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COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 12

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

Argentina, Australia, Austria, Barbados, Belgium*, Bulgaria,
Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark*,
Estonia*, Ethiopia*, Finland, France, Germany, Greece*,
Hungary*, Iceland*, Ireland*, Italy*, Latvia*, Luxembourg*,
Netherlands, New Zealand*, Nicaragua*, Norway*, Poland,
Portugal, Romania, Russian Federation, Senegal*, Slovakia*,
Spain*, Swaziland*, Sweden*, Switzerland* and United Kingdom
of Great Britain and Northern Ireland: draft resolution

1993/... Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the
right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil
and Political Rights, in which it is stated that every human being has the
inherent right to life, that this right shall be protected by law and that no
one shall be arbitrarily deprived of his or her life,

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136,

Welcoming the cooperation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Commission on Crime Prevention and Criminal Justice with regard to questions relating to extrajudicial, summary or arbitrary executions,

Also welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, sales No. E.91.IV.1),

Deeply alarmed at the occurrence, on a large scale, of extrajudicial, summary or arbitrary executions,

Welcoming the attention given to situations of public manifestations, internal violence, disturbances, tensions and public emergency by the Special Rapporteur in his report (E/CN.4/1993/46) in view of the needless loss of life consequent upon the level of violence in many such situations,

Convinced of the need for appropriate action to combat and eventually to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns, once again, the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies, intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Welcomes the appointment, in accordance with paragraph 5 of Commission on Human Rights resolution 1992/72 of 5 March 1992 and Economic and Social Council decision 1992/242 of 20 July 1992 of Mr. Bacre Waly Ndiaye as the new Special Rapporteur for extrajudicial, summary and arbitrary executions;

4. Takes note with appreciation of the report of the Special Rapporteur and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Requests the Special Rapporteur in his next report to pay special attention to extrajudicial, summary and arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations;

7. Urges Governments to undertake all necessary and possible measures to lower the level of violence and the needless loss of life consequent thereupon during situations of public manifestations, internal violence, disturbances, tensions and public emergency;

8. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

9. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

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

11. Encourages Governments, United Nations bodies and organs, the specialized agencies, intergovernmental organizations and non-governmental organizations to initiate, coordinate or support programmes designed to train and educate law enforcement officers and government officials on human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

12. Reiterates the obligation of all Governments to see to it that all alleged violations of the right to life are properly investigated, including all suspected cases of extrajudicial, arbitrary and summary executions, with the view to bringing to justice those responsible for violations of the right to life, bearing in mind the norms and principles contained in the pertinent international instruments;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and, in particular, by strengthening the human and material resources placed at the disposal of the Special Rapporteur, within the overall framework of the regular budget of the United Nations;

14. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur, as well as recommendations made by him;

15. Urges all Governments, in particular those which consistently have not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Requests the Special Rapporteur to enhance his dialogue with Governments by following up on communications dispatched to Governments transmitting allegations of extrajudicial, summary or arbitrary executions and allegations of imminent or threatened executions, as well as by following up on recommendations made by the Special Rapporteur in reports on on-site visits to particular countries;

17. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human

rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

18. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

19. 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;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fiftieth session under the agenda 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".
