeating recommendations on victim participation; medical, psychological, social, and financial support; and victim protections in proceedings).

<sup>264</sup> *Id.*

<sup>265</sup> *Id.* at v-vi.

<sup>266</sup> *Id.* at 18 ¶ 67.

<sup>267</sup> *Id.* at 18 ¶ 69.

“growing recognition at the international, regional and national level of the relevance of emphasizing the role of victims in criminal proceedings.”<sup>268</sup>

- iii. According to the Response, “[a]llowing victim participation in criminal proceedings and recognizing the right of victims to be informed of progress in the case, serves to rebalance a criminal justice system that would otherwise only address the relationship between the State and the offenders and the rights of the defence.”<sup>269</sup> Practically, victims’ rights to “be informed of their rights and of the existence of procedures from which they can benefit is perhaps the most important concern.”<sup>270</sup> All criminal justice actors “who come into contact with victims in the course of justice ... should be required to brief victims of their rights and direct them to where they can obtain help when they need it.”<sup>271</sup>
- iv. Importantly, “[e]ffective victim support also requires, beyond criminal justice proceedings, that the necessary material, medical, psychological and social assistance, including information on available health and social services, is available at the national level.”<sup>272</sup> Because victims “are not a homogenous group of individuals that should receive a ‘fixed’ package from the State,” States “should endeavor to tailor measures to the needs of specific victims or groups of victims,” and “protection of [victims’] rights should be provided once the victims’ needs have been heard.”<sup>273</sup>

**c) UNODC Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework:**

- i. In 2015 the UNODC published a report on Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework<sup>274</sup> which provides recommendations “aimed at assisting Member States to establish and enhance policies, laws and institutional capacity to provide improved outcomes for victims, while fully respecting the rule of law and rights of accused persons.”<sup>275</sup>
- ii. The Good Practices promote the “generally accepted criminal justice principle that victims of crime...should not be subject to secondary victimization,” which might occur “through the response of institutions and individuals to the victim.”<sup>276</sup> As such, at all points during investigation and prosecution, “interaction with victims must be handled with sensitivity and understanding...in order to avoid possible additional stress and secondary victimization.”<sup>277</sup> States must affirmatively provide victims “with targeted support, rights and effective means for accessing justice that best suit their local conditions,” as the “absence or inadequacy of such mechanisms in legal and criminal justice systems can lead or contribute to secondary victimization, which

---

<sup>268</sup> *Id.* at 96 ¶ 386.

<sup>269</sup> *Id.* at 33-34 ¶ 134.

<sup>270</sup> *Id.*

<sup>271</sup> *Id.*

<sup>272</sup> *Id.* at 12 ¶ 47.

<sup>273</sup> *Id.* at 12 ¶ 48.

<sup>274</sup> Good Practices in Supporting Victims of Terrorism, *supra* note 192.

<sup>275</sup> *Id.* at iii.

<sup>276</sup> *Id.* at 14 ¶ 62.

<sup>277</sup> *Id.* at 23 ¶ 94.

exacerbates the psychological damage to and other chronic long-term effects of victims.”<sup>278</sup>

- iii. Accordingly, States should “ensure that [their] domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.”<sup>279</sup> States should also adopt “[m]easures aimed at reducing unnecessary bureaucratic or administrative requirements or barriers” to “reduce the stress and anxiety often experienced by victims and their families during criminal investigations and trials.”<sup>280</sup>
- iv. Ultimately, “States should ensure that, under national laws, victims have a clear right to participate actively in criminal proceedings,” which “may entail their being separately represented or having their interests fully considered and represented in court by the prosecutor.”<sup>281</sup>

#### **15) European Union minimum standards on the rights, support and protection of victims of crime**

- a) The European Union has gone as far as to entrench, in the form of a directive (a legislative act that member states are bound to implement in their national law), a set of rights of victims of crime that are intended to standardize the treatment of crime victims across the region.<sup>282</sup> The stated purpose is to “ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings” (Article 1). Under the directive, a “victim” specifically includes family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person’s death (Article 2.1(a)).
- b) Under the directive, victims are entitled to a wide range of information and support (Chapter 2), including the right to receive information about their rights from the first contact with the competent authority (Article 4) and about the case throughout proceedings, including reasons for decisions about the case (Article 6), as well as to submit complaints where their rights are not respected including about their role in the proceedings (Article 4). Support services for victims shall include, at a minimum, information on accessing compensation and any relevant support services, emotional support and other forms of advice (Article 9).
- c) During criminal proceedings victims have the right to be heard and provide evidence (Article 10). In the event of a decision not to prosecute, states must ensure that victims have the right to a review of that decision (Article 11). States must also promote measures to encourage offenders to provide adequate compensation to victims (Article 16.2).
- d) The directive obliges member states to ensure measures are available to protect victims and family members “from secondary and repeat victimization, from intimidation and

---

<sup>278</sup> *Id.* at 27-28 ¶ 118.

<sup>279</sup> *Id.* at 14 ¶ 63 (quoting Basic Principles and Guidelines for Victims *supra* note 85).

<sup>280</sup> *Id.* at 17 ¶ 73.

<sup>281</sup> *Id.* at 39.

<sup>282</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012

from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying” (Article 18).

- e) Finally, the directive calls for training of all officials likely to come into contact with victims, such as police officers and court staff, “to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner” (Article 25.1).

## CONCLUSION

1. International obligations, norms, and guidelines—especially those from the Inter-American Commission and Court—set out rights for victims and prescribe state obligations in meeting those rights. The IACHR explicitly recognizes victims’ right to truth, transparency, participation, and information under the rights to humane treatment, a fair trial and judicial protection. The IACHR has repeatedly asserted that to ensure compliance with these rights, states must provide victims with opportunities to participate in criminal-legal proceedings, receive information, and access truth. Accordingly, the State also must conduct credible, independent investigations and offer effective remedies and reparations, beyond civil damages and monetary compensation. Other sources of authority, including the ICC, the UN, and regional bodies similarly recognize these rights.
2. In the instant petitions, the State failed to afford Michael Brown, Jr., Rekia Boyd, and their families these rights. Mr. Brown, Ms. Boyd, and their next of kin were not offered the protections set out for them under international law. Ms. McSpadden, Ms. Helton, and Mr. Sutton were unable to participate in the investigations of their loved ones’ deaths, and were granted no transparency in the investigatory process. They were unable to achieve a satisfactory and sufficient judicial remedy or accountability for the harm that they, and their loved ones, suffered. The civil damages they received did not comprise the full, comprehensive, and restorative remedy that the Brown and Boyd families were, and remain, entitled to under international standards.
3. Petitioners—on behalf of Michael Brown, Jr., Rekia Boyd, Lezley McSpadden, Angela Helton, and Martinez Sutton—approach the Inter-American Commission on Human Rights for recognition of these rights and protections, and for the reparation, restoration, rehabilitation, and satisfaction that such recognition might offer. MAPB and the ACLU<sup>283</sup>, as *amicus curiae* concerned with the culture of impunity for police violence in the United States, respectfully urge the Commission to grant force to victims’ rights and protections under international law, and to grant relief to the families of Michael Brown, Jr., and Rekia Boyd.

---

<sup>283</sup> Claire Stobb, Fiona McKay, and Angélica César assisted in researching, drafting, and editing this submission.

Jamil Dakwar  
Human Rights Program, Director  
American Civil Liberties Union  
125 Broad Street  
New York, New York 10004  
(212) 519-7850  
[jdakwar@aclu.org](mailto:jdakwar@aclu.org)

A handwritten signature in blue ink, appearing to read 'JD', with a large, sweeping flourish above it.

Collette Flanagan  
Founder  
Mothers Against Police Brutality  
2001 Ross Ave., Suite 700-158  
Dallas, Texas 75201  
(214) 683-2493  
[collette.president@mapbdallas.com](mailto:collette.president@mapbdallas.com)