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人权委员会  
第五十七届会议  
议程项目 11 (b)

公民权利和政治权利，包括失踪和即审即决问题

2001 年 4 月 6 日新加坡驻联合国日内瓦办事处代表团  
常驻代表致人权委员会主席的信

谨提及法外处决、即审即决或任意处决问题特别报告员提交人权委员会第五十七届会议的报告(E/CN.4/2001/9)。

随函附上 2001 年 4 月 6 日致特别报告员的信 \*，请将其作为人权委员会第五十七届会议议程项目 11 (b)项下的正式文件分发。

大 使  
常驻代表  
施泽文 (签名)

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\* 附件不译，原文照发。

Annex



PERMANENT REPRESENTATIVE  
OF THE REPUBLIC OF SINGAPORE  
TO THE UNITED NATIONS

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6 April 2001

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 des Pâquis  
1201 Geneva

Dear Ms Jahangir

With reference to your report on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/2001/9), which was submitted to the 57<sup>th</sup> Session of the Commission on Human Rights (CHR) pursuant to CHR resolution 2000/31, I would like to make the following comments.

- (a) In para 94, it was said that the absence of the death penalty in the Rome Statute of the International Criminal Court is an example of the growing international consensus in favour of abolition. This has ignored the fact that 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.
- (b) Consensus in the international community is not a question of 50% plus one. The statement that more than half of all countries have abolished the death penalty glosses over the fact that a significant number of countries retain it among their laws. The Second Optional Protocol to the International

Covenant on Civil and Political Rights has only been ratified by a minority of states. There is therefore no international consensus either for or against capital punishment. This view was reflected in the joint statement contained in the document E/CN.4/2000/162 in which 51 delegations disassociated themselves from CHR resolution 2000/65. This view was also reflected in (i) the joint statement contained in ECOSOC document E/1999/113 in which 50 delegations disassociated themselves from CHR resolution 1999/61, (ii) the joint statement contained in document E/1998/95 in which 54 delegations disassociated themselves from CHR resolution 1998/8, (iii) the joint letter contained in document E/CN.4/1998/156 in which 51 delegations expressed their reservations prior to the adoption of CHR resolution 1998/8 and (iv) the joint statement contained in document E/1997/106 in which 34 delegations disassociated themselves from a similar CHR resolution 1997/12.

- (c) The Report also completely ignores the position of those delegations that the death penalty is primarily a criminal justice issue, and therefore is a question for the sovereign jurisdiction of each country. Nor does it consider the point that the right to life is not the only right, and that it is the duty of societies and governments to decide how to balance competing rights against each other.

2 I sincerely hope that the above comments would be taken into consideration in future reports.

With best wishes

Yours sincerely



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