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

Statement by

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**Special Rapporteur on extrajudicial, summary or
arbitrary executions**

Geneva, 8 April 2003

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Chairperson,
Distinguished Delegates,
Ladies and Gentlemen,

Chairperson, may I take this opportunity to congratulate you for your election as chair of the 59th Session of the Commission. Last year I was unable to make a proper statement to this Commission as the time allocated to me was mere tokenism which would not have allowed me to fulfil my reporting obligation. I am therefore pleased that this year the special procedures will have enough time to present their reports as well as engage in an interactive dialogue.

There is a growing anxiety throughout the world regarding respect for human rights and the security of individuals. I am deeply concerned that during the last years there has been no improvement in the situation with regard to extrajudicial, summary or arbitrary executions. Furthermore I have noticed disturbing new patterns and trends related to my mandate.

I have detected an increasing tendency for extrajudicial executions to be carried out in the context of the fight against terrorism or crime. Too few are the voices which simultaneously support our efforts against terror and crime but at the same time also remind us to respect the human rights common to all humanity and enshrined in the Universal Declaration and the many international human rights treaties. For example, at least eight instances were reported where the security forces extrajudicially executed members of trade unions and peasants under the garb of the fight against terrorism. According to my information the victims were simply asserting their claim to economic rights. Excessive and lethal use of force has been used resulting in several killings of members of religious groups reputed for their militancy in an effort to suppress them. Special operations are being carried out to stamp out crime, which in many cases is understandable, but there can be no derogation from the right to life even in times of such emergencies. I urge Governments to pay special attention in ensuring that there is no abuse of authority during such operations.

Chairperson,

In discharging my mandate I seek to follow developments in all countries throughout the world. I receive an enormous amount of information from a broad range of sources, but only act on selected and sufficiently credible material. I constantly develop the criteria for selecting the cases which form the basis for my correspondence with Governments. The information which deserves attention is sent as urgent appeals and letters to Governments in an endeavour to seek and engage them in a constructive dialogue. In this context I am very pleased to report that in a majority of cases Governments reciprocate in a positive spirit. Without this support I would not be in a position to give proper direction to the mandate.

However, if I am to carry out this mandate more efficiently and effectively I would need adequate resources. Although the support given to me by the Office of the High Commissioner of Human Rights is of the highest professional standard, it is severely limited in terms of the amount of human and financial resources provided. I know that as a Special Rapporteur I am not alone in facing these challenges. I thus urge the Commission to consider how to increase the allocation of resources within the Secretariat to assist the special procedures of the Commission.

Chairperson,

I have received a large number of reports where journalists continue to be threatened and a number of them killed in circumstances which strongly suggest the involvement of influential political leaders and Government officials. A number of such deaths occur following threats received by such victims because they have exposed alleged corruption of influential people and groups. In the same way, human rights defenders continue to be threatened and killed. Lawyers and judges are also being targeted in the same manner as a reprisal for their professional engagement in cases involving police and military abuse.

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I notice with deep concern that there have been numerous reports of deaths in custody in mysterious circumstances. Very few have been investigated. Those which have been, often result with the same conclusion – that the deceased committed suicide or died because of natural causes. At the same time, post mortem reports are not shared with the families or lawyers of the deceased, and visible marks of violence on the dead body are rarely explained by these inquiries.

Very little attention is being paid to killings of children at the hands of the security forces. Street vendors, child labourers, children involved in gangs and child drug addicts have become an easy target of extrajudicial killings in some countries. They are shot by the police and stigmatized by Government officials and the media as perpetrators of crimes and hence disposable. I would like to draw the attention of the international community to this distressing state of affairs. I have no doubt that no Government wishes to penalize their child population and am therefore hopeful that my call for attention will not go unheeded.

Chairperson,

As in previous reports, this year I again draw the attention of the Commission to the fact that extrajudicial executions often occur in conflict and post-conflict situations. In the broader context, establishing more effective and efficient early-warning and preventive mechanisms would be the right response. However, I also underline the fact that justice needs to be served after an extrajudicial, summary or arbitrary execution has taken place, in order not to support a culture of impunity. A cause for serious concern is the increased tendency around the world to accept impunity as the natural response to these killings. Governments cannot allow this and need to send a clear signal in this regard. A weak and dysfunctional legal and justice system is also a cause for impunity. It gives an unfair advantage to the powerful sections of society over those who are more vulnerable.

You, the Commission on Human Rights, have also requested me to maintain a gender perspective in my work. In this context I am encouraged that a number of Governments are actively finding ways or debating legislation to end impunity regarding killings of women in the name of honour which in the past were explicitly tolerated or accepted by some states. These positive measures send a clear message to Government functionaries that such crimes would not be tolerated, thereby decreasing the chances of violations of the right to life of women. Regrettably, a few countries have yet to follow this encouraging policy. I wish to remind the Commission that I only act upon cases of killings of women where there are clear laws, procedures or officially recognized traditions endorsing institutionalized impunity.

Reports of rape and subsequent killing of women by members of the armed forces continue to be received. Such cases are superficially investigated and in a number of them the family members are threatened for pursuing the matter. There is little effort on the part of authorities to protect the witnesses or family members of the victims.

Chairperson,

As you know, the Commission has specifically requested me to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment. During the last 12 months I have continued to do so, and I have made a point to underline the fact that my mandate focuses only on the safeguards and restrictions. Nevertheless, it is a matter of concern that in some countries capital punishment continues to be imposed with disregard to even these very basic standards. At the same time I am encouraged at the response of a number of countries who are beginning to apply the safeguards and restrictions in a consistent manner and with a clear commitment to limit its application in accordance with international customary law.

Chairperson,

In discharging my mandate I have found that the most productive and rewarding aspect relates to the country visits which I undertake regularly. These visits, more than anything else, provide the best way to achieve a full understanding of a particular situation and to work with both Governments and non-governmental partners to address particular issues and identify appropriate ways to solve problems. In

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this context I am encouraged by the growing number of countries which have issued a standing invitation to all the special procedures of the Commission.

I am also very encouraged by the fact that many Governments have actively sought to continue cooperating even after the mission has taken place. In this context I warmly welcome the follow-up information forwarded to me by the Governments of Mexico, Turkey and Honduras, and I look forward to continuing this cooperation.

In June 2002, at the instigation of the United Nations Security Council and the High Commissioner for Human Rights, I undertook a fact-finding mission to the Democratic Republic of the Congo. The mission focused specifically on the events that took place in Kisangani on 14 May 2002 and immediately thereafter, relating to the alleged massacres of civilians, soldiers and police by the Congolese Rally for Democracy-Goma (RCD-G Rassemblement Congolais pour la Démocratie-Goma.). My findings can be found in Addendum 3 to my main report.

In October 2002 I undertook a mission to Afghanistan, where I visited not only Kabul, but several cities in the North, South and West. With regard to my mandate, I found that the people of Afghanistan desperately wish to build a better future, and believe that some system of transitional justice for the grave crimes against humanity of the past has to be implemented. I believe it is crucial already at this stage to initiate some sort of process in order to not risk a reversal of the peace process. With regard to the past, I therefore recommended that an international and independent commission of inquiry be constituted, backed by the United Nations, as a first step towards accountability. As a minimum, the mandate of the Commission should be to undertake an initial mapping exercise and stock-taking of grave human rights violations of the past, which could well constitute a catalogue of crimes against humanity. Parallel to this, the Afghan Independent Human Rights Commission should be encouraged and supported to debate and solicit wider opinion on possible mechanisms for transitional justice.

In addition, I also gave other recommendations, including the screening of members of the newly established national police and security forces.

I was truly impressed with the support provided by the international community and the work conducted by the UN mission in Afghanistan. If properly assisted, Afghanistan can move towards a more peaceful and prosperous future, and finally break the cycle of violence of the past many years. With the international attention now directed to the war in Iraq, we run the risk of forgetting the urgent needs of the people of Afghanistan. I thus urge you, the members of the Commission, not to lose sight of the human rights situation in Afghanistan, and to provide the appropriate support.

Chairperson,

A few words on my most recent mission to Jamaica, which took place in February. It was prompted by a number of reports referring to alleged extrajudicial executions by the police and security forces. I will submit my mission report shortly, and look forward to the follow-up cooperation with the Government of Jamaica. As I reported at the end of my mission, I found that extrajudicial killings do in fact take place in Jamaica. However, the Government acknowledged that this was a problem which it was dealing with, and I found that the political will certainly seemed to be present. I was also impressed by the cooperation extended by the Government of Jamaica and would like to express my sincere gratitude.

Chairperson,

This statement is by no means exhaustive. But I believe that I have been able to highlight some of the critical areas of concern in my mandate.

I thank you