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COMMISSION ON HUMAN RIGHTS  
Fifty-second session  
Agenda item 10

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

Australia, Austria, Belgium\*, Bulgaria, Chile, Cyprus\*, Czech Republic\*,  
Denmark, El Salvador, Finland\*, France, Germany, Greece\*, Iceland\*,  
Italy, Latvia\*, Netherlands, Norway\*, Portugal\*, Romania\*, Senegal\*,  
Slovakia\*, Slovenia\*, South Africa\*, Spain\*, Sweden\*, Switzerland\*,  
United Kingdom of Great Britain and Northern Ireland: draft resolution

1996/... 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,

Mindful of General Assembly resolutions on the subject of summary or  
arbitrary executions, of which the latest is 49/191 of 23 December 1994,

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

Recalling the other standards that 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 of 18 December 1992.

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty annexed thereto and Economic and Social Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

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

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his reports (E/CN.4/1996/4 and Corr.1 and Add.1 and 2) and his methods of work, including following up on communications and country visits,

Expressing deep concern at the scarce resources, both human and material, put at the disposal of the Special Rapporteur for the implementation of his mandate, bearing in mind his increasing workload and the persistence of extrajudicial, summary or arbitrary executions in all parts of the world,

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

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, arbitrary or

summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. Welcomes the establishment of a preparatory committee with a view to establishing an International Criminal Court as one important means to eradicate impunity for the most serious violations of human rights and international humanitarian law;

5. Urges the Governments of all States in which the death penalty has not been abolished to ensure the full compliance with relevant provisions of international human rights instruments and the Economic and Social Council Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty adopted in 1984 and annexed to the present resolution;

6. Welcomes the report of the Special Rapporteur (E/CN.4/1996/4 and Corr.1 and Add.1 and 2), and stresses his recommendations made after his visits to particular countries;

7. Requests the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) 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;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful

activities in defence of human rights and fundamental freedoms, inter alia lawyers, journalists, trade union leaders and activists in human rights organizations;

(f) 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;

(g) To apply a gender-perspective in his work;

8. Urges the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

9. 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;

10. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed conflicts and to ensure that the police and security forces receive thorough training in human rights matters and, in particular, with regard to restrictions on the use of force and firearms in the discharge of their functions;

11. 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, where applicable, the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

12. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including by issuing invitations to the Special Rapporteur when he so requests;

13. 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;

14. Expresses its concern that a number of Governments, mentioned in the report of the Special Rapporteur, have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

15. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

16. Requests the Secretary-General to inform the Commission on the implementation of Economic and Social Council decision 1995/284 of 25 July 1995, to provide the Special Rapporteur, from within existing resources and as a matter of priority, with additional human, financial and material resources, keeping in mind the comments on this matter in the report of the Special Rapporteur (E/CN.4/1996/4, para. 619), in order to enable him to carry out his mandate effectively, including through country visits;

17. Also 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, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

18. Further requests the Secretary-General to continue, in close collaboration with the High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

19. Invites the Special Rapporteur to submit a report to the General Assembly at its fifty-first session on the situation worldwide in regard to summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-third 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".

## ANNEX

Safeguards guaranteeing protection of the rights  
of those facing the death penalty

1. In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences.
2. Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
3. Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane.
4. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.
5. Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights\*, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.
6. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.

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\* General Assembly resolution 2200 A (XXI), annex.

7. Anyone sentenced to death shall have the right to seek pardon, or commutation of sentence; pardon or commutation of sentence may be granted in all cases of capital punishment.

8. Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.

9. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

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