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COMMISSION ON HUMAN RIGHTS
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Agenda item 11 (b)

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

**Albania*, Andorra*, Austria, Belgium, Brazil, Cameroon, Chile, Croatia, Cyprus*,
Czech Republic*, Denmark*, Finland*, France, Georgia*, Germany, Guatemala,
Hungary*, Iceland*, Latvia*, Lithuania*, Luxembourg*, Malta*, Mexico,
Netherlands*, New Zealand*, Norway*, Panama*, Poland, Portugal*,
Republic of Moldova*, Romania*, San Marino*, Serbia and Montenegro*,
Slovakia*, Slovenia*, Spain*, Sweden, Switzerland*, Ukraine, United Kingdom
of Great Britain and Northern Ireland and Uruguay: draft resolution**

2003/... 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,

Mindful of the relevant General Assembly resolutions and of Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions,

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

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 Extralegal, Arbitrary and Summary Executions,

Taking note of the 89 ratifications or accessions by States and the 139 signatures by States of the Rome Statute of the International Criminal Court (A/CONF.183/9), as well as the entry into force of the Statute on 1 July 2002 and the inauguration of the Court on 11 March 2003,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under 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 inherent right to life,

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,

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 States 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. *Reiterates* the obligation of all States 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, as stated in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

5. *Reaffirms* the obligation of States to ensure the protection of the inherent right to life of all persons under their jurisdiction and calls upon States concerned to investigate promptly and thoroughly all 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 activities as human rights defenders or as journalists, in particular as a consequence of their exercise of the right to freedom of opinion and expression or any other right recognized under international law, 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, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel;

6. *Calls upon* 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, 7 and 14 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

7. *Urges* all States to undertake all necessary and possible measures, in conformity with human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during situations of all forms 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;

8. *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 States to ensure that such measures are included in post-conflict peace-building efforts;

9. *Encourages* States, United Nations organs and bodies, 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;

10. *Appeals* to all States 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;

11. *Takes note* of the report of the Special Rapporteur (E/CN.4/2003/3 and Corr.1 and Add.1-4), including the attention given therein to specific categories of victims who are particularly vulnerable or have been directly targeted for extrajudicial, summary or arbitrary executions, such as human rights defenders, lawyers, journalists, demonstrators, members of national, ethnic, religious or linguistic minorities, refugees, internally displaced persons, women, children, members of indigenous communities and persons extrajudicially killed or exposed to death threats because of their sexual orientation, as well as the concluding remarks and recommendations of the Special Rapporteur on various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions, and invites States to give them due consideration;

12. *Commends* the important role the Special Rapporteur continues to play towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the mandate as defined in Commission resolution 2001/45, to collect information from all concerned, including on the violations of the right to life of special

groups, as well as on issues of special focus, 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;

13. *Strongly urges* all States 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 and to respond to the communications transmitted to them by the Special Rapporteur;

14. *Expresses its appreciation* to those States 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 States, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. *Expresses its concern* that a number of States mentioned in the report of the Special Rapporteur have not replied to specific allegations, based on reliable information, and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. *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;

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

18. *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;

19. *Also requests* the Secretary-General and the High Commissioner to continue to use their best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 7, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

20. *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;

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