

(b) Review national laws and regulations with a view to strengthening the preventive measures against deaths caused by illegal or excessive use of force by security, law enforcement or other government officials;

(c) Review the machinery for investigation of deaths under suspicious circumstances in order to secure an impartial, independent investigation of such deaths, including an adequate autopsy;

(d) Review the trial procedures of tribunals, including those of special tribunals, in order to ensure that they embody adequate safeguards to protect the rights of the accused in the trial proceedings, as stipulated in the relevant international instruments;

(e) Emphasize the importance of the right to life in the training of all law enforcement personnel and inculcate in them respect for life;

that international organizations:

(a) Strengthen their co-ordination in dealing with the immediate problems and the root causes of summary or arbitrary executions, in particular by sharing information, publications, studies and expertise;

(b) Make a concerted effort to draft international standards designed to ensure proper investigation by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy;

and that, in addition, Governments, individually and through the international community, should support and encourage peace initiatives and political solutions to situations of armed conflict; they should be encouraged to take appropriate and effective measures, at the national, regional and international levels, to combat terrorism and/or terrorist acts; they should also be encouraged to enter into bilateral or regional agreements with a view to extending mutual assistance and co-operation to enhance the capacity of their authorities to safeguard the individual's right to life; at the international level, organs within the United Nations system should take action with a view to assisting Governments to reconstruct the infrastructure that would enable the authorities concerned to carry out effectively their basic obligation to protect the right to life of individuals in their societies;

4. *Decides* to renew the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission;

5. *Requests* the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions;

6. *Also requests* the Special Rapporteur in carrying out his mandate to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. *Endorses* the recommendation of the Special Rapporteur on the need to develop international standards designed to ensure effective legislation and other domestic measures so that proper investigations, including provisions for adequate autopsy, are conducted by appropriate authorities into all cases of suspicious death;

8. *Invites* again the Special Rapporteur to receive information from appropriate United Nations bodies and other international organizations and to examine the elements to be included in such standards and to report to the Commission on Human Rights on progress made in this respect;

9. *Requests* the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

10. *Urges* all Governments and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

11. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

12. *Requests* the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty fourth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

*18th plenary meeting  
29 May 1987*

## **1987/61. Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination**

### *The Economic and Social Council,*

*Bearing in mind* the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use or threat of the use of force in international relations, enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,<sup>80</sup>

*Reaffirming* the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid*, and foreign intervention and occupation and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

*Deeply concerned* about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

*Recognizing* that mercenarism is a threat to international peace and security

*Recognizing also* that the activities of mercenaries are contrary to fundamental principles of international law, such as non interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and *apartheid* and all forms of foreign domination,

*Recalling* all relevant General Assembly resolutions, particularly resolution 41/102 of 4 December 1986, in which the General Assembly denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

*Recalling also* Security Council resolutions 239 (1967) of 10 July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the Council, *inter alia*, condemned any State that persisted in permitting or tolerating the recruitment of

<sup>80</sup> General Assembly resolution 2625 (XXV), annex

mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations.

Welcoming the adoption by the Commission on Human Rights of resolutions 1986/26 of 10 March 1986,<sup>86</sup> in which the Commission condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries, and 1987/16 of 9 March 1987,<sup>87</sup> in which it decided to appoint a Special Rapporteur to examine the question,

Reaffirming the decision of the General Assembly, in its resolution 32/130 of 16 December 1977, to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, *inter alia*, from aggression and threats against national sovereignty, national unity and territorial integrity,

Recalling the relevant resolutions of the Organization of African Unity and the convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977,<sup>87</sup> condemning and outlawing mercenarism and its adverse effects on the independence and territorial integrity of African States,

Deeply concerned at the loss of life, substantial damage to property and long-term negative effects on the economy of southern African countries, particularly the front-line States, resulting from mercenary aggression,

Strongly condemning the racist régime of South Africa for its increasing use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States,

Recalling its resolution 1986/43 of 23 May 1986,

1. *Condemns* the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing and overthrowing the Governments of southern African, Central American and other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. *Denounces* any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

3. *Calls upon* all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, *apartheid*, colonial domination, foreign intervention and occupation for their independence, territorial integrity and national unity;

4. *Urges* all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory and other territories under their control;

5. *Endorses* the decision of the Commission on Human Rights to appoint a Special Rapporteur;

6. *Calls upon* the General Assembly to pay due attention to the matter at its forty-second session under the appropriate item of its agenda.

18th plenary meeting  
29 May 1987

## 1987/62. Realization of the right to adequate housing

*The Economic and Social Council,*

Recalling General Assembly resolution 37/221 of 20 December 1982, in which the Assembly proclaimed the year 1987 International Year of Shelter for the Homeless,

Recognizing the objectives of the International Year of Shelter for the Homeless,

Recognizing that the Universal Declaration of Human Rights<sup>5</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>1</sup> provide that all persons have the right to an adequate standard of living for themselves and their families, including adequate housing, and that States should take appropriate steps to ensure the realization of that right,

Recognizing that the provision of housing for the homeless is an integral part of national economic and social development and represents an important step towards the realization of the right to development,

Noting that the objectives of the International Year of Shelter for the Homeless are closely related to the realization of the economic, social and cultural rights set out in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling its resolution 1986/41 of 23 May 1986,

Taking into account General Assembly resolution 41/146 of 4 December 1986, in which the Assembly requested the Economic and Social Council to give special attention during the International Year of Shelter for the Homeless to the question of the realization of the right to adequate housing,

Also taking into account Commission on Human Rights resolution 1987/22 of 10 March 1987,<sup>6</sup>

1. *Expresses its deep concern* that millions of people do not enjoy the right to adequate housing;

2. *Reiterates* the need to take appropriate measures, at the national and international levels, to promote the right of all persons to an adequate standard of living for themselves and their families, including adequate housing;

3. *Calls upon* all States and international organizations concerned to pay special attention to the realization of the right to adequate housing in carrying out measures for the observance of the International Year of Shelter for the Homeless, *inter alia*, by developing shelter strategies and settlement improvement programmes;

4. *Invites* all States, in their reports on the implementation of the goals and objectives of the International Year of Shelter for the Homeless, to devote a special section to the national measures and actions they have taken to promote the realization of the right to adequate housing;

5. *Decides* to appraise, at its first regular session of 1988, the results of efforts to realize the right to adequate housing during the International Year of Shelter for the Homeless.

<sup>86</sup> See *Official Records of the Economic and Social Council*, 1986, Supplement No. 2 (E/1986/22), chap. II.

<sup>87</sup> See A/32/310, annex II.