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И СОЦИАЛЬНЫЙ СОВЕТ

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КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА

Пятьдесят восьмая сессия

Пункт 11 b) повестки дня

ГРАЖДАНСКИЕ И ПОЛИТИЧЕСКИЕ ПРАВА, ВКЛЮЧАЯ ВОПРОСЫ  
ИСЧЕЗНОВЕНИЙ И КАЗНЕЙ БЕЗ НАДЛЕЖАЩЕГО СУДЕБНОГО  
РАЗБИРАТЕЛЬСТВА

Письмо Постоянного представителя Сингапура при Отделении Организации  
Объединенных Наций в Женеве от 3 апреля 2002 года на имя Председателя  
пятьдесят восьмой сессии Комиссии по правам человека

Имею честь сослаться на доклад Специального докладчика по вопросу о внесудебных казнях, казнях без надлежащего судебного разбирательства или произвольных казнях (E/CN.4/2002/74), который был представлен на рассмотрение пятьдесят восьмой сессии Комиссии по правам человека.

Прилагаю письмо от 3 апреля 2002 года, которое я направил Специальному докладчику, и прошу распространить прилагаемое письмо<sup>\*</sup> в качестве официального документа пятьдесят восьмой сессии Комиссии по правам человека по пункту 11 b).

(Подпись:)

Вану ГОПАЛА МЕНОН  
Посол  
Постоянный представитель

\*

Воспроизводится в полученном виде, только на английском языке.



PERMANENT REPRESENTATIVE  
OF THE REPUBLIC OF SINGAPORE  
TO THE UNITED NATIONS

Phone: (4122) 929 6644  
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3 April 2002

Ms Asma Jahangir  
UN Special Rapporteur  
on Extrajudicial, Summary or Arbitrary Executions  
c/o Office of the United Nations High Commissioner  
for Human Rights  
Palais Wilson  
51 rue de Paquis  
1201 Geneva

Dear Ms Jahangir

I refer to your report on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/2002/74), which was submitted to the 58<sup>th</sup> Session of the Commission on Human Rights (CHR). The Singapore Government is concerned with the manner that you had discharged your mandate and would like to make the following comments:

(a) In paragraph 8, you stated that you intervened "where capital punishment is imposed in violation of articles 6.2 and 15 of the International Covenant on Civil and Political Rights and article 37 (a) of the Convention on the Rights of the Child, article 77.5 and other relevant articles of the Geneva Conventions of 1949 and the Additional Protocols thereof of 1977". While this may be part of your mandate, we note that in the various instances where you had written to Singapore, you failed to explain how the cases fell within the competence of your mandate. You gave absolutely no reasons why you had reasons to believe there might be a situation of extrajudicial, summary or arbitrary execution that would justify your interest in these cases.

(b) In paragraph 12, you stated that you "have been selective in sending communications" to governments, basing your "criteria on proper verification of the case, as well as the nature and seriousness of the allegation". Furthermore, in paragraph 97, it was stated that action was taken "in cases of capital punishment in which there is reason to believe that international restrictions" are not respected. If these are indeed the basis of your communications with governments, your enquiries should have been accompanied by evidence to substantiate your claims. However, our

experience shows that instead of first ascertaining the facts, your letters merely contain citations of UN and CHR resolutions, carrying with them insinuations of possible wrongdoing by our judiciary. In doing so, you have betrayed your bias, prejudging the cases, and casting aspersions on the integrity of our judiciary and the judicial safeguards observed by our courts. The Singapore judiciary is highly regarded and internationally recognised for its strong professionalism and integrity. It has consistently been ranked highly in many international surveys. For example, the World Competitiveness Yearbook 2001 had ranked Singapore among the top 15 countries of the world in terms of fairness of administration of justice.

(c) In paragraph 125, you have stated that "the decision by the international community not to include the death penalty in the Rome Statute of the International Criminal Court is noteworthy". Unfortunately, this assertion is only a half-truth. In his statement to the plenary of the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, the President of the Conference declared that the debate at the Conference on the issue of which penalties should be applied by the Court showed that there is no international consensus on the inclusion or non-inclusion of the death penalty, and further that not including the death penalty in the Rome Statute would not in any way have a legal bearing on national legislations and practices with regard to the death penalty, nor should it be considered as influencing, in the development of customary international law or in any other way, the legality of penalties imposed by national systems for serious crimes.

(d) In paragraph 126, under the heading of "Desirability of the abolition of the death penalty", you claimed that there is "an emerging global trend towards limiting the use of capital punishment". You also called upon "all retentionist Governments to impose a moratorium on executions" (paragraph 149). By doing so, you have once again betrayed a clear bias and chosen to gloss over the fact that there is no international consensus for the abolition of capital punishment. This view has been expressed by a significant number of countries over the years. The latest was at the 57<sup>th</sup> Session of the Commission on Human Rights where 61 countries, including Singapore, submitted a joint letter (E/CN.4/2001/161 and E/CN.4/2001/161 Corr.1) to the Chairman of the 57<sup>th</sup> CHR to disassociate themselves from CHR resolution 2001/68 on the death penalty. They have outrightly rejected any suggestion to abolish the death penalty.

2 I sincerely hope that the above comments would be taken into consideration in the discharge of your mandate.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Vanu Gopala Menon', written in a cursive style.

**VANU GOPALA MENON**