



General Assembly

Distr.  
LIMITED

A/C.3/43/L.74  
23 November 1988

ORIGINAL: ENGLISH

Forty-third session  
THIRD COMMITTEE  
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Austria, Belgium, Canada, Colombia, Costa Rica, Cyprus, Denmark,  
Finland, France, Greece, Iceland, Italy, Kenya, Luxembourg,  
Morocco, Netherlands, Norway, Portugal, Senegal, Spain, Sweden,  
United Kingdom of Great Britain and Northern Ireland and  
Zambia: draft resolution

Summary of arbitrary executions

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, 1/ in which it is stated that every human being has the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 2/ 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 life,

Recalling also its resolution 34/175 of 17 December 1979, in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

Recalling further its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 14 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986 and 42/141 of 7 December 1987,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 3/ in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming 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, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, 4/

Welcoming also the close co-operation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat and the Committee on Crime Prevention and Control with regard to the elaboration of the principles on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions,

Welcoming furthermore the recommendation by the Committee on Crime Prevention and Control concerning "Draft principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions" for consideration and adoption by the Economic and Social Council, 5/

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental human right, the right to life,

1. Once again strongly condemns the large number of summary or arbitrary executions, including extra-legal executions, that continue to take place in various parts of the world;

---

3/ See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1, chap. XXI, sect. A.

4/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985; report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1) chap. I, sect. E.

5/ E/AC.57/1988/L.20 and E/AC.57/1988/NGO.4.

2. Demands that the practice of summary or arbitrary executions be brought to an end;
3. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;
4. Welcomes Economic and Social Council resolution 1982/35 of 7 May 1982, in which the Council decided to appoint a special rapporteur to consider the questions related to summary or arbitrary executions;
5. Also welcomes Economic and Social Council resolution 1988/38 of 7 May 1988, in which the Council decided to renew the mandate of the Special Rapporteur, Mr. S. A. Wako, for two years, while keeping the annual reporting cycle, and requested the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-fifth session;
6. Urges all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;
7. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred; and furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;
8. Welcomes the recommendations made by the Special Rapporteur in his reports 6/ to the Commission on Human Rights at its forty-third and forty-fourth sessions with a view to eliminating summary or arbitrary executions;
9. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;
10. Invites Governments, international organizations and non-governmental organizations to support the efforts made in United Nations forums towards the adoption of an international instrument that would incorporate international standards for proper investigation of all cases of death in suspicious circumstances, including provision for adequate autopsies;

11. Endorses the elements proposed by the Special Rapporteur for inclusion in such international standards;

12. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

13. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

14. Again 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, 14 and 15 of the International Covenant on Civil and Political Rights 2/ appear not to be respected;

15. Requests the Commission on Human Rights at its forty-fifth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36, 1984/35, 1985/40, 1986/36, 1987/60 and 1988/38, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

-----