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

**Albania*, Andorra*, Armenia, Austria, Belgium*, Bulgaria*, Canada*, Chile,
Costa Rica, Croatia, Czech Republic*, Denmark*, Estonia*, Finland*,
France, Germany, Greece*, Guatemala, Hungary, Iceland*, Ireland, Italy,
Lithuania*, Luxembourg*, Malta*, Mexico, Netherlands, New Zealand*,
Norway*, Poland*, Romania*, San Marino*, Slovakia*, Slovenia*, Spain*,
Sweden, Switzerland*, United Kingdom of Great Britain and
Northern Ireland, Uruguay*: draft resolution**

2004/... 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 all relevant General Assembly resolutions and of Commission resolutions on extrajudicial, summary or arbitrary executions, in particular its resolution 2001/45 of 23 April 2001,

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,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court and noting the 92 ratifications or accessions by States and the 139 signatures to date by States of 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 represents 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 extrajudicial, summary or arbitrary executions, in all their forms, 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. *Also acknowledges* the importance of relevant special procedures of the Commission, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide and crimes against humanity, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

4. *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;

5. *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 Extra-legal, Arbitrary and Summary Executions;

6. *Reaffirms* the obligation of States to protect the inherent right to life of all persons under their jurisdiction and calls upon concerned States to investigate promptly and thoroughly all killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation; racially motivated violence leading to the death of the victim; killings of members of national, ethnic, religious or linguistic minorities,

of refugees, of internally displaced persons, of street children or of members of indigenous communities; killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or as demonstrators, in particular as a consequence of their exercise of the right to freedom of opinion and expression; 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;

7. *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;

8. *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;

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

10. *Encourages* States, United Nations organs and bodies, the United Nations specialized agencies, funds and programmes and intergovernmental and non-governmental organizations, as appropriate within their respective mandates, 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 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;

12. *Takes note* of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2004/7 and Add.1-3 and Corr.1), as well as the recommendations made in previous years, and invites States to give them due consideration;

13. *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 the mandate, to collect information from all concerned, to respond effectively to information that comes before her or him, 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 or his reports;

14. *Strongly urges* all States to cooperate with and assist the Special Rapporteur so that her or his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she or he 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;

15. *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;

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

17. *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 him or where early action might prevent further deterioration;

18. *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;

19. *Again requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable her or him to carry out the mandate effectively, including through country visits;

20. *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;

21. *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;

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

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

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

“The Economic and Social Council, taking note of the Commission on Human Rights resolution 2004/... of ... April 2004, 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 adequate human, financial and material resources in order to enable her or him to continue to carry out her or his mandate effectively.”
