



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2002/L.51
16 April 2002

Original: ENGLISH

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

**CIVIL AND POLITICAL RIGHTS: DISAPPEARANCES
AND SUMMARY EXECUTIONS**

Argentina, Armenia, Australia*, Austria, Belarus*, Belgium, Bosnia and Herzegovina*, Brazil, Bulgaria*, Cameroon, Canada, Chile, Croatia, Cyprus*, Czech Republic, Denmark*, Ecuador, El Salvador*, Estonia*, Finland*, Georgia*, Germany, Greece*, Guatemala, Hungary*, Iceland*, Ireland*, Italy, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Mexico, Netherlands*, New Zealand*, Norway*, Panama*, Peru, Poland, Portugal, Republic of Moldova*, Romania*, Senegal, Slovakia*, Slovenia*, Spain, Sweden, Switzerland*, The former Yugoslav Republic of Macedonia*, Uganda, Ukraine*, United Kingdom of Great Britain and Northern Ireland, Venezuela: draft resolution

2002/... 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, and all resolutions on the subject by the Commission on Human Rights,

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,

Welcoming the fact that the sixtieth ratification of the Rome Statute of the International Criminal Court has been deposited, enabling the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002,

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 inherent right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;
2. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

3. *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;

4. *Acknowledges* the historic significance of the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002 and calls upon all States that have not yet done so to consider ratifying or acceding to the Rome Statute of the International Criminal Court;

5. *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 within a reasonable time 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 and to prevent the recurrence of such executions;

6. *Reaffirms* 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, all killings committed for any discriminatory reason, including sexual orientation or racially motivated violence leading to the death of the victim, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, 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;

7. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations as assumed under 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, which prohibits the imposition of capital punishment for offences committed by persons below 18 years of age, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. *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;

9. *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;

10. *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;

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, 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;

12. *Takes note with appreciation* of the report of the Special Rapporteur (E/CN.4/2002/74 and Add.1), including the attention given therein to the violations of the right to life of special groups, such as women, refugees and internally displaced persons, persons belonging to national or ethnic, religious and linguistic minorities, persons exercising their right to freedom of opinion and expression and persons killed because of their sexual orientation;

13. *Expresses grave concern* over the continued occurrence of violations relating to the right to life highlighted in the report of the Special Rapporteur as deserving special attention:

- (a) Violations of the right to life during armed conflict;
- (b) Violations of the right to life of children;

(c) Violations of the right to life of persons carrying out peaceful activities in defence of human rights and freedoms such as human rights defenders and persons who have cooperated with representatives of United Nations human rights bodies;

(d) Death due to attacks, or killings by security forces, paramilitary groups or private forces cooperating with or tolerated by the State;

(e) Impunity;

(f) Violations of the right to fair and adequate compensation within a reasonable time and other rights of victims of such acts;

(g) Violations of international safeguards and guarantees for the protection of persons facing capital punishment;

14. *Takes note with appreciation* of the recommendations contained in the report of the Special Rapporteur concerning various aspects of violation of the right to life by extrajudicial, summary or arbitrary executions;

15. *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, to respond effectively to reliable information that comes before her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them as appropriate in the elaboration of her reports;

16. *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;

17. *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;

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 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;

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. *Urges* the Special Rapporteur to continue 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;

21. *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;

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

23. *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;

24. *Further requests* the Secretary-General to continue, in close collaboration with the High Commissioner, 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;

25. *Decides* to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-ninth session under the same agenda item.
