

# Questions for: Christof Heyns

January 4, 2011 by [Paul Tullis](#)

**Prof Christof Heyns**, dean of the law faculty at the University of Pretoria in South Africa, recently began a two-year mandate as the United Nations' Special Rapporteur for Extrajudicial, Summary and Arbitrary Executions. The United Nations has 37 special rapporteurs, who serve as independent experts and report to the organization's Human Rights Council on particular issues or geographical areas of concern; Heyns will cover incidents of murder either by a government or in which a government fails to adequately investigate and prosecute such crimes. The post is notoriously difficult: unpaid, understaffed, with no subpoena power or ability to require the cooperation of those being investigated, and no ability to enforce. Heyns, 51, is a former anti-apartheid activist and the author, editor or co-author of several books on human rights law.

## **What does responsibility mean to you?**

Part of it is accountability. But part also is that, in addition to rights, we have duties – duties to other people and to certain causes as well. Responsibility involves ideals.

## **How did you get into human rights?**

My upbringing was quite traditional in the Afrikaans sense, but gradually I became aware that something seriously was wrong in the country. During post-graduate study in the U.S., I got involved in some meetings with South African liberation movements and joined with others who were in exile or were living abroad, and I became convinced of the need for change in South Africa.

## **How does your role as special rapporteur compare with your prior work?**

I've taught criminal law and done a fair amount of criminal work in the courts, including death penalty cases when South Africa still had the death penalty. And I think it will help to be familiar with the larger legal frameworks.

## **Part of your job is to interview witnesses to the premeditated, often very brutal, killings of large numbers of people. How do you prepare yourself for those conversations?**

I'm still not sure how to prepare oneself for it, but I'm very aware that it's important that you do. If you interview survivors and also break down in the process and are overwhelmed by it, you're not in a good position to assist. On the other hand, if you're not touched by it, you're not in a good position to act on their behalf. It's a very difficult position: you must connect with what you encounter, yet you must be strong enough to do something about it afterward.

## **What are you working on at the moment?**

I am writing letters to governments – urgent appeals to investigate reported murders, or letters of allegation – and working on thematic reports to the Human Rights Council and General Assembly. Currently we are in touch with a potential team of experts to investigate a video, which, it's claimed, shows the execution of Tamil rebels by government forces in Sri Lanka.

**One of the more challenging human-rights issues regards the use of drone aircraft and targeted killing. What are the ramifications of this technology and tactic in the context of humanitarian law?**

The fact that you can identify an individual and kill him with advanced military technology has the potential to escalate and have no bounds. It moves the notion of war further from the idea that you're acting in your immediate self-defense, and that there's no other option, which is what justifies the taking of life in humanitarian law and human rights law.

**Is your job hazardous?**

The UN provides protection to the experts on a mission where they deem it necessary. I have no reason to doubt their expertise. There could be a tension between being protected and having access to people whom you want to interview. For example, if you want to talk to witnesses who do not want to be seen talking to you, it is not helpful to drive into the town where they live under heavy escort. But I am sure there are ways of getting around this.

**Special rapporteur is one of the most difficult and thankless jobs there is; there's no salary, no subpoena power or ability to require the cooperation of those you investigate, and no ability to enforce. Why take it?**

I think it creates a powerful voice, or it can, to help determine the ground rules of our coexistence. The SR almost patrols the perimeters of acceptable society, not in the way of the Lone Ranger with a gun, but to report and draw attention. One can, in a way, set the debate – set the norms. Even if you're not in a position yourself to do anything about it, simply the fact that you draw those lines to define what's acceptable and what's not is valuable.

I gave it some thought and it wasn't altruism or some kind of religious conviction that led me to accept. It's more: What kind of world do you want to live in? One in which people are more secure in their lives, or not? The jump you make is to believe you can actually make a very small difference in that direction.

*Paul Tullis writes, from Los Angeles, on policy, politics and culture for a variety of national magazines. He blogs at <http://www.huffingtonpost.com/paul-tullis>.*

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