

**Mandates of the Working Group of Experts on People of African Descent; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

REFERENCE:  
AL GBR 8/2017

18 January 2018

Excellency,

We have the honour to address you in our capacities as Working Group of Experts on People of African Descent; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 36/23, 35/6, 35/15, 33/9 and 34/35.

In this connection, we would like to bring to the attention of your Excellency's Government information received concerning an alleged pattern of disproportionate and excessive use of force by State agents, in particular police officers, against people of African descent and people who self-identify as black in the United Kingdom, as a result of discriminatory and/or racist stereotyping, and a lack of effective investigations into these cases leading to impunity.

According to the information received:

It is alleged that a disproportionate number of people from black and minority ethnic communities have died as a result of the use of excessive force by police and State agents. They allegedly died in a range of circumstances, including following the use of force involving firearms, CS spray, long handed batons, Tasers, physical restraint (preventing free movement) resulting in the inhibition of the respiratory system and asphyxia, manual restraint (restraint equipment), and denial of appropriate medical care.

A disproportionate number of those who die in or after police custody, following the use of force, are reportedly from black and minority ethnic communities. Data on the use of force, disclosed by the Metropolitan Police in August 2017, found that people from a black and ethnic minority background, in particular young African and Caribbean men, subject to deadly use of force by restraint and restraint equipment, are two times more likely to die following the use of force by police officers and the subsequent lack or insufficiency of access to appropriate medical care. Between April and June 2017, out of nearly 13,000 recorded incidents of use of force, over half concerned black and minority ethnicity people (36 per cent

concerned black people and 10 per cent concerned Asian people), most of whom were men.

Statistics released on the use by law enforcement of spit hoods, further revealed that amongst the men it was used against, 23 per cent were black, 15 per cent Asian and that of the 11 women it was used against, eight were black women.

Black people with psychosocial disabilities and those experiencing severe mental or emotional distress reportedly face multiple forms of discrimination and are particularly affected by excessive use of force. According to information received, at least 11 of the deaths that have occurred in the United Kingdom over the past decade have been associated with Taser use. Reportedly, people of African descent are disproportionately subjected to Tasers in pre-custody and custody settings and it is especially apparent in psychiatric settings. Furthermore, official figures show that black people and persons belonging to ethnic minorities are three times more likely to be subjected to the use of these weapons when discharged by police officers.

The recent publication of the Angiolini Report of the Independent Review of Deaths and Serious Incidents in Police Custody commissioned by the Government of the United Kingdom of Great Britain has reiterated the racial disproportionality of deaths and the lack of accountability in this regard. The report states that every prosecution over a death in custody in the last 15 years has ended in an acquittal. “In fact, there has never been a successful prosecution for manslaughter in this context, despite unlawful killing verdicts in coroner’s inquests,” it says. The review report noted, inter alia, the lack of parity of funding and access to justice for bereaved people, police conferral, the use of former police officers by the Independent Police Complaints Commission (IPCC), failures to investigate deaths as a potential crime, and delays in legal processes. This information has also been corroborated by the IPCC 2016 Police Use of Force report and the Metropolitan Police analysis of 2017 statistics on use of force.

The 15 cases below exemplify the alleged excessive and lethal use of force against black men and women in the aforementioned circumstances and the alleged lack of accountability for the individuals and State agencies involved in these cases.

On 21 August 2008, Mr. **Sean Rigg**, a black male, aged 40, died at Brixton Police Station following a cardiac arrest. Mr. Rigg had schizophrenia and was under the care of the South London and Maudsley NHS Trust (SLAM), and known by Brixton police to have a mental health condition. Mr. Rigg died after a sustained period in police custody. He was apprehended, restrained, transferred by police van to Brixton Police Station, held in the van parked in the police station yard, then detained in the ‘cage’ area of the custody corridor, where he collapsed without having been admitted to the custody suite. During most of this time (from 19.39 until 21.03 p.m.), Mr. Rigg was subject to a means of restraint known as the prone position (he was cuffed with his hands behind his back); the handcuffs were removed only after he collapsed. Police officers attempted CPR while waiting for

an ambulance to arrive, after which Mr. Rigg was taken by ambulance to hospital where he was pronounced dead at 21.24 p.m. In 2012, the narrative verdict of the jury at the Coroner's Inquest recorded the time of death as 20.24 p.m. The jury concluded that Mr. Rigg died at Brixton police station as a result of a cardiac arrest. The jury's findings on the actions of the South London and Maudsley NHS Trust were that the medical facility "had failed to ensure that Mr. Rigg took his medication". Furthermore they found that "SLAM's failure to undertake a Mental Health Act assessment at or from the 11 August more than minimally contributed to Mr. Rigg's death". The jury also found that the "the level of force used on Mr. Rigg whilst restrained in the prone position [...] was unsuitable" and that it was "questionable whether relevant police guidelines regarding restraint and positional asphyxia were sufficient or followed correctly". They found that the restraint lasted approximately 8 minutes and that Mr. Rigg was in the prone position "throughout the entire restraint". The length of restraint in the prone position "was therefore unnecessary". The majority view of the jury was that the restraint "more than minimally contributed to Mr. Rigg's death". They also found that the police "failed to identify that Mr. Rigg was a vulnerable person at point of arrest" and he was therefore taken to the police station instead of an A&E department or Section 136 suite, "despite information about him being readily available and accessible". They also found that whilst Mr. Rigg was in custody "the police failed to uphold his basic rights and omitted to deliver the appropriate care". In the years following Mr. Rigg's death, there have been a number of investigations, re-investigations, hearings and criminal trials. This case was a catalyst for the independent review of deaths and serious incidents in police custody by Dame Elish Angiolini. Following a review by Dr. Silvia Casale in 2013, which was highly critical of the IPCC original findings, the IPCC reopened their investigation into Mr. Rigg's death. Criminal charges were then considered by the Crown Prosecution Service (CPS). However, in September 2016, they announced their original decision not to prosecute any officers, despite the length of time Mr. Rigg was held in the prone position, the decision to leave him in the back of the police van and the failure to provide him with emergency medical attention. Criminal charges were considered again following a Victim's Right to Review claim brought by the family. The CPS considered five officers involved in Mr. Rigg's death for offences of "unlawful act manslaughter, gross negligence manslaughter, misconduct in a public office, perverting the course of justice, perjury and an offence under the Health and Safety at Work Act". In December 2017, for the second time, the CPS decided not to charge officers of any criminal offences in relation to the death of Mr. Rigg following a review of the original decision. They confirmed their conclusion that there is "insufficient evidence to provide a realistic prospect of conviction" for any of these charges. Officers are being considered for misconduct proceedings through the police, which can be recommended by the IPCC. According to information received to date, no individual or State agency has been legally held to account for this death and his family are still seeking justice.

On 31 August 2010, Mr. **Olaseni (Seni) Lewis**, a black male aged 23, was admitted as a voluntary patient at the Bethlem Royal Hospital in London. Within hours of

his admission, Mr. Lewis' family was informed that he had collapsed after being restrained by police officers who had been called in by hospital staff. He reportedly died following prolonged face down restraint involving 11 officers. Mr. Lewis was reportedly taken by ambulance to Mayday Hospital where brain stem death was confirmed following tests on 3 and 4 September 2010. The inquest jury conclusion stated "[t]he force used by the police officers over two successive periods of prolonged restraint of Seni – including the use of mechanical restraints – was excessive, unreasonable, unnecessary and disproportionate, and contributed to Seni's death". In October 2017, police officers were cleared of misconduct, in contrast with the inquest jury conclusions. According to information received, no individual or State agency has been legally held to account for this death and his family are still seeking justice.

On 31 March 2011, Mr. **Kingsley Burrell**, a 29-year-old black male, detained in hospital under the Mental Health Act, died allegedly following a prolonged and brutal restraint by police, which was compounded by a series of failures by medical staff to provide basic medical care. On 27 March 2011, four days before his death Mr. Burrell, was detained by West Midlands police under the Mental Health Act and forcibly restrained by means of rear cuffs, leg straps and threats of a Taser for four and a quarter hours. On 30 March 2011, police and a dog unit were called to the hospital, and Mr. Burrell was once again restrained using rear cuffs, leg straps, and the threat of Tasers. En route to another facility, an ambulance worker placed a blanket over Mr. Burrell's head as he lay chest down on a hospital trolley, still restrained. During the time he was restrained, police subjected Mr. Burrell to baton blows, punches, and strikes. In total, he was restrained two and a half hours immediately prior to his death, mostly in the prone position. Police then left Mr. Burrell lying face down and motionless in a locked seclusion room for around 28 minutes, with his trousers about his knees and the blanket still around his head. Even though medical staff observing him had already seen that his respiration had dropped to a worrying rate, no one entered the room. When they finally did, they found that Mr. Burrell had suffered a cardiac arrest. Further delays followed in locating a functioning defibrillator and in calling an ambulance. He never regained consciousness and died the next day. In May 2015, the inquest into his death concluded that failure to provide medical care and excessive use of force by police contributed to Mr. Burrell's death. The CPS decided to charge three of the officers involved with his death with perjury and perverting the course of justice. On 31 October 2016, the relevant officers appeared in the Magistrate's Court. They were found not guilty due to "insufficient evidence" to prosecute. The charges related to accounts given in witness statements and evidence given on oath by these officers at the inquest. The CPS had previously declined to charge any of the police officers or medical staff with any offence arising directly from Mr. Burrell's death, such as assault or failure to provide adequate medical care. The CPS were also asked to review that decision in light of the evidence heard at the inquest but have now indicated that they stand by their original decision on the basis that no new evidence has come to light. According to information received, no individual or

State agency has been legally held to account for this death and the family are still seeking justice.

On 4 August 2011, Mr. **Mark Duggan**, a black male aged 29, was killed by a firearms officer of the Metropolitan Police service. Mr. Duggan was shot twice in Ferry Lane, Tottenham, North London after specialist firearms officers stopped the minicab he was travelling in. The inquest heard Mr. Duggan was shot when officers at the scene believed he had a gun in his hand and believed him to be a threat. However, a witness who filmed the aftermath of the shooting from his flat told the court that Mr. Duggan did not have a firearm in his hand but was holding a phone and even appeared to be surrendering when an officer opened fire. The inquest jury found that Mr. Duggan was lawfully killed despite the fact that jurors concluded that he was unarmed at the time. The family challenged the conclusion of lawful killing, seeking to establish that the jury was misdirected in law by the Coroner and consequently that the finding of lawful killing was unsound and should be overturned. However, their challenge was not upheld in the court of appeals. According to information received, no individual or State agency has been legally held to account for the death of Mr. Duggan and his family are still seeking justice.

On 27 December 2011, Mr. **Philmore Mills**, a black male aged 57 who was a patient being treated for pneumonia on the respiratory ward at Wexham Park Hospital (now known as Frimley Health NHS Foundation Trust) died shortly after being restrained by two police officers and hospital security. He was allegedly sitting in a chair when he was taken to the floor and handcuffed behind his back. In this case, the jury found that pressure applied to Mr. Mills' shoulder was sufficient to cause bruising while he was restrained face down on the floor. They also found that restraint contributed to his death and that a failure of communication between the police, security and nurses and with Mr. Mills played a role. According to information received, no individual or State agency has been legally held to account for this death and his family are still seeking justice.

On 4 November 2013, Mr. **Leon Briggs**, a black male, aged 39, died in Bedfordshire Police custody. He was restrained and detained under section 136 of the Mental Health Act by Bedfordshire Police, at the junction of Marsh Road and Willow Way and taken to Luton Police Station. At Luton Police Station he was placed in a cell where he was also restrained. While under restraint at the police station, Mr. Briggs became unresponsive and an ambulance was called. He was taken to hospital where he was pronounced dead. The IPCC reportedly investigated the treatment of Mr. Briggs throughout his detention, including the use of force or restraint; the assessment of physical and mental well-being, the ongoing risk assessment by officers and staff, and whether they complied with their duty of care. The post incident procedure which followed Mr. Briggs' death was also examined to establish whether it was conducted in accordance with the relevant guidance. In March 2016, the IPCC concluded its investigation into the circumstances surrounding the death of Mr. Briggs, and referred the case to the CPS for a decision on whether criminal charges should be brought against any individual. The IPCC

found that there is an indication that five officers and a member of staff may have committed criminal offences in this case. According to information received, no individual or State agency has been legally held to account for this death and his family are still seeking justice.

On 11 December 2015, Mr. **Jermaine Baker**, a black male, aged 28, was shot dead in North London. According to the police, Mr. Baker was sitting in a car with two other men and was believed to have been planning to help a prisoner who was being brought to Wood Green crown court to escape. At around 9.00 a.m. that day, police moved into the area and surrounded a black Audi. Mr. Baker, who was in the car, was fatally shot. Mr. Baker was unarmed at the time. The IPCC independent investigation into the circumstances surrounding the fatal shooting of Mr. Baker was completed in November 2016. A file of evidence in relation to the actions of the firearms officer who shot Mr. Baker was then referred to the CPS. The CPS reportedly concluded there was not a realistic prospect of conviction and decided against bringing charges. In June 2017 the IPCC report, including the investigator's opinion as to whether or not any officers have a case to answer for misconduct, was provided to the Metropolitan Police Service. According to information received, no individual or State agency has been legally held to account for the death of Mr. Baker and his family are still seeking justice.

On 11 January 2016, Ms. **Sarah Reed**, a black female aged 32, died while in the custody of HM Prison Holloway north London. Ms. Reed was reportedly found dead in her cell on 11 January. Ms. Reed had been remanded to HMP Holloway on 14 October 2015, following an alleged assault that took place whilst she was a sectioned patient at a mental health unit. She had a severe mental health condition since the death of her six-month old baby in 2003. In 2012, Ms. Reed was also assaulted by a police officer, who was convicted of common assault in March 2014 and sentenced to a community order. That assault aggravated her mental health condition. She reportedly spent many years in and out of mental health institutions and prisons. When she was not in institutions, she relied on her family for support, who tried to get the right help for her but felt that she was constantly failed by the system. According to information received, no individual or State agency has been legally held to account for Ms. Reed's death and her family are still seeking justice.

On 15 August 2016, Mr. **Dalian Atkinson**, a black male, aged 48, died after being repeatedly tasered by officers from the West Mercia Police. Around 1.30 a.m. that morning, the West Mercia Police were reportedly called to Mr. Atkinson's father's property located in Telford, Shropshire following concerns for a person's safety. It is reported that Mr. Atkinson was both mentally and physically unwell in the months leading up to the incident, and that he was in serious distress when police were called to his location. Whilst in contact with Mr. Atkinson, one of the two West Mercia Police officers allegedly discharged a Taser. While Mr. Atkinson was down, he was also allegedly kicked several times by the officers. It is reported that shortly after Mr. Atkinson was tasered, more officers arrived on the scene. Shortly after being tasered, Mr. Atkinson became unresponsive. At hospital, following 35

minutes of CPR, he was confirmed deceased. It is alleged that the officers did not provide Mr. Atkinson the support needed for a visibly troubled individual and that their excessive use of force was unwarranted. The IPCC investigation is currently looking into all of the circumstances surrounding the death, including the excessive use of force. Three West Mercia Police officers have been interviewed under criminal caution and were earlier served with gross misconduct notice. To date, investigations into this case are still ongoing.

On 21 June 2017, Mr. **Edir Frederico Da Costa (known as Edson da Costa)**, a black male, aged 25, died after police officers from the Metropolitan Police Service (MPS) used force in Newham, East London. It is reported that his car was approached by MPS officers on Woodcocks off Tollgate Road at about 10.00 p.m., on 15 June 2017. Mr. Da Costa, was arrested in Beckton in east London. A statement from the Independent Police Complaints Commission said: “During this interaction it is believed police officers used force and deployed CS spray”. Since the opening of the investigation, key witness statements from police officers, medical staff and members of the public have been collected, including body-worn video footage of the first aid administered to Mr. Da Costa. IPCC investigators are set to formally notify five MPS officers that the level of care they provided Mr. Da Costa during restraint and after he became unwell may have constituted misconduct. The IPCC is now investigating this potential misconduct. The investigation into the case is still ongoing.

On 15 July 2017, Mr. **Shane Bryant**, a black male aged 29, died in Leicestershire following restraint by members of public and Leicestershire police two days earlier. According to information received, on 13 July 2017, Mr. Bryant was restrained as a suspect in a robbery by members of the public, including an off-duty Leicestershire Police officer, until other uniformed police officers arrived. During the arrest Mr. Bryant fell ill and was attended to at the scene. He was then taken to the Queens Medical Centre hospital in Nottingham where he died two days later. The IPCC is now investigating the circumstances of his death and the contact Mr. Bryant had with police before his death. The investigation into the case is still ongoing.

On 19 July 2017, Mr. **Darren Cumberbatch**, a black male, aged 32, died in hospital in Nuneaton, Warwickshire nine days following restraint by the police. According to Warwickshire Police records, in the early hours of 10 July, police were called to a residence in Edward Street, Nuneaton, by a person who was concerned about Mr. Cumberbatch’s behaviour. Shortly after police arrival and use of force and restraint, Mr. Cumberbatch was taken to a nearby hospital where he died. The IPCC is investigating the contact police officers had with Mr. Cumberbatch in relation to his death. The investigation into the case is ongoing.

On 22 July 2017, Mr. **Rashan J Charles**, a black male, aged 20, died in Hackney, East London following restraint by police officers. Mr. Charles was detained by an MPS officer who had followed him on foot into a shop on Kingsland Road after an

earlier attempted vehicle stop. After he was detained, his condition deteriorated and Mr. Charles was taken to Royal London Hospital where he was pronounced dead at 2.55 a.m. on the same night. IPCC investigators have formally notified the officer who initially restrained Mr. Charles that he is being investigated for gross misconduct. The investigation into the case is ongoing.

On 21 November 2017, Mr. **Terrell Decosta Jones-Burton**, a black male aged 15, sustained serious injuries and was left unconscious when he was tackled off his bike by a police officer whilst leaving a takeaway shop in Bermondsey, South East London. Police officers were reportedly in the area at around 9 pm, responding to reports of a mobile phone robbery 20 minutes earlier and a description of a suspect, who fled on bicycle. Upon spotting Mr. Decosta Jones-Burton leave the takeaway shop within a 20 mile radius of the robbery, a police officer gave chase and charged at Mr. Decosta Jones-Burton. The action by the police officer knocked him from his bicycle, causing his head to hit the takeaway doorway. The incident was recorded on CCTV and the footage was later released by the IPCC. Mr. Decosta Jones-Burton sustained injuries that include a gaping lip wound, broken teeth, a broken jawbone and bleeding on the brain after having a seizure in the ambulance on the way to the hospital. He is said to be in a stable condition at Kings College Hospital. Mr. Decosta Jones-Burton has never previously been apprehended by the police. The investigation into the case is ongoing.

On 24 November 2017 Mr. **Nuno Cardoso**, a black male aged 25 died following arrest and restraint by police officers in Oxford. According to information received, Thames Valley Police officers arrested Mr. Cardoso in the early hours of 24 November and restraint was used during the course of that arrest. He reportedly suffered a deterioration in his health while being transported to a police station and died at the John Radcliffe Hospital later that day. The IPCC has begun an independent investigation, and the Coroner opened and adjourned an inquest on 12 December 2017. The investigation into the case is ongoing.

While we do not wish to prejudge the accuracy of above allegations, we are deeply concerned about the right to life and security of people of African descent in the United Kingdom. Grave concern is expressed at allegations that State agents, in particular police officers have used excessive force and restraint against people of African descent and that this has resulted in a number of deaths. These deaths reinforce the black community's experience of structural racism, over-policing, and criminalization. Serious concern is also expressed at allegations that incomplete administrative and judicial processes have resulted in impunity for individuals and State agencies responsible for deaths resulting from excessive force and restraint and failure to provide adequate healthcare. A failure to properly investigate and prosecute these deaths would result in a lack of accountability for those individuals and State agencies responsible, as well as in the denial of adequate remedies and reparation for the families of the victims.



In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the results of the investigations into the **fifteen above-mentioned cases**. Please indicate whether the individuals and State agencies or healthcare personnel involved in these cases have been held accountable, and; if not and if no investigations have taken place or have been inconclusive, please explain why.
3. Please provide detailed information about remedies and reparations provided to the victims and/or their families;
4. Please provide details on measures taken to prevent racially discriminatory interventions and behaviours by State agents, particularly police officers and to ensure that racially motivated crimes committed by State agents are followed by prompt, thorough and impartial investigations and that the victims or their families are provided with effective remedies. In this connection, please provide detailed information on measures taken to ensure that law enforcement personnel are held to account at an individual level, and at senior management level, and that sanctions are brought against those who violate the law, in light of international human rights standards;
5. Please provide information on any oversight frameworks by which compliance with post mortem actions and recommendations are monitored, audited and enforced;
6. Please provide information on steps taken by your Excellency's Government to implement the recommendations contained in the Angiolini Report of the Independent Review of Deaths and Serious Incidents in Police Custody
7. Please provide disaggregated data on the race and ethnicity of individuals who died in custody as well as of individuals who have been tasered, including in psychiatric settings. If unavailable, please explain why.
8. Please provide information on actions taken to address and prevent institutional racial biases, including in healthcare facilities, resulting in disproportionate and excessive force, denial of adequate medical care, and restraint related deaths, against black and ethnic minorities by the police and

State agencies, as well as in failures within investigations and other legal processes to bring justice for black people deaths in custody.

9. Please provide detailed information about efforts undertaken to ensure that use of force and restraint are not used in a discriminate manner that disproportionately interferes with the rights of black and ethnic minority citizens, including the following points:
  - a. the training police officers receive on the general prevention of bias-based policing and racial or ethnic profiling;
  - b. the accountability measures in place to properly identify and reprimand signs of bias-based policing and racial or ethnic profiling;
  - c. human rights, non-discrimination and cultural sensitivity training that officers receive to ensure, inter alia, that subconscious bias fueled by lack of cultural understanding does not hinder their confidence and competence in interacting with black and ethnic minority people, including those with psychosocial disabilities.
  
10. Please provide detailed information about policies, guidelines and trainings on the use of force and restraint of people with a mental health condition, including:
  - a. The training police officers receive to properly identify people with a mental health condition, and the technics they are taught to deal with them;
  - b. The existence of special units or specifically trained officers to respond to situations involving people with a mental health condition.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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Chair-Rapporteur of the Working Group of Experts on People of African Descent

Catalina Devandas-Aguilar  
Special Rapporteur on the rights of persons with disabilities

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Dainius Puras  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable  
standard of physical and mental health

E. Tendayi Achiume  
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia  
and related intolerance

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we wish to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United Kingdom of Great Britain and Northern Ireland on 20 May 1976, provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. Following General Comments 6 and 31 of the Human Rights Committee, States must adopt positive measures to protect the right to life of individuals, and to prevent violations of this right by state and non-state actors. Under human rights law, the State is not only prohibited from directly violating the right to life, but is also required to meet its due diligence obligations to take appropriate measures to prevent violations of the right to life from taking place.

Article 2 of the ICCPR provides victims of human rights violations a right to an effective remedy. In accordance with article 2(1) State Parties undertake to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore in accordance with 2(3), State Parties undertake: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.

We would further like to refer to provisions of the International Convention on the Elimination of All Forms of Racial Discrimination - ratified by the United Kingdom on 21 October 1994 - notably its articles 2, 5 and 6. In accordance with article 2(1), States Parties undertake to engage in no act or practice of racial discrimination. The provision also requires States to ensure that all public authorities on the national and local levels act in conformity with this obligation. Article 5(b) requires States Parties to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. This includes the right to personal security and protection by the State against violence or bodily harm, regardless of whether harm is inflicted by government officials or by any individual group or institution. Pursuant to article 6, States must not only ensure the effective protection against racial discrimination of everyone within their jurisdiction, but also provide access to remedies and adequate reparation to victims.

Moreover, we recall General Recommendation No. 31 of the Committee on the elimination of racial discrimination on the prevention of racial discrimination in the

administration and functioning of the criminal justice system. In this recommendation, the Committee urges States to prevent racial profiling; to prevent and severely punish racially motivated violence committed by law enforcement officials; and to ensure that the use of force complies with the general principles of proportionality and strict necessity. In its 2016 concluding observations, the Committee called upon your Excellency's Government to take into account this General Recommendation as a basis for "concrete measures to effectively address racial prejudice and bias in the criminal justice system" (CERD/C/GBR/CO/21-23, para. 29).

We would also like to remind your Excellency's Government of the Durban Declaration and Programme of Action (2001) and the Programme of Activities of the International Decade for People of African Descent (A/RES/69/16). These documents urge States, including their law enforcement agencies, to eliminate racial profiling; to design and fully implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement personnel which is motivated by racism, racial discrimination, xenophobia and related intolerance; and to prosecute perpetrators of such misconduct.

We would also like to refer to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the United Kingdom on 20 May 1976, which establishes the right to the enjoyment of the highest attainable standard of physical and mental health. Moreover, General Comment 14 of the Committee on Economic, Social and Cultural Rights indicates that States parties have immediate obligations in relation to the right to health, such as the guarantee that the right will be exercised without discrimination of any kind (art. 2.2), including on the basis of legal status, and the obligation to take steps (art. 2.1) towards the full realization of article 12. Such steps must be deliberate, concrete and targeted towards the full realization of the right to health. (GC 14, Para.30)

Recognizing that the individuals affected are members of ethnic minorities in the United Kingdom, we would like to bring to your Excellency's Government's attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

We would further like to draw your attention to articles 5, 10, 14, 15, 17 and 25 of the Convention on the Rights of Persons with Disabilities, ratified by your Excellency's Government on 8 June 2009, which reaffirm the rights of persons with disabilities to equality and non-discrimination, life, liberty and security, freedom from torture or ill-treatment, integrity of the person, and health on an equal basis with others. Article 14 in conjunction with article 5 of the Convention requires States to ensure that persons with disabilities who are deprived of their liberty are entitled, on an equal basis with others, to

guarantees in accordance with international human rights law, including by providing reasonable accommodation and ensuring conditions of accessibility. States have an obligation to ensure that treatment and conditions during arrest and detention do not discriminate directly or indirectly against persons with disabilities, that they respect their inherent dignity, right to life as well as their physical and mental integrity. Article 15 complements other human rights instruments on the prohibition of torture or any form of cruel, inhuman or degrading treatment inflicted under any pretext or circumstance. Article 25 requires States, *inter alia*, to provide those health services needed by persons with disabilities specifically because of their disabilities and to prevent discriminatory denial of healthcare or health services on the basis of disability.

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which the United Kingdom ratified in 1988. We would also like to remind your Excellency's Government of the Committee against Torture's concluding observation that the United Kingdom "should ensure that electrical discharge weapons are used exclusively in extreme and limited situations – where there is a real and immediate threat to life or risk of serious injury – as a substitute for lethal weapons and by trained law enforcement personnel only. The State party should revise the regulations governing the use of such weapons with a view to establishing a high threshold for their use and expressly prohibiting their use on children and pregnant women. The Committee is of the view that the use of electrical discharge weapons should be subject to the principles of necessity and proportionality and should be inadmissible in the equipment of custodial staff in prisons or any other place of deprivation of liberty. The Committee urges the State party to provide detailed instructions and adequate training to law enforcement personnel entitled to use electric discharge weapons, and to strictly monitor and supervise their use." In addition, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concluded in his latest report to the UN GA that a weapon must be considered as inherently cruel, inhuman or degrading and, therefore, as absolutely prohibited, if it is either specifically designed, or has no other practical use than: (a) to employ unnecessary, excessive or otherwise unlawful force against persons; or (b) to intentionally and purposefully inflict pain and suffering on powerless individuals. Some weapons that might not be inherently cruel, inhuman or degrading may nonetheless carry significant risks of being used in a manner contrary to the prohibition of torture and other ill-treatment, thus placing particular emphasis on the requirement of precautions.