

COMMISSION ON HUMAN RIGHTS
Fifth session

INTERNATIONAL COVENANT ON HUMAN RIGHTS
United Kingdom: Proposals on Certain Articles

Article 4

1. In time of war or other public emergency, a State may take measures derogating from its obligations under Part II of the Covenant to the extent strictly limited by the exigencies of the situation.
2. No derogation from Articles 5, 6, 7, 8 (i) or 14 can be made under this provision.
3. Any State party hereto availing itself of this right of derogation shall inform the Secretary-General of the United Nations fully of the measures which it has thus enacted and the reasons therefor. It shall also inform him as and when such measures cease to operate and the provisions of Part II of the Covenant are being fully executed.

Article 5

1. No one shall be deprived of his life intentionally save in the execution of the sentence of a Court following his conviction of a crime for which this penalty is provided by law.
2. This Article shall not apply to killings resulting
 - (a) from the use of force which is no more than necessary
 - (i) In defence of person or property from unlawful violence;
 - (ii) In order to effect arrests for serious offences;
 - (iii) In order to prevent an escape from lawful custody;
 - (iv) In order to prevent the commission of a crime of violence;
 - (v) In action lawfully taken for the purpose of quelling a riot or insurrection; or
 - (b) from the performance of lawful acts of war.

Article 7

No one shall be subjected to torture, or to inhuman punishment or indignity.

Article 9

1. No one shall be deprived of his liberty except when permitted by law in the case of:

/(a) The arrest

- (a) The arrest of a person for the purpose of bringing him before a court on a reasonable suspicion of having committed a crime or a breach of the peace, or where such arrest is reasonably considered to be necessary to prevent his committing a crime or committing or provoking a breach of the peace; or
 - (b) The arrest and detention of a person for non-compliance with the lawful order of a court; or
 - (c) The detention of a person imposed by sentence of a court after conviction of an offence; or
 - (d) The detention of a person of an unsound mind and of a person suffering from a serious infectious disease; or
 - (e) The parental or quasi-parental custody of a minor; or
 - (f) The arrest and detention of a person to prevent his unauthorized entry into the country or to ensure his departure as soon as practicable after having effected or attempted to effect an unauthorized entry; or
 - (g) The arrest and detention of a person against whom deportation proceedings are pending; or
 - (h) Cases covered by Article 3 of this Covenant
2. Any person who is arrested shall be informed promptly of the reasons therefor. Any person who is arrested under the provisions of sub-paragraph (a) of paragraph 1 of this Article shall be brought promptly before a court and shall be tried within a reasonable time or released.
3. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
4. Every person shall have an enforceable right to compensation in respect of any unlawful deprivation of liberty.

Article 14

1. No one shall be held guilty of any offence on account of any act or omission which did not constitute such an offence at the time when it was committed.
2. Nothing in this Article shall prejudice the trial and punishment of any person for the commission of any act which, at the time it was committed, was criminal according to the general principles of law recognized by civilized nations.

Article 18

The text of Article 18 as given in Document E/800 is acceptable to the United Kingdom subject to the addition of the words "or the prevention of disorder" at the end of sub-paragraph (a) and the words "or any similar nuisance" after the word "others" in sub-paragraph (c).

Articles 10, 16, 20 and 22

The texts of Articles 10, 16, 20 and 22 as given in Document E/800 are acceptable to the United Kingdom.
