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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Agenda item 11 (b)

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF
DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Albania*, Angola*, Argentina, Australia*, Austria*, Belarus*, Belgium,
Bulgaria*, Canada, Costa Rica, Croatia*, Cyprus*, Czech Republic,
Denmark*, El Salvador*, Estonia*, Finland*, France, Georgia*,
Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy, Latvia,
Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Netherlands*,
New Zealand*, Norway, Poland, Portugal, Romania, San Marino*,
Senegal, Slovak Republic*, Slovenia*, Spain, Sweden*, Switzerland*,
Uganda*, United Kingdom of Great Britain and Northern Ireland,
Uruguay, Venezuela: draft resolution**

2001/... 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, and the relevant provisions of the International Covenant on Civil and Political Rights,

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

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 55/111 of 4 December 2000, in which the Assembly requested the Special Rapporteur to submit to it at its fifty-seventh session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon,

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 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,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

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

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,

Acknowledging the historic significance of the Rome Statute of the International Criminal Court,

Welcoming the fact that a large number of States have already signed and/or ratified or acceded to the Rome Statute of the International Criminal Court,

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 is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. *Calls upon* all States to consider ratifying or acceding to the Rome Statute of the International Criminal Court;

5. *Appreciates* the work done by the Special Rapporteur in combating extrajudicial, summary or arbitrary executions and takes note of her report (E/CN.4/2001/9 and Corr.1 and Add.1-2), including the attention given therein to, and the recommendations on, various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions;

6. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation to the victims or their families and to adopt all necessary measures, including legal and judicial measures in order to bring an end to impunity, to prevent the recurrence of such executions;

7. *Also reiterates* the obligation of Governments to ensure the protection of the inherent right to life of all persons under their jurisdiction and calls upon Governments concerned to investigate promptly and thoroughly cases of killings committed in the name of passion or in the name of honour, killings of persons because of their sexual orientation, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, and racially motivated violence leading to the death of the victim, as well as other cases where a person's right to life has been violated, all of which are being committed in various parts of the world, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

8. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations as reflected in relevant provisions of international

human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of the Child, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

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

10. *Stresses* the importance of States' taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, *inter alia* through the adoption of preventive measures, and calls upon Governments to ensure that such measures are included in post-conflict peace-building efforts;

11. *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 United Nations peacekeeping 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;

12. *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, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

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 the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

14. *Commends* the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of her mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before her and to follow up on communications and country visits;

15. *Requests* the Special Rapporteur, in carrying out her mandate:

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

(b) To respond effectively to information which comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up 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 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 carrying out peaceful activities in defence of human rights and fundamental freedoms;

(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 her work;

16. *Urges* the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary execution as are of particularly serious concern to her or where early action might prevent further deterioration;

17. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encourages the Special Rapporteur to continue efforts in this regard;

18. *Strongly urges* all Governments:

(a) To cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by special rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

19. *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;

20. *Requests* the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

21. *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;

22. *Further requests* the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the mandate of the High Commissioner 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;

23. *Decides* to extend the mandate of the Special Rapporteur for three years;

24. *Also decides* to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-eighth session under the same agenda item;

25. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/... of ... April 2001, endorses the Commission’s decision to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years, and approves the Commission’s request to the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits.”

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