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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Summary of arbitrary executions

Report by the Special Rapporteur, Mr. S. Amos Wako, pursuant  
to Economic and Social Council resolution 1988/38

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### Introduction

1. The present report is submitted pursuant to Economic and Social Council resolution 1988/38 entitled "Summary or arbitrary executions". This is the seventh report of the Special Rapporteur to the Commission on Human Rights on the subject.
2. In his six previous reports (E/CN.4/1983/16 and Add.1, E/CN.4/1984/29, E/CN.4/1985/17, E/CN.4/1986/21, E/CN.4/1987/20 and E/CN.4/1988/22 and Add.1 and 2), the Special Rapporteur has dealt with and examined the various aspects of the phenomenon of summary executions, including legal and other theoretical issues. He considers that all the basic elements of the phenomenon have been discussed in earlier reports and that a sufficiently clear and comprehensive picture has been presented.
3. The present report follows the general structure of the last report, except that urgent appeals to Governments are described in chapter II B of the present report together with other communications forwarding allegations to the Governments concerned and replies and observations therefrom. The Special Rapporteur believes that this, together with a more detailed description of alleged situations and cases, will present a more comprehensive picture of the situation in each country.
4. In chapter III, the Special Rapporteur describes two issues which are being dealt with or are expected to be addressed in the near future. The two issues are: (a) recent developments with regard to establishing international standards on remedial and/or preventive measures for the protection of the right to life; and (b) co-ordination and co-operation of various mechanisms and organs relevant to the mandate of the Special Rapporteur, which the Special Rapporteur considers of vital importance in enhancing the effective implementation of his mandate.
5. Finally, in chapter IV, the Special Rapporteur gives conclusions and recommendations, which are based on his analysis of the information he has received and consideration of practical measures to be taken in the immediate future.

## I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

### A. Consultations

6. The Special Rapporteur visited the Centre for Human Rights, United Nations Office at Geneva, in July and October/November 1988 for consultations with the Secretariat and again in January 1989 to finalize his report.

### B. Communications

#### 1. Information received

7. In the course of his present mandate, the Special Rapporteur received communications containing information concerning summary or arbitrary executions from Governments, non-governmental organizations and individuals.

8. Information of a general nature, in reply to the Special Rapporteur's request on 30 September 1987, was received from the Governments of Barbados and Venezuela.

9. Information of a general nature and/or concerning specific allegations of summary or arbitrary executions were received from the following non-governmental organizations in consultative status with the Economic and Social Council: Afro-Asian People's Solidarity Organization, Amnesty International, Andean Commission of Jurists, International Association of Democratic Lawyers, International Commission of Jurists, International Confederation of Free Trade Unions, International Federation of Human Rights, Inter-Parliamentary Union, Regional Council on Human Rights in Asia.

10. In addition, information concerning alleged cases of summary or arbitrary executions was received from a number of regional, national and local non-governmental organizations, groups and individuals in various parts of the world.

#### 2. Allegations of summary or arbitrary executions

11. In the course of his mandate, the Special Rapporteur sent cables and letters to Governments concerning allegations of imminent or actual summary or arbitrary executions in their countries.

##### (a) Urgent appeals

12. In response to information containing allegations of imminent or threatened summary or arbitrary executions which appeared prima facie relevant to his mandate, the Special Rapporteur addressed urgent messages by cable to 23 Governments, appealing, on purely humanitarian grounds, for the Government's protection of the right to life of the individuals concerned and requesting information concerning those allegations. These Governments are: Algeria, Angola, Bangladesh, Bulgaria, Burundi, China, Colombia, El Salvador, Equatorial Guinea, Guatemala, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Mauritania, Peru, Somalia, South Africa, Suriname, United States of America, Viet Nam.

13. Replies were received from the following Governments: Algeria, Bangladesh, Burundi, China, Iraq, Jordan, United States of America, Viet Nam.

14. These messages and the replies received are summarized in chapter II, the full texts are available for consultation in the Secretariat files.

(b) Requests for information concerning alleged summary or arbitrary executions

15. The Special Rapporteur also sent letters to 36 Governments concerning alleged summary or arbitrary executions in their countries as follows: Bangladesh, Benin, Brazil, Burma, Chad, China, Colombia, Czechoslovakia, Democratic Yemen, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Mauritania, Nepal, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Somalia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, Yemen, Zaire.

16. Replies were received from the following Governments: Bangladesh, Benin, Brazil, Burma, Colombia, Czechoslovakia, Honduras, India, Indonesia, Iraq, Nigeria, Philippines, Sri Lanka, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland.

17. In addition, replies were received from the following five Governments concerning the allegations transmitted by the Special Rapporteur during 1987: El Salvador, India, Mexico, Nicaragua, Syrian Arab Republic.

18. Furthermore, in the course of his present mandate, the Special Rapporteur met the representatives of the following Governments in connection with alleged summary or arbitrary executions in their countries: Algeria, Benin, Burma, China, India, Indonesia, Iraq, Nigeria, Sri Lanka.

19. The Special Rapporteur would like to express his utmost appreciation for their positive co-operation with him. He values these consultations and would like to have more of them with more countries in the future, as they help him to be better informed and thereby to make a more comprehensive report to the Commission.

20. The alleged summary or arbitrary executions transmitted to Governments and the replies thereto are summarized in chapter II. The full texts are available for consultation in the Secretariat files.

C. Joint hearings on southern Africa

21. The Special Rapporteur joined the Ad Hoc Working Group of Experts on southern Africa for hearings on southern Africa at the Working Group's 714th to 731st meetings held in Harare, Lusaka, and Dar es Salaam, United Republic of Tanzania, from 3 to 17 August 1988. The information obtained at the joint hearings is reflected in chapter II, section B, (paragraphs 236-248).

## II. SITUATIONS

### A. General

22. The information received by the Special Rapporteur in the course of his present mandate includes allegations of executions or deaths which may have taken place in the absence of the safeguards designed to protect the right to life embodied in various international instruments, such as the International Covenant on Civil and Political Rights (arts. 4, 6, 7, 9, 14 and 15), the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Safeguards guaranteeing protection of the rights of those facing the death penalty adopted by the Economic and Social Council in resolution 1984/50.

23. This information generally related to allegations of the following nature:

(a) Actual or imminent executions:

- (i) Without a trial;
- (ii) With a trial but without safeguards designed to protect the rights of the defendant as provided for in articles 14 and 15 of the International Covenant on Civil and Political Rights.

(b) Deaths which took place:

- (i) As a result of torture or cruel, inhuman or degrading treatment during detention;
- (ii) As a result of abuse of force by police, military or any other governmental or quasi-governmental forces;
- (iii) As a result of assault by individuals or paramilitary groups under official control;
- (iv) As a result of assault by groups opposing the Government or not under its control.

### B. Country situations

#### Algeria

24. On 13 October 1988, a cable was sent to the Government of Algeria concerning the widespread unrest throughout the country at the beginning of October 1988 in which a large number of persons allegedly died as a result of confrontations between civilians and security forces.

25. The Special Rapporteur appealed to the Government to take every necessary measure in order to protect the right to life of individuals and requested information on the above-mentioned situation, and in particular the measures taken by the Government to prevent further loss of life.

26. On 2 November 1988, the Special Rapporteur met the Permanent Representative of Algeria to the United Nations Office at Geneva in connection with the above-mentioned situation.

27. On 14 December 1988, a reply was received from the Government of Algeria, stating that no summary or arbitrary executions had occurred during the incidents in question. It was also stated that the Government deplored the death of 159 persons during the unrest among whom were demonstrators as well as members of the security forces. According to the reply, the Government was responsible under the Constitution for the maintenance of public order and the protection of persons and their property and therefore had proclaimed a state of siege on 5 October 1988 which was lifted on 12 October 1988, when the situation returned to normal. It was further stated that, under the instructions of the President of Algeria, the Council of Ministers had adopted a series of measures at its meeting on 6 December 1988 in favour of the deceased and those wounded during the incidents and that it had also taken decisions concerning those arrested.

#### Angola

28. On 15 November 1988, a cable was sent to the Government of Angola concerning two alleged cases of imminent execution. According to information received, two persons named Marcolino Fazenda and Joaquim Antonio were sentenced to death on 24 October 1988 by the Luanda Garrison Military Tribunal, following their conviction for murder and robbery. In this connection it was alleged that, since the beginning of 1988, five persons had been sentenced to death, without the right to appeal to a higher tribunal against the death sentences.

29. The Special Rapporteur appealed to the Government to look into the above-mentioned cases and requested information on them, in particular regarding the proceedings of the Tribunal, as a result of which the two persons had reportedly been sentenced to death.

30. At the time of preparation of the present report no reply had been received from the Government of Angola.

#### Bangladesh

31. On 30 May 1988, a cable was sent to the Government of Bangladesh concerning an alleged case of imminent execution. According to information received, a man named Mohiuddin was allegedly sentenced to death on 3 November 1985 by Special Military Court No. 8 in Jessore. It was alleged that at that time the defendant was not granted the right to appeal against the verdict and sentence of the Special Military Court. Furthermore, Mohiuddin's petition for mercy was said to have been rejected by the President.

32. The Special Rapporteur requested information on the case, in particular on the procedures of the Special Military Court.

33. On 9 November 1988, a letter was sent concerning an alleged case of death in detention. According to information received, on 5 November 1987, a person named Abu Sayed Moksedul Huj Rinto, a student from Kotwali in Barisal, died as

a result of beatings while in detention at Barisal gaol. It was alleged that the post-mortem, ordered by the Deputy Commissioner of Barisal, found that Rinto had died due to head injuries and that his body carried marks of beatings. No investigation was known to have been carried out so far on the case.

34. The Special Rapporteur requested information on the above-mentioned case, and in particular, on any investigation carried out into the case, including an autopsy, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

35. On 7 July 1988, a reply was received from the Government of Bangladesh to the cable of 30 May 1988, stating that on 26 May 1988 the President had commuted the death sentence imposed on Mohiuddin to life imprisonment.

36. On 16 December 1988, a reply was received from the Government of Bangladesh to the letter of 9 November 1988, stating that a judicial investigation was carried out into the death of A.S. Moksedul Huq Rinto in Barisal gaol, that subsequently the chief and another gaol guard were charged with having contravened certain sections of the Bangladesh Penal Code concerning the treatment of prisoners and that the cases were currently being tried by the session judge of Barisal.

#### Benin

37. On 9 November 1988, a letter was sent to the Government of Benin concerning an alleged case of death in detention. According to information received, a person named Remy Glele Akpokpo, died in custody on 18 January 1988 as a result of torture in the Central Police Station (Commissariat central) in Abomey. No investigation or inquest was said to have been carried out concerning his death.

38. The Special Rapporteur requested information on the above-mentioned case and in particular on any investigation of the case, including an autopsy, and any measures taken by the authorities to prevent further occurrence of such deaths.

39. On 23 December 1988, a reply was received from the Government of Benin, stating that there were no political detainees or prisoners of conscience in Benin. It was stated that, during the periods of grave tension in the country, certain people who had decided to carry out activities with a view to seriously disturbing the social order had been summoned and placed under administrative detention for questioning to clarify their involvement in activities which would endanger the social peace and stability of democratic institutions. In order that those convicted of such activities could assume full responsibility in accordance with the law, measures were taken by the competent organs. It was further stated that, in order to deal with the abusive practice of deprivation of liberty in garrisons by certain officers, the Head of State had reiterated relevant provisions of the Fundamental Law which embodied the principles of habeas corpus as well as Act No. 81-004 of 23 March 1981 and that he had again forbidden the practice of excessive detention without charge. According to the reply, the People's Central Prosecutor's Office (parquet populaire central) had a mandate to ensure the legality of detention, to visit places of detention regularly and supervise



the administration of detention. It was also stated that various activities were organized to inform and educate administrative bodies and the people in general with regard to human rights, in order to protect citizens against arbitrary action. With regard to conditions of detention, it was stated that regular visits by the People's Prosecutor's Office ensured respect for human dignity and contributed to the rehabilitation of offenders in their social life.

40. On 13 January 1989, the Special Rapporteur met the Permanent Representative of Benin to the United Nations Office at Geneva. With regard to the case of Glele Akpokpo, the Permanent Representative stated that he had urged his Government to carry out an inquiry into the case. According to the Permanent Representative, if the person in question had been found dead, a judicial investigation would have been held regarding the circumstances of his death and the result of the investigation would be communicated to the Special Rapporteur.

41. In addition, the Permanent Representative briefed the Special Rapporteur with regard to the recent developments in Benin concerning human rights, including the establishment of various national institutions under the new Constitution of 1976, such as the People's Tribunals and People's Prosecutor's Office, the appointment of judges, the creation of the national section of the Association of African Jurists, the organization of national seminars on human rights and the recent reinstatement of privately owned newspapers.

#### Brazil

42. On 28 July 1988, a letter was sent to the Government of Brazil concerning the following allegations.

43. During the past several years, hundreds of persons, said to be criminal suspects, have been killed in various parts of the country by so-called "vigilante groups" whose members allegedly included current and former police officers. In spite of efforts made at various levels of the Government to suppress this phenomenon, killings continued to be reported. In Rio de Janeiro alone, 47 persons were reported to have been killed by vigilante groups in one week at the end of September 1987.

44. On 29 December 1987, in Pará State, at least eight unarmed persons died when Pará State military police opened fire while clearing gold-miners and their families who had been blockading a bridge at Marabá. In addition to the eight confirmed deaths, 66 persons were said to be still missing, presumed dead. Later, one witness, who had reported on television on 30 December 1987 that he had seen eight corpses below the bridge, was allegedly beaten to death by a group of unidentified men.

45. On 28 March 1988, in the vicinity of the São Leopoldo Indian area, District of Benjamin Constant, State of Amazonas, four Ticuna Indians were allegedly killed in an attack by the employees of a timber company operating in the area. Despite the fact that the incident was seen by numerous eye-witnesses those involved in the killings were allegedly released from police custody.

46. On 9 November 1988, another letter was sent transmitting information alleging that, during the past several years, a number of persons, mainly peasant smallholders ("posseiros") but also trade-unionists, priests and lawyers working with peasant communities, were killed by persons hired for the purpose. In a number of cases of such killings the police personnel were alleged to have been directly involved. It was further alleged that the authorities had failed to take effective action to investigate the killings, to bring those responsible to justice or to protect those whose lives were threatened.

47. The Special Rapporteur described, by way of example, 13 such incidents which had allegedly occurred since 1987 in the States of Pará, Goiás, Pernambuco, Minas Gerais, Espírito Santo, Bahia and Acre.

48. The Special Rapporteur requested information on the alleged occurrence of summary and arbitrary executions and in particular on any investigations of those cases, including autopsies, and any measure taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

49. On 22 September 1988, a reply was received from the Government of Brazil to the letter of 28 July 1988, stating that the so-called "vigilante groups" were "extermination" groups set up by highly dangerous outlaws of the organized crime underground, and that the Government was taking the necessary measures to suppress such groups, for example in the State of São Paulo, where a highly specialized corps was being trained and deployed to deal with the problem. With regard to the incident of 29 December 1987 in Pará State, it was said that the Commission appointed by the Council for the Defence of Human Rights (CDDPH) of the Ministry of Justice to investigate the incident had recommended in its report an inquiry by the Department of Federal Police. With regard to the alleged killing of four Ticuna Indians in the State of Amazonas, it was stated that on 30 March 1988 the Department of Federal Police had begun its investigation of the killings and that the National Foundation for Assistance to Indigenous Populations (FUNAI) had requested the Department of Federal Police to detain those suspected of the murders, had followed the progress of the investigation in Benjamin Constant and requested the Ministry of Welfare to extend pension benefits to the widows of the victims.

50. On 21 December 1988, a reply to the Special Rapporteur's letter of 9 November 1988 was received from the Government, stating that the allegations were under consideration by the competent authorities. The reply stated further that the Government considered as summary or arbitrary executions only those cases in which Government officials were actually involved.

#### Bulgaria

51. On 11 May 1988, a cable was sent to the Government of Bulgaria concerning three alleged cases of imminent execution. According to information received, three persons named Elin Madzharov, Altsek Chakarov and Sava Georgiev were allegedly sentenced to death on 25 April 1988 by the Supreme Court of Bulgaria. It was alleged that there was no right of appeal to a higher tribunal. The Special Rapporteur, stating that, in cases of capital punishment, he was concerned with any allegation of absence of the safeguards

intended to ensure the basic rights of the individual, including the right to appeal, requested information in particular on the legal provisions and procedures under which the above-mentioned persons were sentenced to death.

52. At the time of preparation of the present report no reply had been received from the Government of Bulgaria.

#### Burma

53. On 28 July 1988, a letter was sent to the Government of Burma transmitting the allegation that during 1986 and 1987 a large number of unarmed civilians, said to be members of the Karen ethnic minority, had been killed by the Burmese army during its counter-insurgency operations in Karen State. It was alleged that the victims, who were suspected of links with opposition groups, had disobeyed travel or rationing restrictions, or had been seized by the army to work as porters or guides were allegedly killed by them. In his letter the Special Rapporteur stated that he had received a list of 60 such victims.

54. On 9 November 1988, another letter was sent concerning the alleged killing by Government forces of civilians belonging to the Shan ethnic minority during the past several years in Shan State. It was alleged that the victims, either suspected of links with opposition groups or seized by the army to work as porters, had been shot, stabbed or beaten to death. The Special Rapporteur described, by way of example, eight alleged incidents of such killings since the beginning of 1987.

55. Furthermore, the Special Rapporteur transmitted by the same letter information alleging that, during the unrest in Rangoon and other cities since June 1988, a large number of persons had been shot dead by government troops during demonstrations or had died in detention as a result of torture and ill-treatment.

56. The Special Rapporteur requested information on the alleged occurrence of summary and arbitrary executions and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

57. On 4 October 1988, a reply was received from the Government of Burma to the Special Rapporteur's letter of 28 July 1988, stating that, according to the authorities concerned, including those in the remote frontier areas, no cases of summary and arbitrary executions had taken place in the military operations in the years 1986 and 1987.

58. On 22 December 1988 another reply was received stating that, with regard to the allegations transmitted in the Special Rapporteur's letter of 28 July 1988, the Burmese authorities had found it difficult to establish the facts, since relevant particulars, such as names of victims and exact locations of alleged executions, were not specified. However, it was also stated that general and comprehensive inquiries, carried out in the command areas where counter-insurgency operations took place during 1986 and 1987, indicated that no summary or arbitrary executions had occurred in those areas as alleged. It was further stated that there were no records of official

complaints lodged by the families of the alleged victims with the local authorities concerned. With regard to the allegations transmitted by the Special Rapporteur's letter of 9 November 1988, inquiries and investigations, carried out with the regiments and infantry divisions concerned, revealed that the alleged summary or arbitrary executions had not taken place.

59. Concerning the demonstrations in Rangoon and elsewhere in the country since June 1988, it was stated that the security authorities, in the process of restoring law and order, had acted with the utmost self-restraint and had resorted to shooting only when public and private property and the life of citizens were in jeopardy. It was also stated that, in the general confusion caused by certain unscrupulous political elements which had reached its peak between 8 and 16 August 1988, action taken by the security forces had resulted in 192 deaths and 570 injured nation-wide, including the death of four soldiers and 19 members of the police force. It was further stated that since 18 September 1988 when the national defence authorities had been forced to intervene to assume State responsibilities, the security forces had taken action to prevent vandalism and looting and to quell the general violence. According to the reply, this had resulted in the death of 516 and the injury of 272 looters country-wide and the death of 15 and the injury of 21 other persons in the confusion of the violent demonstrations. With regard to the arrest and detention of those believed to have been involved in the disturbances, it was said that the State Law and Order Restoration Council had enacted a new law ensuring due process of law with proceedings in open court, unless otherwise provided for by law, the right of the detainee to defence and the right to appeal.

60. On 11 January 1989, the Special Rapporteur met the Permanent Representative of Burma to the United Nations Office at Geneva, who briefed him on a number of positive developments which it was hoped would remedy some of the conditions which had given rise to a situation in which loss of life had taken place. Among the points mentioned were:

(a) More than one political party may be registered and permitted to operate and participate in elections but they must be committed to the true democratic system. Currently there are more than 167 political parties which have been registered with the Multi-Party Democracy General Elections Commission;

(b) The Multi-Party Democracy General Elections Commission has been set up to prepare the successful holding of free and fair multi-party democracy general elections;

(c) The persons who have been appointed to the said Commission have been accepted by all the parties in Burma as persons of integrity, impartiality and good repute;

(d) The groups of youths, students and monks who have been repatriated from Thailand have been accorded individual attention to ensure that each of them has returned safely to their parents. Up to 5 January 1989, 1,929 students had returned home.

61. On the same day additional information was received from the Government of Burma, stating that the recent rumours that students who had returned from the border areas had been arrested and killed were totally false.

### Burundi

62. On 26 August 1988, a cable was sent to the Government of Burundi concerning alleged deaths as a result of a tribal conflict. According to information received, thousands of people had been killed since mid-August 1988 during a tribal conflict which had broken out in the north of the country. Further information received alleged that the intervention of the army had resulted in even more victims.

63. The Special Rapporteur appealed to the Government to take all necessary measures to ensure that the right to life of every citizen was fully protected and requested information on the above-mentioned situation, and in particular on the steps taken by the Government to prevent further loss of life.

64. On 31 August 1988, a note verbale was received from the Government of Burundi concerning the situation in the communes of Ntega and Marangara and the nature of the operations carried out by the army. According to the note verbale, on 15 August 1988, one week after tension had been increased by elements who had infiltrated the local population and misled them to believe that an attack by the other ethnic population was imminent, a group of rebels armed with spears, machetes, clubs and stones had attacked and killed the inhabitants of Ntega and proceeded to the commune of Marangara with similar intentions. It was also stated that, when the Government troops had arrived at Ntega on 16 August 1988, thousands of people had already died or disappeared and hundreds of houses had been burned down. It was further stated that the government troops had intervened in order to stop the carnage, but that a number of persons not involved in the killings might have been hit by stray bullets fired by the government troops. According to the note verbale, in such a situation the security forces had no alternative but to use their arms, not against innocent civilians, but against the rebels who were engaged in killing, raping and arson. It was stated that the victims included people from all ethnic backgrounds.

### Chad

65. On 28 July 1988, a letter was sent to the Government of Chad concerning the allegation that several persons had died in secret detention centres as a result of ill-treatment. The causes of death were alleged to have included lack of medical treatment, extremely poor diet, lack of water and lack of ventilation in overcrowded cells, in addition to beatings and other physical ill-treatment. One of the prisoners, named Guilou Hassane, allegedly died on 18 November 1987 in a secret detention centre in N'Djamena. It was further alleged that no investigation or inquest into these deaths had been carried out.

66. The Special Rapporteur requested information on the above-mentioned allegation and, in particular on any investigation of the case, including an autopsy, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

67. At the time of preparation of the present report, no reply had been received from the Government.

China

68. On 10 June 1988, a cable was sent to the Government of China concerning the alleged imminent execution of four persons named Lobsang Tenzin, Tsering Dhondup, Gyaltzen Chopel and Sonam Wangdu, who were allegedly involved in the killing of a Chinese policeman during the demonstration on 5 March 1988 in Lhasa, Tibet Autonomous Region. Since the official announcement of their arrest allegedly referred to them as the "four principal criminals", fears were expressed to the Special Rapporteur that the four might not have been granted a fair and open trial and that they might be executed shortly after the trial.

69. The Special Rapporteur, being concerned, in cases of capital punishment, with any allegation of absence of the safeguards intended to ensure the basic rights of the defendant as provided for in article 14 of the International Covenant on Civil and Political Rights, requested information on the above-mentioned cases, in particular on the legal provisions and procedures under which the four might have been charged and tried.

70. On 12 December 1988, another cable was sent concerning alleged cases of killing of demonstrators in the Tibet Autonomous Region. According to information received, on 10 December 1988 at least two persons, a Buddhist monk and a nun, were allegedly shot dead in Lhasa when the security forces fired at a crowd of demonstrators at close range without warning. Expressions of concern were received by the Special Rapporteur that further deaths might occur in similar confrontations between the security forces and the local population.

71. The Special Rapporteur appealed to the Government to take all necessary measures to ensure protection of the right to life of the individual and requested information on the above-mentioned incident.

72. On 28 July 1988, a letter was sent to the Government of China concerning allegations that, in the situation of ethnic unrest in the Tibet Autonomous Region, notably since September 1987, several deaths mostly of Tibetans, had allegedly occurred, including cases of shooting and beating to death of demonstrators by the Chinese police forces and execution of detainees after torture in prison. Several such alleged cases brought to the attention of the Special Rapporteur were described as follows:

(a) On 3 October 1987, two monks from Sera Monastery were shot dead when they tried to prevent the police from entering the monastery;

(b) During 1987, in Drabchi prison a number of persons were executed without trial after having been tortured;

(c) On 4 November 1987, Lobsang Wangchuk, aged 74, died shortly after his release from detention due to repeated torture and maltreatment during his imprisonment. However, according to an official account he died of liver cancer;

(d) On 5 March 1988, during the demonstration in and around the Jokhang Temple in Lhasa several persons, including monks and lay Tibetans, were shot or beaten to death by the police forces;

(e) According to an official account, a Chinese policeman was killed by demonstrators during the above-mentioned demonstration.

73. On 9 November 1988, another letter was sent to the Government of China concerning the allegation that, in the Tibet Autonomous Region, several deaths were alleged to have occurred as a result of assault by police or prison officers. Two examples of such alleged cases were described as follows:

(a) On 10 May 1988, a Khampa from Kanze died in a Lhasa hospital as a result of severe beatings in Gutsa Prison;

(b) On 12 June 1988, in Lhasa, Tsangpo, aged 35, died as a result of severe beatings after he had been arrested, together with two other men, by the Lhasa Tengton Chue branch security police.

74. The Special Rapporteur requested information on the above-mentioned cases, and in particular on any investigation of the cases and any measures taken by the authorities and/or the judiciary to establish the facts and bring those responsible to justice.

75. On 21 July 1988, the Special Rapporteur met the Permanent Representative of China to the United Nations Office at Geneva and received a reply from the Government to his cable of 10 June 1988. The reply stated that the riots which had occurred in Lhasa since September 1987 were the work of a handful of Tibetan separatists encouraged by the Dalai Lama, and that the incident of 5 March 1988 was a case in point. It was further stated that, in order to safeguard national security and maintain social order, the local Tibetan authorities had been forced to take action to arrest the organizers of the riots as well as those participants who had committed serious crimes, including those who had killed a police officer. This action, according to the reply, was fully justified and Chinese judicial organs would bring the criminals to trial strictly in keeping with the legal procedures and mete out due punishment to them in accordance with the law. With regard to the judicial procedure concerning the death penalty, the reply referred to the Government's communication of 13 January 1988 to the Special Rapporteur which was described in his last report to the Commission on Human Rights (E/CN.4/1988/22, paras. 79-80).

76. On 29 November 1988, a reply was received from the Government of China to the Special Rapporteur's cable of 12 December 1988. According to the reply, on the morning of 10 December 1988, leaflets advocating the independence of Tibet had been found in the streets and later about 30 lamas and nuns had gathered at the Ramoqe Temple and headed the Jokhang Temple square in Bargar Street. On the way, a few other people had joined in and some of them had unfolded and waved the so-called "national flag of the independent State of Tibet". It was said that, as the crowd grew unruly, policemen on duty tried to persuade the marchers to stop making trouble, but the latter had refused. They had even thrown stones and bottles at the policemen. It was also stated that after repeated unsuccessful admonitions, the policemen were forced to fire warning shots, that, in the ensuing chaos, one lama, not two persons as alleged, was killed and 13 injured, all of whom, except two, had suffered only minor injuries and that they had received timely treatment. It was further stated that, since then, public order in Lhasa had returned to normal and no "confrontation" of the kind mentioned by the Special Rapporteur had occurred.

Colombia

77. On 28 October 1988, a cable was sent to the Government of Colombia concerning alleged death threats to Angela Toban Puertas, leader of the teachers' union of the Department of Antioquia (ADIDA).
78. On 18 November 1988, another cable was sent concerning alleged death threats to Fr. Jorge Eduardo Serrano Ordóñez, a parish priest of San Pío X, Cucuta, Department of Norte de Santander, made by a paramilitary group calling itself "Muerte a revolucionarios" (MAR).
79. In both cables, the Special Rapporteur expressed his concern for the life of the persons named and requested information on the measures taken to protect them.
80. On 28 July 1988, a letter was sent to the Government of Colombia concerning the allegation that during the past year more than 1,000 persons had been killed by members of the security forces and by paramilitary groups. Security forces units which were alleged to be responsible for such killings included the police intelligence unit of the National Police, (P-2), the army's intelligence division, (B-2), the army's intelligence and counter-intelligence battalion (Batallón de Inteligencia y Contra-Inteligencia (BINCI)), and regular army battalions and regional brigades. Evidence allegedly suggested that the paramilitary groups known as "death squads" included police and military personnel and their civilian auxiliaries. It was alleged that, in many of the killings by the "death squads", military weapons and vehicles without number-plates were used and that those vehicles had been seen near army premises or police stations. It was further alleged that both civil and military authorities had failed to bring those responsible to justice. Many of the victims were trade-union leaders and activists, members of political parties, farm workers, human rights activists, lawyers, judges and journalists. Lists of several hundred victims, including many members of the Central Workers Union of Colombia (CUT) and of the Unión Patriótica (UP), were received by the Special Rapporteur, who described by way of example 16 incidents of killings which had allegedly occurred during the period between August 1977 and May 1988.
81. On 9 November 1988, another letter was sent to the Government of Colombia, transmitting further allegations that, according to several sources, between January and August 1988, some 400 persons, mostly peasants, were allegedly killed in 46 incidents of "massacres" of five or more persons. The Special Rapporteur, having received, since August 1988, more than 150 names of victims of such killings, alleged to have occurred since the beginning of 1988, described by way of example 14 incidents which reportedly occurred during the period between March and October 1988.
82. In both letters, the Special Rapporteur requested information on the above-mentioned allegations and in particular on any investigation of the cases and any measures taken by the authorities and/or the judiciary to establish the facts and bring those responsible to justice.
83. Letters were received from the Government of Colombia on 25 and 29 August, 13 October, 9 and 11 November 1988 and 9 January 1989, transmitting information on a number of cases as follows:



(a) With regard to the cases of Salvador Ninco Martínez, Nevardo Fernández, Carlos Paez Lizcano and Luz Stella Vargas, who were allegedly killed on 22 October 1987 by members of the police in the municipality of Hobo, Department of Huila, it was stated that investigations were in a preliminary stage;

(b) With regard to the case of the deaths of 21 peasants, members of the Agricultural Workers Union (SINTAGRO) on 4 March 1988 on the estates of La Negra and Honduras in the municipality of Currulao, Department of Antioquia, it was stated that the Administrative Security Department (DAS) had conducted the preliminary inquiry and the prosecution was being prepared by the judge of the Second Court for Public Order. Two persons, a civilian and a soldier, were stated to have been detained and 10 arrest warrants had been issued so far;

(c) With regard to the case of the killing of Alvaro Garcés Parra, Mayor of Sabana de Torres, Department of Santander on 16 August 1986, charges were brought against two national army officers on 1 July 1988 and the criminal investigation was being carried out by the Eleventh Court of Criminal Investigation, Bucaramanga. The proceedings were still in the pre-trial stage and no one had yet been detained;

(d) With regard to the case of the killing of Héctor Julio Mejía, Judge No. 13 of Medellín Court of Criminal Investigation was conducting the preliminary investigation with a view to identifying the perpetrators of the offence;

(e) With regard to the case of Luis Antonio Bohórquez, the Bucaramanga Court of Criminal Investigation was conducting a criminal investigation into the alleged disappearance of Bohórquez;

(f) With regard to the case of Osvaldo Teherán, the investigation was at the preliminary stage in the Fourth Public Order Court in Bogotá;

(g) With regard to the case of Juan Diego Arango Morales, Judge No. 49 of the Medellín Court of Criminal Investigation was investigating the case;

(h) With regard to the killing of Carlos Mauro Hoyos, Fiscal General de la Nación (Attorney-General of the Nation), and his two bodyguards, the Second Specialized Court in Medellín was handling the pre-trial stage of proceedings. A detention order was issued for five persons implicated in the abduction and murder of the Attorney-General; three of them were detained and summonses and arrest warrants were issued against three other persons;

(i) With regard to the death of Marco Antonio Sánchez Castellón preliminary proceedings were being held by the itinerant judge of the Eighth Court of Criminal Investigation, and on 26 October 1988 the court requested the local DAS and criminal police officials to apprehend two persons for the murder. No disciplinary proceedings had been initiated in the absence of evidence of the responsibility of the national police;

(j) With regard to the cases of Honduras Farm and La Negra Farm in Turbo, Urabá, on 4 March and that of Punta Coquitos in Turbo, Urabá, Antioquia, on 11 April 1988, it was stated that, since they were connected, it

had been decided by a court order of 25 June 1988 that there should be joint proceedings. The proceedings were currently with the Higher Public Order Tribunal of Bogotá awaiting a decision on the appeal lodged by the persons under investigation, requesting cancellation of the detention orders and dismissal of the cases. With regard to disciplinary proceedings, the National Police Prosecutor decided to open a formal disciplinary investigation of a captain on 9 September 1988;

(k) With regard to the case of La Mejor Esquina in Buenavista, Córdoba, on 3 April 1988, it was stated that the case was in the investigatory stage and that several persons had been sentenced by the Public Order Court to 10 and 6 years' imprisonment. It was also stated that there was no evidence of any participation in these events by State security forces. It was further stated that a disciplinary investigation was being carried out into possible irregularities that the First, Sixth and Tenth Criminal Examining Magistrates of Montería might have committed in the trial concerning the Mejor Esquina massacre, by releasing some of the persons charged;

(l) With regard to the case of Llana Caliente, San Vicente de Chucurí, Santander, on 29 May 1988, it was stated that the events had resulted from a violent armed confrontation between the forces of order and demonstrators in a peasant march. According to the investigation, a person named Luis Uribe Suárez, alias Commandant Camilo, who had been amnestied and was collaborating with the army as an informant, was with the soldiers when the action occurred and he fired at and killed four army officers and soldiers. Nine civilians also lost their lives. It was stated that the investigation was almost completed;

(m) With regard to the case of La Fortuna, Barrancabermeja, Santander, on 23 May 1988, it was stated that despite numerous statements and items of evidence collected in the case, it had not been possible to identify the individual perpetrators of or participants in the punishable offences;

(n) With regard to the case of San Rafael in Antioquia, on 24 June 1988, it was stated that the case was still at the investigatory stage. It was also stated that a captain had been arrested and remanded in custody and that the accused had filed an appeal against the security measure;

(o) With regard to the death of Humberto Santana Tovar in Rivera, Huila, on 26 June 1988, it was stated that the case was still at the investigatory stage, the perpetrators of the crime being unidentified to date;

(p) With regard to the death of Luis Augusto Bonilla in Cumaral, Meta, on 3 August 1988, it was stated that the investigation had not been completed;

(q) With regard to the case of Explanación Settlement, Yarima, El Carmen, Santander, on 20 July 1988, it was stated that the proceedings were still at the investigatory stage, that it was not possible to identify the perpetrators and that the Office of the Regional Prosecutor, Barrancabermeja, was continuing the investigation to establish whether State forces had been involved. It was further stated that the preliminary report submitted by the committee of inquiry concluded that the multiple homicide had been carried out at Explanación Settlement, by a group of criminals known as MAS, on members of the peasant community of the Tres Amigos, Explanación and Los Olivos Settlements, for the purpose of dominating and controlling the areas in question;

(r) With regard to the death of Ricardo Ríos Serrano, in Bucaramanga, Santander, on 26 August 1988, it was stated that on 20 December 1988, the Fifth Public Order Court of Bucaramanga declared itself incompetent to continue the investigation, since it took the view that there was no reason to suppose that the murder had been committed for terrorist purposes and ordered that the case be returned to the Ninth Court of Criminal Investigation;

(s) With regard to the death of León Cardona, William Antonio Arboleda and Sergio Ospina in Medellín, Antioquia, on 30 August 1988, it was stated that the cases were still at the investigatory stage, items of evidence having been collected without it being possible to identify the perpetrators;

(t) With regard to the case of Popayán, Canalete, Córdoba, on 30 September 1988, it was stated that it was at the investigatory stage and that the authorities had not been successful to date in establishing the responsibility of specific persons or anti-social groups for the acts in question;

(u) With regard to the case of Martín Calderón in Cácuta, Norte de Santander, on 7 October 1988, it was stated that the case was still at the investigatory stage and that there was no indication that State security forces were involved;

(v) With regard to the death of César Castro Espejo, in Puerto España, Cauca, Antioquia, on 16 October 1988, it was stated that the case was at the investigatory stage and that the investigation was encountering difficulties of collecting evidence due to the refusal of witnesses to come forward. It was further reported that there was no indication that State agents were involved;

(w) With regard to the death of Alvaro Fajardo in Isnos, Huila, on 14 October 1988, it was stated that on 24 October 1988, a warrant of arrest was issued for a second lieutenant and that on 23 December 1988 the investigation had ended and pre-trial proceedings had begun.

84. In addition, the reply of 9 January 1989 from the Government of Colombia stated that the allegations communicated to the Government by the Special Rapporteur lacked both truth and objectivity. The Government recognized the complexity of the situation experienced by the country and the difficulties encountered in preventing criminals from escaping justice, but that did not indicate either its complicity or its acquiescence in the commission of atrocious crimes against the civilian population. It was further stated that the President, in order to deal with that problem, had suggested a number of policies, such as strengthening the Office of the Attorney-General of the Nation, appointing civilian prosecutors for the armed forces and national police, establishing the Presidential Council for the Defence, Protection and Promotion of Human Rights, signing and ratifying the international instruments relating to the defence of fundamental rights and promoting them as an objective of the country with the participation of the armed forces, establishing Public Order Courts and Tribunals dedicated exclusively to this purpose and suspending the emergency military courts for the trial of civilians. The reply further stated that the Government was not unaware of the possibility that members of the State security forces, abusing the powers entrusted to them, might commit illegal acts, for which they would be held

criminally and administratively responsible, but that the allegation that the entire armed forces were compromised in an institutional policy of violating human rights was contrary to all the evidence. According to its reply, the Government was using the institutional coercive machinery to put an end to new forms of violence and criminal activities of the extreme left and extreme right as well as drug traffickers.

#### Czechoslovakia

85. On 28 July 1988, a letter was sent to the Government of Czechoslovakia transmitting the allegation that on 26 April 1988 a person named Pavel Wonka, aged 35, had died in Hradec Králové prison after having been detained since 5 April 1988. His family was allegedly not allowed to see his body and was given no explanation of his death. It was also alleged that during his previous detention which had lasted until 26 February 1988, his physical and psychological health had been affected by the physical abuse in Minkovice prison.

86. The Special Rapporteur requested information on the above-mentioned allegation and in particular on any investigation of the case, including an autopsy, and measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

87. On 20 October 1988, a reply was received from the Government of Czechoslovakia, stating that in the course of his detention from 26 May 1986 in prisons at Hradec Králové and No. 1 in Prague, and during his prison terms at prisons No. 2 at Liberec and No. 2 in Prague and at Plzen from 13 August 1987 to 26 February 1988, no violence had been used against Pavel Wonka nor had he been subjected to any degrading treatment. It was further stated that he had died on 26 April 1988 in the prison at Hradec Králové and that the autopsy performed immediately after his death had established that death had been caused by heart failure after a blood clot had penetrated the pulmonary artery. The source of the blood clot was said to be thrombosis in the veins around the prostate. It was also stated that the representatives of Helsinki Watch, a non-governmental organization, had mentioned in their report of 4 May 1988 on the result of the autopsy on the deceased that they had not found any evidence of violence or mistreatment on the body.

#### Democratic Yemen

88. On 9 November 1988, a letter was sent to the Government of Democratic Yemen transmitting the following allegations:

(a) On 12 December 1987 Hadi Ahmad Nasir and 34 other defendants were sentenced to death by the Supreme Court on charges of treason, terrorism and sabotage, in connection with the fighting which broke out in the capital in January 1986. It was alleged that the defendants were granted access to their defence counsels only shortly before the trial, following months of incommunicado detention, and that they were tortured in detention. It was further alleged that they were not allowed to appeal against the verdicts by the Supreme Court. On 29 December 1987, Hadi Ahmad Nasir and four others sentenced to death were reportedly executed in al-Mansura Prison in Aden;

(b) Between May and July 1988, three men, named Said ba Mu'awwad ba Daruran, Ahmad Barghash bin Daggar ba Darwan and Ali Sa'id al-Amudi, who had allegedly been arrested on 23 January 1988, died in custody either at al-Mukalla or al-Fath Military Camp in Aden. It was alleged that although the authorities claimed that the detainees died as a result of a heart problem, their bodies had not been returned to their families.

89. The Special Rapporteur requested information on the above-mentioned allegations and in particular on any investigation of the cases, including autopsies, and measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

90. At the time of preparation of the present report, no reply had been received from the Government of Democratic Yemen.

#### El Salvador

91. On 30 November 1988 a cable was sent to the Government of El Salvador concerning the alleged killing of four day labourers, members of the Asociación Nacional de Trabajadores Agropecuarios (ANTA) (National association of farm workers) from El Chile Piedra Luna, jurisdiction of Yamabal, Morazán, on 12 November 1988 by members of the Third Brigade, Infantry of San Miguel and Military Detachment No. 4 of San Francisco Gotera, Morazán, and the alleged threat to the life of René Benítez Medrano, father of one of the four victims.

92. The Special Rapporteur, expressing his concern for the life of René Benítez Medrano and his family, appealed to the Government to take all necessary measures to protect the life of René Benítez Medrano and members of ANTA who were allegedly arrested or threatened.

93. On 28 July 1988, a letter was sent transmitting allegations that during the past year an increasing number of persons were allegedly killed either by members of the Salvadorian armed forces or by paramilitary groups, so-called "death squads". The victims were said to have included peasants, workers, students, politicians and trade-unionists. Some of the victims were allegedly suspected of support for and collaboration with the guerrilla groups. According to the sources of the information, such killings were carried out in a summary or arbitrary manner, although military authorities had claimed that some of the victims had died in combat or had been the targets of guerrilla attacks. It was also alleged that, despite the authorities' claim that the "death squads" were independent extremist groups of the right and left which were beyond Government control, evidence suggested that members of such groups included police and military personnel acting in plain clothes, under the orders of superior officers. It was further alleged that inquiries into such killings were repeatedly hampered by intimidation, interference in the work of the judiciary and selective application of the rules governing evidence. Consequently it was alleged that, with a few exceptions, no investigation of such deaths was carried out and that only a very few of those who had given the orders to kill were brought to justice.

94. The Special Rapporteur described, by way of example, 13 incidents of killings which allegedly occurred during the period between June 1987 and April 1988.

95. In addition, the Special Rapporteur mentioned the alleged killing of three women in San Martín, in an attack by Frente Farabundo Martí de Liberación Nacional (FMLN) guerrillas on a bus carrying textile workers.

96. On 9 November 1988, another letter was sent transmitting further allegations of summary or arbitrary executions. The Special Rapporteur described by way of example seven alleged incidents of killing, including the alleged killing of 10 peasants on 21 September 1988 in the village of San Francisco, San Sebastián, Department of San Vicente, by soldiers of the Jiboa Battalion.

97. In both letters, the Special Rapporteur requested information on the above-mentioned allegations, and in particular on any investigations of the cases and measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

98. On 21 July 1988, a letter was received from the Government of El Salvador, concerning the killing of Herbert Ernesto Anaya Sanabria on 26 October 1987, which was mentioned by the Special Rapporteur in his last report (E/CN.4/1988/22, paras. 92-94). According to the letter, Herbert Ernesto Anaya Sanabria, Co-ordinator of the non-governmental Human Rights Commission of El Salvador (CDHES) was assassinated in an act of terrorist violence. It was stated that on 28 October 1987 the Office of the Government Attorney had appointed two special investigators to look into the case and that, on 4 January 1988, a person named Jorge Alberto Miranda Arévalo, a suspect implicated in the killing of Anaya Sanabria, was handed over to the First Criminal Court. It was further stated that the accused confirmed before the judge his confession concerning his participation in the killing, as a result of which an order was issued for his detention. It was also stated that the President of the Special Criminal Investigation Commission and Minister of Justice had indicated that evidence revealed that Anaya Sanabria had been executed by the People's Revolutionary Army (ERP).

#### Equatorial Guinea

99. On 20 October 1988, a cable was sent to the Government of Equatorial Guinea concerning the case of Joaquín Elena Borenque, former member of the military police, and Francisco Bonifacio Mba Nguema, sub-lieutenant of the armed forces, who were allegedly sentenced to death by the Military Court (consejo de guerra) on charges which were not made public. It was alleged that a group of 19, including the above-mentioned two, arrested in the first week of September 1988, were tortured during their detention and that the trial by the Military Court was of a summary nature, without guarantees of the rights of the accused as provided for in article 14 of the International Covenant on Civil and Political Rights.

100. The Special Rapporteur requested information on the above-mentioned cases and in particular on the proceedings of the Military Court as a result of which the two persons were sentenced to death.

101. At the time of preparation of the present report no reply had been received from the Government of Equatorial Guinea.

### Ethiopia

102. On 9 November 1988, a letter was sent to the Government of Ethiopia transmitting the following allegations.

103. During the eviction of the inhabitants of Mihlarb and Bet-Sehehaghe villages in Ertra (Eritrea) in August/September 1988, Saïd Osman Hamid and Mohamed Ker-Keblan were allegedly shot dead by soldiers of the government forces when they resisted eviction.

104. In another incident on 24 October 1988, in the village of Mai Harast, Caret District, Akeleguzai, 11 persons were allegedly killed by government soldiers when they shot indiscriminately at the villagers to enforce eviction.

105. The Special Rapporteur requested information on the above-mentioned allegations, and in particular on any investigation of the cases and measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

106. At the time of preparation of the present report no reply had been received from the Government of Ethiopia.

### Guatemala

107. On 7 July 1988, a cable was sent to the Government of Guatemala concerning the allegation of death threats by government agents or individuals acting with the Government's acquiescence against officers and members of the Electrical Workers Union (SPINDE) in El Petén and their families.

108. In view of a number of allegations of killings of trade-unionists, the Special Rapporteur, expressing his concern for the life and security of the above-mentioned persons, appealed to the Government to take every possible measure to protect their lives and requested information on those cases, in particular on any investigations thereof, by the appropriate authorities and steps taken to ensure the safety of the persons concerned.

109. On 20 September 1988, another cable was sent concerning the case of Fr. Andrés Girón, a priest and leader of the Asociación Nacional de Campesinos Pro-Tierra (ANC) (National association of peasants for land), who was attacked on 11 September 1988 near Tiquisate, Escuintla, by a group of armed men. Rodolfo de León Velásquez who was accompanying Fr. Girón was allegedly shot dead. It was alleged that Fr. Girón had repeatedly received death threats for his role in ANC, from paramilitary groups such as The Ejército Secreto Anti-Comunista (ESA) (Secret anti-Communist army), whose members reportedly included certain military and security force personnel acting under superior orders.

110. In view of a number of allegations that several persons were killed by paramilitary groups after receiving similar threats, the Special Rapporteur expressed his concern for Fr. Girón's life and requested information on the measures taken to protect it and that of others receiving similar threats and on the appropriate authorities' investigation of the murder of Rodolfo de León Velásquez.

111. On 30 September 1988, a third cable was sent concerning alleged death threats against members of the Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares (GAM) (Mutual support group for the return of missing relatives alive) in the village of Pachoj, Department of El Quiché. It was alleged that Juan Ajanel Pixcar and Sebastiana Ramos, in particular, were accused and threatened at a community meeting by the Commander of the Patrullas de Autodefensa Civil (PAC) (Civil Defence Patrols) of the region.

112. The Special Rapporteur, expressing his concern for the life of the above-mentioned members of GAM, requested information on the measures taken to protect the lives of the persons receiving death threats.

113. On 28 July 1988, a letter was sent transmitting the allegation that, during the past year a large number of persons were alleged to have been killed in various parts of the country by groups of unidentified armed men in some instances said to be members of the security forces. According to one source, a total of 420 persons were killed in a summary or arbitrary manner during 1987.

114. Among those killed, a number of persons were allegedly victims of military operations. The Special Rapporteur described by way of example the following incidents:

(a) On 10 April 1987, in the village of Xecnup, Joyabaj, El Quiché, 12 farmers were killed when they attempted to return to their village from which they had been expelled five years earlier;

(b) On 26 September 1987 in Tisumal, Nebaj, El Quiché, two persons were killed by army shelling, bombing and strafing by planes and helicopters;

(c) On 27 September 1987, in Xeucalbitz, Nebaj, El Quiché, 13 persons were killed in a military operation, including a 3-year-old girl.

115. In addition, a number of persons were allegedly abducted by groups of unidentified armed men and later found dead on roads or by the wayside, often with signs of torture. It was alleged that these paramilitary groups used particular kinds of vehicles normally used by the security forces and acted with total impunity. The Special Rapporteur described by way of example, four incidents of such killings which allegedly occurred during January and February 1988.

116. On 9 November 1988, another letter was sent transmitting allegations of killings by groups of unidentified men in various parts of the country. The Special Rapporteur described, by way of example, 50 such incidents which allegedly occurred during the period between February and September 1988.

117. In both letters, the Special Rapporteur requested information on the alleged cases and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

118. At the time of preparation of the present report no reply had been received from the Government of Guatemala.



Haiti

119. On 7 July 1988, a cable was sent to the Government of Haiti concerning the alleged death threats made by local government and security officials and others against several members of lay Catholic organizations, including Têt Ansam in the Jean Rabel area.

120. In view of several similar incidents during the past year when a number of persons were allegedly killed or seriously wounded by members of the security forces or groups of armed civilians, the Special Rapporteur expressed his concern for the life and security of the above-mentioned persons, appealed to the Government to take the necessary measures to protect their lives and requested information on the above-mentioned cases.

121. On 14 September 1988, another cable was sent concerning the incident which occurred on 11 September 1988 at St. Jean Bosco Catholic Church in Port-au-Prince where a group of armed men allegedly attacked the congregation during mass in the presence of members of the security forces and killed five persons.

122. As in his previous cable, the Special Rapporteur expressed his concern, appealed to the Government on purely humanitarian grounds to take the necessary measures to protect the lives of the persons concerned and requested information on the above-mentioned incident, in particular on the investigation made or measures taken to guarantee the right to life of these persons.

123. On 9 November 1988, a letter was sent concerning allegations that during the past year a number of persons were killed by members of the security forces or armed individuals allegedly acting with the connivance of the security forces or government officials. The victims were said to include members of Catholic lay organizations, human rights organizations and trade unions. In some cases the victims had reportedly been attacked or threatened before being murdered. The Special Rapporteur described, by way of example, three alleged incidents of such killings, including the killing of Joseph Lafontant, one of the founders of the Ligue Haïtienne des droits humains (Haitian human rights league) and Executive Director of the Centre de promotion des droits humains (Centre for the promotion of human rights), on the night of 10/11 July 1988.

124. The Special Rapporteur requested information on the allegations and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

125. On 23 December 1988, a letter was received from the Government of Haiti transmitting information on the measures taken by the military Government of Haiti concerning human rights and stating that the military Government, in its determination to consolidate the process of establishing a representative democracy, had issued four decrees confirming Haiti's adherence to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Political Rights, and the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and its ratification of the Inter-American Convention to Prevent and Punish Torture.

Honduras

126. On 28 July 1988, a letter was sent to the Government of Honduras transmitting allegations of killings by members of the security forces or by unidentified men. The Special Rapporteur described, by way of example, the following cases:

(a) On 6 October 1987, in the port of Tela, Department of Atlántida, Gilberto Isaula Requeno and Narciso Ortiz Leiva were killed allegedly by agents of the Dirección Nacional de Investigaciones (DNI) (Criminal investigation service). It was alleged that after having been questioned at the DNI office, agents accompanied Isaula Requeno to his house where they shot him;

(b) On 7 September 1987, in Comayagua, José Luis Pérez Ochoa, aged five, was beaten by members of the security forces when he allegedly tried to stop them from mistreating his parents. The child died in the Tegucigalpa hospital on 11 October 1987. According to the police the child died of pneumonia;

(c) On 5 January 1988, in Tegucigalpa, José Isaías Vilorio, a former army sergeant and alleged member of a "death squad", was shot dead by four unidentified gunmen. On 14 January 1988, in San Pedro Sula, Miguel Angel Pavón Salazar, regional head of the Honduran Human Rights Commission, and Moises Landaverde were shot dead by a gunman. Isaías Vilorio and Pavón Salazar were two of the witnesses in the cases of disappearance of four persons in Honduras before the Inter-American Court of Human Rights;

(d) On 7 April 1988 in Tegucigalpa, five students were allegedly killed when security forces shot at the crowd during a demonstration in front of the American Embassy.

127. On 9 November 1988, another letter was sent to the Government of Honduras transmitting the following allegations:

(a) On 27 September 1977 in San Pedro Sula, Juan Caballero Sánchez and Roberto Ortiz López were allegedly shot dead by eight DNI agents after their car was stopped and they were forced out of it. One of the victims was reportedly the common-law husband of a leader of the Federación Unitaria de Trabajadores de Honduras (FUTH) (United Federation of Workers of Honduras) who had taken part in a hunger-strike in support of claims being made by the textile workers' union SITRATEXHONSA (Sindicato de Trabajadores de Textiles de Honduras S.A.);

(b) On 27 July 1988, in the Mesa Grande refugee camp, José María Leiva was allegedly arrested by members of the army and later executed.

128. In both letters, the Special Rapporteur requested information on the alleged cases and, in particular, on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and bring those responsible to justice.

129. On 19 May 1988, an official communication was received from the Permanent Mission of Honduras to the United Nations Office at Geneva, transmitting a report by the Interinstitutional Commission of Human Rights of

Honduras (CIDH) referring, inter alia, to the cases of José Isaías Vilorio, Miguel Angel Pavón Salazar and Moises Landaverde. Regarding the death of José Isaías Vilorio, it was reported that a group called "FLZ Cinchonero" had claimed responsibility for the killing. Regarding the deaths of Miguel Angel Pavón and Moises Landaverde, a report on the preliminary investigation, including testimony by a forensic expert, was attached.

#### India

130. On 28 July 1988, a letter was sent to the Government of India concerning the allegation that, on 19 April 1986 in Arwal, Bihar State, 21 persons were allegedly shot dead by the police during a peaceful gathering in connection with a land dispute. Several persons were said to have died, on the way to hospital, of injuries sustained in the police shooting. Sharat Sao was allegedly found dead after having been taken alive to the police station. It was alleged that the police opened fire, without a prior warning, at the gathering crowd, which included women, children and elderly persons.

131. The Special Rapporteur requested information on the alleged deaths and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

132. On 13 September 1988, a reply was received from the Government of India concerning the alleged deaths at the end of May 1987, during communal violence in and around Meerut, Uttar Pradesh, which the Special Rapporteur referred to in his latest report (E/CN.4/1988/22, paras. 106-108). According to the reply, the State Government of Uttar Pradesh was carrying out investigations and the final outcome was awaited. It was also stated that, meanwhile, the State Government had activated a scheme for providing financial relief to the families of persons who had lost their lives in the course of the riot.

133. On 30 November 1988, a reply was received from the Government of India concerning the alleged incident of shooting of 21 persons by police on 19 April 1988 in Arwal, Bihar State, in connection with a dispute over a piece of land in the village. According to the reply, on 19 April 1988, some 600 or 700 persons gathered on the land in question disobeying the orders promulgated under section 144 of the Criminal Procedural Code and indulged in violence. It was stated that, after the police had arrested four persons and withdrawn to the police station, the police station was surrounded by a violent mob, demanding the release of the arrested persons. It was also stated that shots were fired at the police station, police barracks and the family quarters nearby. Under the orders of the Sub-Divisional Officer and the magistrate, shots were fired by the police, resulting in 11 deaths. It was further stated that the injured persons were given first aid and taken to the Patua Medical College Hospital where 10 of them subsequently died, thus bringing the total number of deaths to 21.

134. On 13 January 1989, the Special Rapporteur met the Representative of the Government of India.

Indonesia

135. On 7 November 1988, a cable was sent concerning alleged cases of imminent execution. According to the information received, two prisoners named Jayari and Sukarjo, sentenced to death for their alleged involvement in the 1965 coup attempt were executed during the night of 15/16 October 1988. Fears were expressed to the Special Rapporteur that other prisoners sentenced to death on similar charges might be facing imminent execution. The names of 11 prisoners were mentioned.

136. The Special Rapporteur, recalling his previous appeal made on 3 June 1985 for the life of those sentenced to death in connection with the above-mentioned coup attempt, requested information on the present status of legal proceedings concerning the prisoners mentioned above.

137. On 28 July 1988, a letter was sent transmitting the allegation that, during the past several years, a number of persons had been killed in East Timor by Indonesian military personnel. Thirteen alleged cases of such killings (10 in 1986 and 3 in 1987) were described by way of examples. In addition, the letter transmitted the allegation that during 1986 and 1987 several persons had died in police or military custody. The following seven cases were described by way of example:

(a) Leman bin Idris died following a disturbance in Salemba prison in 1986 during which he was allegedly kicked and beaten. In August 1987, two prison officials were convicted by the East Jakarta District Court of causing slight injuries to the prisoner and were sentenced to suspended sentences of 3 years and 18 months' imprisonment;

(b) Ferdinand Tarigan died in Simulangun police station on 5 November 1986. His body was said to have borne marks of torture, but the police was reported to have announced that he hanged himself in the police station lavatory. Although the arrest of the Chief of the Simulangun police station and three other police officers was ordered, no charges had been filed by April 1987;

(c) Joni Silvester Hoban, from Cengkaren, West Jakarta, died in hospital on 12 April 1987 after having been arrested on 1 April 1987 by the local military district command (Koramil) and released on the following day. He was alleged to have died as a result of injuries following ill-treatment in the Koramil;

(d) Nasehat bin Slamet died on 8 July 1987 allegedly on the way to hospital from the police station in South Jakarta after having been arrested on 7 July 1987. His body was said to have borne marks of torture;

(e) Umar Marjuki from Pilar in Karang Asing, Cikajang, West Java (Java), died on 9 September 1987 on the way to hospital from the Bekasi main police station, after having been arrested on 7 September 1987. The police were reported to have stated that he had been attacked by other prisoners;

(f) Saipin bin Pulo was found dead on the night of 21/22 October in the Citarum River after having been arrested on 19 October 1987 and taken to the Muara Gembong police station. The police subsequently denied that Saipin had ever been detained;

(g) Paijan, alias Buang, died on 2 December 1987 in the police station in Tanah Jawa, after having been arrested on 30 November 1987 by the Tanah Jawa Koramil and taken to the district office in Afdeling 1, where he had allegedly been tortured.

138. The Special Rapporteur requested information on the above-mentioned allegations and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

139. On 4 January 1989, a reply was received from the Government of Indonesia stating that, with regard to the prisoners involved in the 1965 attempted coup, the sentences of those convicted of treason were carried out in total conformity with the due process of the law and in accordance with Indonesian criminal law and procedures. It was also stated that, throughout the trials of the defendants who were involved in the abortive coup, the courts had adhered to and implemented, inter alia, the principles of presumption of innocence, rule of law, open and public trial, fair composition of the court, and guarantee of the rights of the defendant to legal counsel and to appeal for clemency. It was further stated that the trials were indeed fair and open to the public and the press, that those convicted had had the right to appeal for clemency to the President of the Republic and that their appeals had been rejected on the grounds of the gravity of the crimes, as they had been directly involved in instigating and carrying out the abortive coup which had resulted in considerable loss of life and inflicted much suffering on the Indonesian people. According to the reply, the seemingly long delay in carrying out the executions was due to the time needed by the judiciary and the executive to ascertain that justice was really upheld. It was also stated that the magnitude of the crimes, which involved several thousand persons, required a considerable time for trial and clemency proceedings, and that, in fact, the defendants were afforded every legal avenue. It was further stated that the sentences were carried out only after all legal recourse had been completely exhausted and after those convicted were given the opportunity of meeting their families and relatives and that their burials were carried out in accordance with their religious beliefs. In conclusion, it was stated that the Government firmly believed that there was no question of summary or arbitrary execution.

140. On the same day, another reply was received with regard to the situation in East Timor, stating that the true situation prevailing there was as shown by the findings of humanitarian organizations, such as the International Committee of the Red Cross (ICRC). The reply also mentioned the findings of the Chief Minister of the Australian Northern Territory who had led a delegation of officials, journalists and Timorese to the province of East Timor from 9 to 11 November 1988. It was stated that the party had found no repression, no starvation and no restrictions on freedom of movement and religion. The reply also referred to "the United States State Department's categorical rejection of the allegations by a number of United States Congressmen and Senators of abuses of human rights in East Timor". It was also stated that the province had been officially opened as of 1 January 1989 and thus East Timorese residents were free to travel without restriction and entry restrictions for outsiders had been lifted.

141. On 13 January 1989, the Special Rapporteur met the Permanent Representative of Indonesia to the United Nations Office at Geneva.

Iran (Islamic Republic of)

142. Cables were sent to the Government of the Islamic Republic of Iran on 26 August, 14 September, 11 and 15 November, 1, 8, 9, 20 and 23 December 1988 concerning allegations that since July 1988 a large number of prisoners, said to be members or supporters of groups or organizations opposing the Government, had been executed and several others were facing imminent execution in various parts of the country. According to information received, a number of prisoners had their sentences of imprisonment changed to the death sentence or were executed even though their terms of imprisonment had been completed. The Special Rapporteur, mentioning a total of some 150 cases of prisoners whose names had been received, appealed to the Government on purely humanitarian grounds to ensure that the right to life of those persons was protected and requested information on the aforementioned cases.

143. On 13 January 1989, a cable was sent concerning 302 persons who might be facing imminent execution. According to the information, these persons, as in the cases communicated to the Government by the previous cables, had already served or were currently serving sentences of imprisonment. It was alleged that many of the persons in question were tortured and deprived of visits from their families.

144. In view of persistent reports received that several thousand persons had been executed without trial or with a trial of a summary nature, the Special Rapporteur appealed to the Government to ensure that the right to life of the above-mentioned persons was protected as provided for in the International Covenant on Civil and Political Rights. He also requested information on the above-mentioned cases as well as any information on the fate of the persons mentioned in his previous cables, as follows: cable of 26 August concerning 12 persons, cable of 1 November concerning Ali Akbar Shalgoolney and Adel Talebi, cable of 11 November concerning Fereidoun Faroughi, cable of 15 November concerning 24 persons, cable of 1 December concerning 55 persons, cable of 8 December concerning Soraya Ali Mohammadi, cable of 9 December concerning Monireh Rajavi, cable of 20 December concerning 21 persons and cable of 23 December 1988 concerning 43 persons.

145. On the same day, the list of 302 persons was communicated to the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva.

146. On 9 November 1988, a letter was sent to the Government transmitting the allegation that, since July 1988, a large number of prisoners had been executed in various parts of the country, without trial or with a trial of a summary nature. The victims allegedly included members and supporters of organizations and groups opposing the Government, and also Kurdish prisoners. The Special Rapporteur described by way of example the following allegations:

(a) On 10 July 1988, 10 persons accused of being "counter-revolutionaries and Iraqi spies" were executed;

(b) On 20 July 1988 about 20 persons belonging to political opposition groups were executed in Evin Prison. The victims included three members of the Tudeh Party and a member of the People's Fedaiyan Organization of Iran (majority).

(c) Alleged collaborators with the members of the People's Mujahedin Organization of Iran (PMOI) were publicly executed in Kangavar, Bakhtaran and Islamabad-e-Gharb. According to the official account, 15 PMOI supporters were executed on about 5 August 1988. They included seven persons executed on 1 August 1988 in Bakhtaran and one person on 3 August 1988 in Ilam;

(d) On 28 July 1988, 200 prisoners said to be PMOI sympathizers, were executed in Evin Prison. In Machad, 50 other PMOI sympathizers were executed;

(e) On 14, 15 and 16 August 1988, 860 corpses were transferred from Evin Prison to the Behesht Zahra cemetery;

(f) It was further alleged that on the night of 15/16 May 1988 a large number of Iraqi prisoners of war were found killed, their feet bound with ropes, in the Mawat region in northern Iraq.

147. The Special Rapporteur requested information on the alleged occurrence of summary or arbitrary executions and in particular the legal proceedings following which the alleged executions might have been carried out.

148. At the time of preparation of the present report, no reply had been received from the Government of the Islamic Republic of Iran.

#### Iraq

149. On 6 April 1988, a cable was sent to the Government of Iraq concerning the allegation that, on 16 March 1988 in the towns of Halabja, Serwan, Khormal and the surrounding villages in northern Iraq, more than 2,000 civilians, mostly women and children, were killed during the air-raids carried out by the Iraqi Air Force using chemical and incendiary weapons. Further loss of civilian lives in the above-mentioned areas was feared.

150. On 5 September 1988, another cable was sent to the Government of Iraq concerning the allegation that, at the end of August 1988, in the Dahok area, a large number of civilians, including women and children, were killed in operations carried out by the government forces using chemical weapons. Further loss of civilian lives was feared.

151. In both cables, the Special Rapporteur appealed to the Government on purely humanitarian grounds to ensure that the right to life of civilians in the affected areas was protected in every possible manner, and requested information concerning the above-mentioned cases.

152. On 11 August 1988, a cable was sent to the Government of Iraq concerning the allegation that three Iraqi nationals residing in Egypt, Abdul Amir Azhab Al Ruba'ay, Sadik Saleh Mahdi and Ahmad Mohammed Mahdi Said, who were said to have been sentenced to death in 1982, were detained by the Egyptian authorities and handed over to the Iraqi authorities on 5 August 1988. It was alleged that their death sentences might be carried out.

153. The Special Rapporteur requested information on the above-mentioned cases, in particular on the charges, trial and procedures leading to their conviction and sentencing.

154. On 28 July 1988, a letter was sent to the Government of Iraq transmitting the allegation that hundreds of persons were executed without trial or after trials of a summary nature by the Revolutionary Court or ad hoc special courts following procedures without the safeguards for a fair trial, notably without the right of the defendant to appeal to a higher tribunal. Among the victims were civilian members of the Kurdish ethnic minority, including women, children and elderly people and opponents of the Government.

155. The Special Rapporteur described by way of example some alleged cases as follows:

(a) Thirty-one Kurds, including five persons under 18, were executed after having been sentenced to death by a military court following summary proceedings, nine of them on 18 November and eight on 10 December 1987 in Fa'ideh Garrison, and 14 on 28 December 1987 in Mosul Training Camp;

(b) On 12 May 1987, in Sulaymaniyaheight Kurds were publicly executed without trial.

(c) On 19 August 1987, two members of the Kurdistan Democratic Party (KDP) were publicly executed in Sersenk barracks and in September 1987 another was executed in Kirkuk prison without trial;

(d) On 11 November 1987, over 100 Kurds from the village of Jiman, Kirkuk Province, were summarily executed by security forces after house-to-house searches;

(e) Between 14 and 18 November 1987, 32 Kurds from Shaqlawa, Arbil Province, including two minors aged 16, were summarily executed;

(f) On 18 November 1987, 'Abd al-'Aziz 'Abdallah Othman, a member of the Kurdistan Popular Democratic Party (KPDP), was executed in Abu Gharab prison;

(g) On 30 and 31 December 1987, more than 150 prisoners, including minors aged from 14 to 17, were executed in Abu Gharab prison;

(h) Between November 1987 and January 1988 five members of the Kurdistan Socialist Party-Iraq (KSP-I) were executed in Arbil without charge or trial;

(i) On 17 January 1988, Sayed Mahdi al-Hakim was killed in Khartoum by an agent sent by the Iraqi authorities.

156. The Special Rapporteur requested information on the alleged occurrence of summary or arbitrary executions and in particular on the legal proceedings following which the alleged executions might have been carried out.

157. On 9 November 1988, another letter was sent to the Government of Iraq transmitting the allegation that, on 8 October 1988, 48 persons belonging to the Kurdish minority died in attacks by the Iraqi Air Force using chemical weapons over villages in the Hawia and Chemi-Razan area in the Province of Kirkuk. On 11 October 1988, 11 persons allegedly died in a similar attack in the area of Sheikh Bizeni.



158. The Special Rapporteur requested information on the cases, and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and bring those responsible to justice.

159. On 5 September 1988, a note was received from the Government of Iraq, transmitting an official statement issued on 2 September 1988 in Baghdad which strongly denied the use of chemical weapons in the north of Iraq.

160. On 10 September 1988, information was made available by the Permanent Mission of Iraq to the United Nations Office at Geneva concerning the alleged use of chemical weapons by Iraq. According to the information, a Turkish Foreign Ministry spokesman had announced that, in the light of the tests and examinations conducted, there was no proof of the use of chemical weapons by Iraq.

161. On 14 September 1988, a note was received from the Government of Iraq transmitting two decisions promulgated by the Iraqi Revolutionary Command Council on 6 and 8 September 1988, concerning the granting of a general amnesty to fugitive and convicted Kurds and political prisoners.

162. On 28 December 1988, a reply was received from the Government of Iraq to the Special Rapporteur's letter of 9 November 1988 (see para. 157), requesting him to furnish the names of victims so that the Government could provide a reply.

163. On 11 January 1989, the Special Rapporteur met the Representative of the Government of Iraq.

164. On 12 January 1989, a reply was received from the Government of Iraq, stating that, with regard to the cases of three Iraqi nationals said to be under sentence of death, and handed over to the Iraqi authorities by the Egyptian authorities (see para. 152), Sadik Mahdi and Ahmad Mohammed Mahdi were currently in Iraq, residing under the same conditions as any other Iraqi citizen and no legal action had been taken against them. As for the third person, Abdul Amir Azhab Al-Ruba'ay, it was stated that he had been outside the country since 1981 of his own free will for medical reasons concerning his wife and had not returned. With regard to the allegation communicated to the Government by the Special Rapporteur on 9 November 1988, the reply, referring to the Government's reply of 28 December 1988, stated that it was not possible for the competent authorities to give answers about unknown people and requested the Special Rapporteur to provide the Government with accurate information so that the authorities could provide an answer.

#### Israel

165. On 28 July 1988, a letter was sent to the Government of Israel transmitting the following allegations.

166. Since 9 December 1987, over 160 Palestinians in the West Bank, Gaza and East Jerusalem, including women and children, had been killed by members of the Israel Defence Force (IDF). Many of them were reportedly shot during confrontations between IDF and Palestinian protesters. Some others, however,

had reportedly not been engaged in violent demonstrations when they were killed. Others allegedly died as a result of severe blows received from soldiers. A list of 166 victims was received by the Special Rapporteur. It was alleged that live ammunition was used excessively despite strict guidelines on the rules of engagement. Since the guidelines on the use of live ammunition had been changed, in March 1988, permitting soldiers to shoot directly at Palestinians who attacked them with petrol bombs, the incidence of fatalities had markedly increased. It was also alleged that few cases of such deaths were adequately investigated and that those found responsible received only light punishment. It was further alleged that, since December 1987, at least 17 Palestinians had been shot dead by Israeli settlers and two Israelis had been killed, one army reservist by a Palestinian and a 15-year-old girl accidentally by a settler during a confrontation between settlers and Palestinian villagers. In addition, it was alleged that tear-gas was misused by members of IDF and had consequently caused or contributed to the death of more than 40 Palestinians. Victims were said to be those who were especially vulnerable to tear-gas inhalation, such as babies and elderly as well as sick persons. The Special Rapporteur described seven cases of victims among those who had allegedly died after having been heavily exposed to tear-gas.

167. On 9 November 1988, another letter was sent to the Government of Israel concerning the allegation that, from the beginning of the uprising in the occupied territories in December 1987 to the beginning of September 1988, some 250 Palestinians had died as a result of the action taken by IDF. The majority of the victims were said to have been shot dead during confrontations between IDF and Palestinians. Others had allegedly died as a result of suffocation from tear-gas and beating. In addition, during July and August 1988 several more Palestinians allegedly died while in the custody of the Israeli authorities. The Special Rapporteur described four such cases which had allegedly occurred in July and August 1988.

168. In both letters, the Special Rapporteur, requested information on the alleged occurrence of summary or arbitrary executions and, in particular, on any investigations of these cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

169. On 10 January 1989, a cable was sent to the Government concerning Soha Bechara who was allegedly arrested on Lebanese territory and accused of having made an attempt on the life of Antoine Lahad, "General of the South Lebanese Army". Expressions of concern were received by the Special Rapporteur that she might be handed over to the "South Lebanese Army" which would allegedly mean that her life was in danger.

170. The Special Rapporteur appealed to the Government of Israel on a purely humanitarian basis to ensure that the right to life of the above-mentioned person was protected and requested information on the case.

171. At the time of preparation of the present report no reply had been received from the Government of Israel.

### Jamaica

172. On 15 November 1988, a cable was sent to the Government of Jamaica concerning three cases of imminent execution of three prisoners named Rudolph Walker, Ezekiel Pryce and Lenford Hamilton. It was alleged that the three could not file an application for leave to appeal to the Judicial Committee of the Privy Council in London as legal counsel was not available to prepare such appeals and represent them. It was also alleged that the Court of Appeal of Jamaica had rejected appeals in the cases of Lenford Hamilton and Rudolph Walker, without giving any written reasons for its decisions. In the case of Ezekiel Pryce, existence of a written judgement was allegedly not confirmed by the relevant authorities.

173. The Special Rapporteur appealed to the Government on purely humanitarian grounds to stay their execution for the time being and to ensure that the rights of the above-mentioned persons were protected throughout the legal proceedings, and requested information on the legal proceedings concerning the above-mentioned cases.

174. Subsequently, the Special Rapporteur learned that the three had been granted a stay of execution.

175. At the time of preparation of the present report no reply had been received from the Government of Jamaica.

### Jordan

176. On 29 June 1988, a cable was sent to the Government of Jordan concerning four cases of death sentence. According to information received, Fa'eq Saleh 'Add Al-'Aziz Al-Salti, Tayel 'Abd Al-Halim Mahmud Al-Salti, Faisal 'Ali Mustafa Al-Salti and Muhammad Ahmad Mustafa Al-Salti were sentenced to death on 21 June 1988 by the Military Court.

177. The Special Rapporteur referred to a note dated 25 April 1988 from the Government of Jordan concerning the cases of three persons sentenced to death by the Military Court, mentioned in his last report (E/CN.4/1988/22, paras. 46-47), and stated that it confirmed that there was no right of appeal against verdicts of the Military Court. Stating that it still remained a matter of serious concern that the Military Court did not grant the right to appeal to a higher tribunal, the Special Rapporteur requested that the matter be looked into and that the right to life of the four persons be protected, in accordance with the International Covenant on Civil and Political Rights and Economic and Social Council resolution 1984/50.

178. On 17 October 1988, a reply was received from the Government of Jordan, stating that the trials of the four persons had been conducted in accordance with the judicial procedures and the legislation in force. It also stated that the courts were presided over by highly qualified professional judges and that the proceedings before those courts did not differ from those in other civil courts with regard to the guarantee of the rights of the accused. It further stated that death sentences passed by the Military Court were executed only after they had gone through a number of stages in which they were carefully scrutinized as a safeguard for the convicted persons and that such sentences required ratification by the Prime Minister and the King.

179. Subsequently, the Special Rapporteur learned that three of the four persons had been executed on 19 July 1988 and the fourth, Muhammad Ahmad Mustafa Al-Salti had had his sentence commuted.

#### Mauritania

180. On 23 November 1988, a cable was sent to the Government of Mauritania concerning a certain number of prisoners, including Ibrahim Sarr who, detained for political reasons at Oualata, were alleged to be gravely ill due to inadequate prison conditions, in particular unavailability of medical care. It was alleged that three other prisoners, Tene Youssouf Gueye, Chief Warrant Officer Ba Alassane Oumar and Lieutenant Abdul Ghoudouss Ba, died of illness in the recent past in similar conditions.

181. The Special Rapporteur appealed to the Government on purely humanitarian grounds to take the necessary measures to protect the prisoners detained at Oualata and requested information on the above-mentioned cases and in particular on any investigation carried out or measure taken to guarantee the welfare of those persons.

182. On 28 July 1988, a letter was sent to the Government of Mauritania transmitting the allegation that on 6 December 1987 three officers of the Mauritanian armed forces, Lieutenants Saïdy Ba, Amadou Sarr and Saidou Sy, were allegedly executed after having been sentenced to death on 3 December 1987 by the Cour spéciale de justice (special court of justice) on charges of plotting to overthrow the Government. It was alleged that there was no right to appeal to a higher tribunal.

183. The Special Rapporteur requested information on the alleged cases of summary or arbitrary executions and in particular on the legal proceedings following which the alleged executions might have been carried out.

184. At the time of preparation of the present report no reply had been received from the Government of Mauritania.

#### Mexico

185. On 13 September 1988, a reply was received from the Government of Mexico concerning the alleged killing of 10 peasants from Ilamatlán, Veracruz, on 27 April 1987, which was mentioned in the Special Rapporteur's last report (E/CN.4/1988/22, paras. 128-130). According to the reply, the Secretary-General of the Veracruz State Government reported that the incidents had originated in disputes between the members of two local families and no political conflict was involved. It was stated that nine persons died as a result of the incident. Criminal proceedings were instituted in the Court of First Instance of Mixed Jurisdiction, which issued a detention order against five persons, and an arrest warrant against 34 fugitives. It was further stated that on 18 April 1988 the five prisoners were sentenced to 20 years' imprisonment and a fine of 40,000 pesos in cash and that the convicted men had sought leave to appeal, which was granted. The case was currently pending at the Higher Court of Justice.

Nicaragua

186. On 28 July 1988, a letter was sent to the Government of Nicaragua concerning alleged killings of civilians by the security forces in the continuing armed conflict between the government forces and the Contra rebels. The Special Rapporteur described the following incidents:

(a) In May 1987, eight farmers from the Ubú district, near the Tuma River, Department of Zelaya, were allegedly killed by soldiers from a unit in the town of Matiguás, Department of Matagalpa. On 16 September 1987, Pablo Antonio Manzanares López, aged 12, from the same village was allegedly killed by soldiers from the same unit. Furthermore, on 1 October 1987, Heriberto López and Fúlio Méndez Sánchez, from the same village, were allegedly killed by soldiers from the same unit. A boy named Abelino Escorcía García was killed when he stepped on a mine allegedly planted by the soldiers;

(b) On 4 September 1987, in the district of La Campana, Department of Chontales, María Eufrasia León Estrada was killed in her house by government forces who were allegedly looking for anti-government forces in the victim's house;

(c) On 1 and 2 November 1987, in El Carril and El Mojón, Department of Jinotega, Marvin Hernández, a farmer from El Carril, and Inocencio González Rodríguez, a farmer from El Mojón, were allegedly arrested and killed by soldiers of the Swift Hunter Oscar Trucíos Battalion;

(d) On 9 February 1988, in the locality known as "Cafío de Agua", in the Copalar district of Río Blanco, Department of Matagalpa, Paula Ruíz Ruíz was killed, allegedly by a member of the government forces;

(e) On 16 February 1988, in a place known as "La Cuesta del Coyol", Department of Matagalpa, Walter Antonio Silva, was allegedly killed by an officer of the government forces;

(f) On 17 March 1988, in a place known as "La Mica", in the El Silencio district, Department of Chontales, Jorge Alejandro Rojas Urbina was found dead. It was alleged that Rojas, a former Contra rebel, was killed by four agents of the State Security after he had refused to continue collaborating with them in identifying other Contra rebels.

(g) On 16 March 1988, in La Frescura district, Department of Río San Juan, José Félix Lago Soto, was killed by members of the Pedro Altamirano Battalion;

(h) On 19 March 1988, in the Arimas district of the Acoyapa jurisdiction, Department of Chontales, Fidel Anastasio García Sevilla was killed, allegedly by members of the Gaspar García Laviana Battalion.

187. In addition to the foregoing, a considerable number of civilians, including children, were allegedly killed by the Contra rebels when they attacked co-operative farms, buses and private houses. The Special Rapporteur received information concerning such incidents, including the names of the victims.

188. On 9 November 1988, another letter was sent to the Government of Nicaragua transmitting alleged cases of killing by government forces which were said to have occurred since the beginning of 1988:

(a) On 17 January 1988, in the village of El Chile, jurisdiction of San Ramón, Department of Matagalpa, four members of the Cruz Mairena family were allegedly shot dead by members of the Sandinista Hermanos Sánchez co-operative.

(b) On 27 January 1988, in the Matiguás region, Félix Manuel Riza, was allegedly detained by a group of government soldiers. A week later his mutilated body was found near his house;

(c) On 14 March 1988, Cruz Castillo, was allegedly detained by troops from the La Patriota army base near Apantillo. His body was reportedly found a week later with stab wounds and marks of torture;

(d) On 21 March 1988, Mateo Lanzas, Vicente Lanzas, Juan Iglesia, Norvin Pérez and Anastasio Martínez were allegedly arrested by soldiers from the La Patriota base. Next day their bodies were found with stab wounds;

(e) On 26 March 1988, three kilometres from the El Coral village, Department of Chontales, Cruz Teodolinda Sequeira Urbina, Abraham Sánchez, and his father Pedro Sánchez, were allegedly killed by two soldiers;

(f) On 26 April 1988, the mother of Edy Moisés Barrera Morales, aged 23, was allegedly informed of his death in a confrontation with police after having attacked a taxi at km 15 on the León-San Isidro highway. His body was said to have been battered and decapitated;

(g) On 6 May 1988, in Managua, Francisco José López Hernández was found dead in a street with a bullet wound; security forces were suspected of the killing. No investigation was alleged to have been carried out so far;

(h) On 20 May 1988, it was announced that Carlos Hools Downs, from Bluefields, Zelaya, had been killed at the Bluefields Command of the government forces. It was alleged that his body showed signs of torture and a bullet wound in the pelvis;

(i) On 23 May 1988, Roger Francisco Poveda Osorio allegedly died at the military base in Sumubila, Tasba Pri, Puerto Cabezas, Zona Especial I, Zelaya Norte. Although his death was reportedly explained as suicide, his body allegedly bore marks of torture;

(j) On 24 August 1988, in Puerto La Esperanza, Valeriano Torres Gómez, a member of the municipal council of Valle de Wapi in the El Rama jurisdiction, was allegedly shot dead by Sandinista supporters.

189. In addition to the foregoing, a considerable number of civilians, including children, were killed by Contra rebels. Among cases of such alleged killings received by the Special Rapporteur was an incident on 16 April 1988 in Cerro Colorado, Matiguás, Department of Matagalpa in which a group of 30 Contras belonging to the September 15 regional command attacked a house and killed Rigoberto López Ramos, aged 1, and Reina Isabel López, aged 10.

190. In both letters, the Special Rapporteur requested information on the above-mentioned cases, and in particular on any investigations made and any measures taken by the authorities and/or judiciary to establish the facts and bring those responsible to justice.

191. On 7 November 1988, a note was received from the Government of Nicaragua transmitting information concerning the case of Fredy Eduardo García Torres which had been communicated to the Government by a letter dated 6 November 1987. According to the information, the investigation carried out on the case established that García Torres, had been arrested on 17 May 1987 and that his health had deteriorated in prison without the competent authorities taking the requisite steps to provide him with the medical assistance he required. As a result there was criminal liability which fell within the jurisdiction of the military court. On 20 April 1988, the Court of First Instance of the Managua regional circuit found two members of the armed forces guilty of homicide. The defendants were sentenced to one year's deprivation of liberty and the accessory penalties of civil interdiction and suspension of their civil rights.

#### Nepal

192. On 9 November 1988, a letter was sent to the Government of Nepal concerning the allegation that on 13 December 1987 on the left bank of the River Kankai near Surunga village, Jhafa district, Laxmi Panday, a student, aged 19, was shot dead by the police. It was alleged that, after a lawful and peaceful meeting on the bank of the River Kankai where about 500 people had gathered, the police were confronted with a group of seven persons and one police officer fired point-blank at Panday without warning. No official investigation was reported to have been held into Panday's death.

193. The Special Rapporteur requested information on the alleged case of death and in particular on any investigation of the case, including an autopsy, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

194. At the time of preparation of the present report no reply had been received from the Government of Nepal.

#### Nigeria

195. On 28 July 1988, a letter was sent to the Government of Nigeria transmitting the allegation that during the past several years a number of persons had been executed after having been sentenced to death by Robbery and Firearms Tribunals, under whose procedure the defendant had no right of appeal to a higher tribunal. It was further alleged that at least 145 persons were had been executed after having been convicted of armed robbery in 1987 and that during the first three months of 1988, 27 persons were executed, including 12 persons in January 1988 at Benin City prison in Bendel State. A number of others were said to be still facing execution.

196. On 9 November 1988, another letter was sent transmitting the allegation that, between January and August 1988, at least 29 persons had been executed after having been sentenced to death by Robbery and Firearms Tribunals.

197. It was further alleged that several others, sentenced to death by Robbery and Firearms Tribunals, were facing execution. The Special Rapporteur described some examples of such cases as follows:

(a) In June 1988, 13 persons aged between 16 and 18 were sentenced to death by the Robbery and Firearms Tribunal in Ikeja, Lagos State. It was alleged that although Robbery and Firearms Tribunals were special courts outside the ordinary court system, they followed ordinary criminal procedure except where specifically empowered to do otherwise and that there was no specific provision allowing Robbery and Firearms Tribunals to sentence juveniles to death. It was said that under ordinary criminal law, no juvenile under the age of 17 might be sentenced to death;

(b) On 10 June 1988, Danda Balogun, a labourer, was sentenced to death by the Robbery and Firearms Tribunal in Oyo State;

(c) In late June 1988, Frank Gregory Osang and Joseph Otuba were sentenced to death by the Robbery and Firearms Tribunal in Ogoja, Cross River State;

(d) In early July 1988, London Uwajeya, a student, Samuel Utuedor, a driver, and Ambrose Ogbanefe, an electrician, were sentenced to death by the Robbery and Firearms Tribunals in Warri, Bendel State.

198. The Special Rapporteur requested information on the above-mentioned cases, and in particular on the legal proceedings following which the alleged executions might have been carried out.

199. On 13 January 1989, the Special Rapporteur met a representative of the Government of Nigeria and received a reply to the effect that death sentences were passed only in proven and established cases of commission of the heinous crime of armed robbery. Armed Robbery and Firearms Tribunals had been set up to try inter alia cases of armed robbery, and at their inception, had been presided over by military officers. However, the Tribunals were currently presided over by High Court judges and their procedure was the same as that of the ordinary courts. All accused persons were entitled to defence counsel and, if the accused was found guilty and sentenced to death by the Tribunal, the sentences were normally reviewed before their implementation and were either confirmed or commuted to terms of imprisonment. In the case of Ganiyu Ibrahim in Kwara State, the death sentence was commuted to five years' imprisonment. Nigeria never executed juveniles. The representative of the Government added to the reply by stating that all cases communicated to the Government by the Special Rapporteur were under review.

#### Pakistan

200. On 9 November 1988, a letter was sent to the Government of Pakistan transmitting the allegation that on 27 December 1987, Ameer Ali, from Ghangro Mori village, Sind Province, was found dead outside a house near Hyderabad, after having been arrested on 20 December 1987 with two other men, Gulab and Niaz Machhi, and detained at Hosri police station. Although the police reportedly claimed that Ameer Ali died of natural causes, the two men detained together with him allegedly witnessed Ameer Ali being beaten by police officers at the police station. Subsequently, on 25 January 1988, the



two men, the alleged witnesses of the beating of Ameer Ali, were killed together with Mazhar Machhi and Mohammad Ali, when police and army personnel raided Ghangro Mori village and shot at people on a boat. It was reported that on 17 February 1988 a judicial inquiry into the incident of 25 January was ordered by the Sind Government.

201. The Special Rapporteur requested information on the alleged deaths, and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

202. At the time of preparation of the present report, no reply had been received from the Government of Pakistan.

#### Peru

203. On 13 July 1988, a cable was sent to the Government of Peru concerning the alleged abduction of 12 persons, said to be witnesses of killings in Cayara on 14 May 1988 (see para. 210). The 12 were allegedly abducted by a group of military patrolmen on 30 June and 3 July 1988 in Cayara, Department of Ayacucho.

204. In view of the circumstances of the above-mentioned incidents, and in particular the alleged killings in Cayara on 14 May 1988, the Special Rapporteur expressed his concern for the life and security of the 12 persons, appealed to the Government to take every possible measure to ensure the safety of the persons concerned and requested information on the cases, in particular on any investigation carried out by the appropriate authorities.

205. On 14 October 1988, another cable was sent concerning the alleged death threats in September 1988 in Ayacucho against Angela Mendoza de Ascarza, President of the Asociación Nacional de Familiares de Secuestrados y Detenidos-Desaparecidos en las Zonas Declaradas en Estado de Emergencia del Peru (ANFASEP) (National association of relatives of abducted persons and disappeared detainees in the zones under a state of emergency in Peru) and Mario Cavalcanti Gamboa, a member of the College of Lawyers.

206. On 8 November 1988, a cable was sent to the Government of Peru concerning the death threats to the families of Luis Miguel Pasache and Sócrates Porta Solano who were found dead in August 1988 in the south of Lima. The two persons were allegedly killed by a paramilitary group called "Rodrigo Franco".

207. In both cables, the Special Reporter requested information on the measures taken by the Government to protect the lives of those who had been threatened.

208. On 4 January 1989, a cable was sent to the Government of Peru concerning the alleged killing of the witnesses of the Cayara incidents and death threats directed against Carlos Escobar Pineda. According to information received, on 14 December 1988, two community officials of Cayara, Justiniano Tinco García and Fernandina Palomino Quispe, were killed together with Antonio Félix García Tipe, the driver of a truck carrying passengers, including the above-mentioned two, by troops wearing black ski masks. The three were allegedly the most recent victims among at least eight persons who were killed or disappeared after detention because of their testimony to civilian legal

officials investigating the deaths in Cayara on 14 and 18 May 1988, or because of their relationship with the eyewitnesses. In that connection, expressions of concern were received by the Special Rapporteur for the life of Carlos Escobar Pinada who, as Special Commissioner, investigated the killings in Cayara and submitted a report. It was alleged that Escobar had been the object of harassment and death threats. Furthermore, fear was expressed to the Special Rapporteur for the life of Benedicta María Valenzuela Ocayo, the wife of Justiniano Tinco García.

209. The Special Rapporteur appealed to the Government to take every possible measure to ensure the right to life and security of the above-mentioned persons and requested information on the above-mentioned deaths, and in particular on investigation of those cases.

210. On 28 July 1988, a letter was sent to the Government of Peru transmitting the allegation that, on 14 May 1988, in the village of Cayara, District of Huancapi, Province of Víctor Fajardo, Department of Ayacucho, at least 29 persons were allegedly killed by members of the military forces. According to reports, the killings took place in the course of a counter-insurgency operation ordered by the military commander of the region, following an incident on 12 May 1988, in which several military personnel had been killed in an ambush in the locality of Erusco believed to have been set by members of the Sendero Luminoso (Shining path) guerrilla group. The victims allegedly included schoolchildren, the headmaster of the local school and members of the local council. Some of the victims were allegedly tortured before being killed. The approximately 300 troops participating in the operation were said to be from the military bases of Hualla, Canaria, Colca, Pampa Cangallo, Cangallo, Huancapi and Huanca Sancos. Lists with names of alleged victims of the killings were given to the Special Rapporteur.

211. It was further alleged that, during January and February 1988, in the localities of Chahuanca (Pichirhun-Abancay), Taquebamba and San Miguel (Tintay-Ayamares), a number of persons were killed by members of the military forces. During that period, the mutilated bodies of three women, one of whom was decapitated, were found in the area.

212. In addition to the foregoing, the Special Rapporteur described three incidents alleged to have taken place in January 1988.

213. On 9 November 1988, another letter was sent to the Government of Peru transmitting the allegation that, during the past year, incidents of killings by both the government forces and armed rebel groups, such as Sendero Luminoso and the Movimiento Revolucionario Tupac Amaru (MRTA) (Tupac Amaru Revolutionary Movement), allegedly continued, especially in the areas under a state of emergency and administered by political-military commands. The majority of the victims were said to be local villagers in those areas, who were allegedly suspected by the security forces of support for the guerrillas, but a number of villagers were said to have been killed also by the rebel groups for their refusal to co-operate with them.

214. According to the Peruvian Senate's official statistics, during the period from June to the middle of October 1988, 674 politically-motivated killings occurred.

215. The Special Rapporteur described by way of example nine cases.

216. In both letters, the Special Rapporteur requested information on the alleged cases of summary or arbitrary executions and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

217. On 15 December 1988, a letter was sent to the Government of Peru concerning the proceedings of the Supreme Council of Military Justice in regard to the reported killing of 13 peasants, including two minors, on 22 and 23 October 1986, in Pomatambo and Pancco Alto, Province of Vilcashuamán, Department of Ayacucho, by members of the Peruvian army. According to reports, the Supreme Council of Military Justice dropped the charges against a number of military personnel in the case and terminated the penal proceedings on 22 June 1988. It was also alleged that, in spite of appeals by the families of the victims, they were not represented in the proceedings. According to the same reports, the Joint Command had stated earlier that the investigation of the incident "established that acts occurred which constitute infringements of the applicable regulations pertaining to the operations of the law enforcement authorities".

218. The Special Rapporteur requested information on the legal proceedings of the Supreme Council of Military Justice concerning the above-mentioned case, in particular on its decision to acquit the military personnel originally charged with the killings.

219. At the time of preparation of the present report no reply had been received from the Government of Peru.

#### Philippines

220. On 28 July 1988, a letter was sent to the Government of the Philippines transmitting the allegation that during the past year unarmed civilians were killed either by members of security forces, the Integrated Civilian Home Defence Forces (ICHDF) or so-called "vigilante" groups, said to be acting with Government support. Most of the victims were said to have been suspected supporters of the New People's Army (NPA) or members of community or church organizations. It was alleged that official investigations rarely led to prosecution due to such reasons as fear or intimidation of witnesses, lack of co-operation from the military and lack of impartiality by military courts which have jurisdiction over cases involving soldiers and the police. In addition, it was alleged that NPA was responsible for a number of killings of soldiers, policemen and others, including the killing of Secretary of Local Government Jaime Ferrer in July 1987. Furthermore, during the local elections held in the beginning of 1988 a number of persons, including election candidates, were killed.

221. The Special Rapporteur described by way of example 28 incidents of killings during the period between February 1987 and January 1988, for which the security forces and paramilitary groups were allegedly responsible.

222. On 9 November 1988, another letter was sent to the Government of the Philippines concerning the allegation that, during the previous several months, killings in a summary or arbitrary manner by members of the armed forces, paramilitary "vigilante" groups and unidentified armed men had continued.

223. The Special Rapporteur described by way of example nine incidents of such killings which allegedly occurred during the period between December 1987 and July 1988, including the cases of three human rights lawyers killed in June and July 1988.

224. In both letters, the Special Rapporteur requested information on the above-mentioned allegations and in particular on any investigations of the cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

225. On 20 December 1988, a letter was received from the Government of the Philippines transmitting the following documents prepared by the Philippine Commission on Human Rights:

(a) Primer on the Philippine Commission on Human Rights;

(b) Statement on human rights issued by the Philippine Commission on Human Rights and Guidelines on Visitation and the Conduct of Investigation, Arrest, Detention and Related Operations;

(c) Manual of Services and Programmes of the Philippine Commission on Human Rights;

(d) Consolidated monthly accomplishment reports for January-April 1988.

226. On 21 December 1988, a reply was received from the Government transmitting case reports prepared by the Philippine Commission on Human Rights on a number of alleged killings, as follows:

(a) According to a Commission on Human Rights (CHR) case report of 17 August 1988 concerning the alleged killing of Andrés Río and Manuel Dotollo on 30 January 1988 at Barangay Himacugo, Hindang, Leyte, by a Philippine army patrol, a team of CHR investigators was sent to investigate the killings. While the affidavit of the witness interviewed by the CHR team was sufficient to establish that the circumstances immediately prior to the killing of Río and Dotollo were not in the nature of an armed encounter, as stated in the official army report, it was not sufficient to indict the members of the army patrol who had arrested and taken away the two persons. CHR was endeavouring to obtain sworn statements from persons who were reportedly eyewitnesses of the killing, but were hiding in fear of their lives;

(b) According to a CHR case report of 12 August 1988, the alleged killing of Fr. Carl Schmitz on 7 April 1988 at the Parish Convent of Barangay Bolol, Koronadal, South Cotabato, the Investigating Officer of the 456th Philippine Constabulary (PC) stationed at Koronadal conducted an on-the-spot investigation of the case and reported that witnesses saw an ICHDF member shoot Fr. Schmitz to death. Based on eyewitness testimonies, the Commanding Officer of the South Cotabato PC Command filed a criminal case against the ICHDF member with the 11th Regional Trial Court, Branch 24, on 8 April 1988 for murder. Subsequently, a commitment order was issued on 11 April 1988 for his detention at the provincial gaol. It was established by the investigation that the killing of Fr. Schmitz arose from a personal grudge and was without any political motivation;

(c) According to a CHR case report of 25 July 1988, the alleged killing of Alfonso A. Surigao, a human rights lawyer, on 24 June 1988 at his home in Tabucanal, Pardo, Cebu City, the National Bureau of Investigation (NBI) as well as CHR carried out an investigation which resulted in the arrest of a person, who, after having been apprised of his constitutional rights, among others, the right to remain silent and to be assisted by counsel, willingly and freely admitted under oath that he had killed Surigao under the instructions given by a major of the PC Regional Security Unit in Cebu. The PC major was subsequently placed under technical arrest by the military authorities and confined to barracks. A charge of murder was filed with the Cebu City Fiscal's Office against the defendant and his two companions and the PC Judge Advocate-General was to initiate a preliminary investigation of the charge of murder against the PC major. A petition was filed with the President to waive the court martial jurisdiction over the major and to have him tried simultaneously with the defendant in a civil court. No waiver had been issued at the time of preparation of the CHR case report. The other two companions of the defendant were still at large;

(d) According to a CHR case report of 11 August 1988, concerning the alleged case of killing of Vicente Mirabueno, a human rights lawyer, on 6 February 1988 by two gunmen at the public market in General Santos City, the police authorities of General Santos City arrested one of the two alleged gunmen on 7 March 1988 and the suspect was charged in court on the same day and detained at the city gaol. His companion was still at large. The CHR investigation reached the conclusion that Mirabueno's killing did not result from his activities as a human rights lawyer. The CHR regional office was directed to monitor the case and to report any significant development to Head Office;

(e) According to a CHR case report of 11 August 1988, concerning the alleged case of killing of Ramos Cura, a lawyer, on 18 June 1988 in Pampanga by two unidentified armed men, a CHR team was sent to investigate the case, but the victim's widow refused to say anything out of fear for her safety and that of her family. The victim's father and nephew, who had reportedly witnessed the killing, had left their residence and their whereabouts were not known. The physician to whom Cura was brought after being shot was also killed. CHR was keeping the investigation open;

(f) According to a CHR case report of 9 August 1988, concerning the case of Rodiger de los Santos, who was allegedly abducted on 21 February 1988 by members of the Integrated Special Operations Group of the Pasay Police in Malibay, Pasay City, and was found on 29 March 1988 in Valley Golf Club in Antipolo, Rizal, and died in hospital on 23 April 1988, the CHR team interviewed the only eyewitness to the abduction, who refused to give a written affidavit and also said that he would refuse to testify in court out of fear for his life and that of his family;

(g) According to a CHR case report of 26 July 1988, concerning the killing of Reynaldo D. Francisco and the attempted killing of Hilario M. Bustamante, in March 1988, NBI and CHR had conducted the investigation in April 1988. The two men were abducted by unidentified armed men on 19 March 1988 in Malate, Manila and found on 21 March 1988 in Calocan City. Bustamante told the investigators that he and Francisco had been tortured by their abductors in fatigue uniforms, who had introduced themselves

as members of the PC Capital Regional Command (CAPCOM), and that they were then brought to Caloccan City by a blue CAPCOM car and thrown out of the car. CHR considered that the case needed further investigation, since Bustamante had not fully recovered nor had he been able to identify any of his abductors.

#### Somalia

227. On 9 February 1988, a cable was sent to the Government of Somalia concerning the death sentences imposed by the National Security Court on 7 February 1988. According to information received, the defendants, including eight persons sentenced to death, had been detained incommunicado since their arrest in June 1982 and some of them had been tortured during detention. It was also alleged that the National Security Court had been composed of one government Minister and two military officers, that the prosecution had depended mainly on the confessions of the defendants which were said not to have been submitted as written statements to the court, and that the allegation of torture had not been examined by the court. It was further reported that the right of appeal to a higher tribunal was not possible under the procedure.

228. The Special Rapporteur requested the Government to provide information on the above-mentioned cases, in particular the proceedings of the National Security Court, as a result of which the eight persons were sentenced to death.

229. On 23 November 1988, another cable was sent to the Government of Somalia concerning the cases of five cadets who had allegedly been forcibly returned from Egypt to Somalia. According to information received, one of the five had died as a result of torture. Expressions of concern were received by the Special Rapporteur about the remaining four who were allegedly detained incommunicado without charge or trial, and whose whereabouts were said to be unknown.

230. The Special Rapporteur appealed to the Government of Somalia to ensure that the right to life of the above-mentioned four persons was protected in every possible manner and requested information on the alleged death in detention of one of the five cadets, in particular on any investigation carried out by the appropriate authorities and on the current situation of the remaining four.

231. On 13 January 1989, a cable was sent to the Government of Somalia concerning alleged indiscriminate bombing raids, possibly including the use of chemical weapons, carried out by the government forces on the three northern towns of Hargeisa, Berbera and Burao, reportedly causing some 20,000 deaths. According to the information, the internal armed conflict in the northern part of the country had intensified and a large number of civilians belonging to the Issaq clan had allegedly been killed by government forces in a summary or arbitrary manner.

232. The Special Rapporteur, expressing his concern for the life and safety of the civilian population in the affected areas, appealed to the Government to take all necessary measures to ensure that the right to life of every citizen was protected. In addition, he requested information on the above-mentioned allegation, and in particular on any investigation of the incidents in question as well as any measures taken to bring those responsible to justice and prevent further occurrence of such deaths.

233. On 9 November 1988, a letter was sent to the Government of Somalia transmitting the allegation that, during the past year in the internal armed conflict in the northern part of the country, a large number of civilians had allegedly been killed in indiscriminate bombardments by the government forces or executed without trial or after a trial of a summary nature. The Special Rapporteur described by way of example the following alleged incidents:

(a) On 12 March 1988 in Galileh, following attacks by the Somali National Movement (SNM) in the area, 16 men, mostly farmers and nomads, were summarily tried and executed shortly after being sentenced to death. On 22 March 1988, six others were tried and executed in a similar manner;

(b) On 31 May and 1 June 1988, in Hargeisa after the SNM attack on 31 May, 21 persons were executed in three separate incidents. The total number of persons executed was alleged to be very high.

234. Subsequently the Special Rapporteur learned that on 11 February 1988 the President had commuted the death sentences imposed on the eight persons by the National Security Court on 7 February 1988 (see para. 227). Two of the eight persons were transferred to house arrest and the other six were given prison terms of 24 years.

235. At the time of preparation of the present report no reply had been received from the Government of Somalia.

#### South Africa

236. On 1 February 1988, a cable was sent to the Government of South Africa concerning the alleged imminent execution of the so-called "Sharpeville six", who were arrested in November 1984 in connection with the unrest and murder which occurred on 4 September 1984 in Sharpeville and Sebokeng and sentenced to death on 13 December 1985 by the Pretoria Supreme Court. It was alleged that the defendants had been tortured during detention, that statements extracted under torture had been admitted by the court as evidence against them, that many of the findings of the Court had been based on the evidence of a single State witness and that most of the evidence given by the defendants had been rejected by the Court.

237. The Special Rapporteur, requesting information on the cases, in particular on the proceedings of the trials as a result of which the six persons were sentenced to death, appealed to the Government on a purely humanitarian basis to stay their execution.

238. On 16 March 1988, another cable was sent to the Government of South Africa, again concerning the Sharpeville six, further information having been received to the effect that the six were scheduled to be executed on 18 March 1988.

239. The Special Rapporteur reiterated his appeal to stay the execution of the six.

240. Subsequently, the Special Rapporteur learned that on 23 November 1988 the State President had commuted the death sentences imposed on the "Sharpeville six" to terms of imprisonment varying from 18 to 25 years. At the same time he commuted the death sentences imposed on six other people, including four white police officers.

241. On 18 August 1988, a cable was sent to the Government concerning Nelson Mandela who, according to reports, was gravely ill. During the hearings conducted jointly by the Special Rapporteur and the Ad Hoc Working Group of Experts on southern Africa in August 1988, fears were expressed to the Special Rapporteur that Nelson Mandela might not be receiving adequate medical attention and that his life might be in jeopardy.

242. The Special Rapporteur, expressing his concern, appealed to the South African Government, on a purely humanitarian basis, to ensure that Mandela's right to life was protected and that steps were taken to provide him with every possible medical care and attention.

243. On 28 July 1988, a letter was sent to the Government of South Africa transmitting the allegation that during the past year a large number of persons had been killed in violence in various parts of the country, and in particular as a result of continuing conflicts between the Inkatha movement and the supporters of the United Democratic Front (UDF) in Natal. According to one source, approximately 500 persons had been killed between the beginning of 1987 and May 1988. In January 1988 alone, a total of 108 persons were said to have been killed, and, according to some reports, the police had failed to intervene to prevent killings during violent incidents. It was also alleged that several persons, said to be anti-apartheid activists, were killed by unidentified men. The Special Rapporteur described, by way of example, the following cases:

(a) On 26 January 1988 in Soweto, Godfrey Sicelo Dlovo was found shot dead six days after he had been questioned at the police headquarters in Johannesburg about a television interview in which he reportedly described how he had been tortured by the police in detention;

(b) On 29 January 1988 in Helmoed near Welcome, Orange Free State, Linda Brakvis was killed by unidentified men three days after his release from 6 weeks' detention without charge.

244. In addition, several persons, said to be members of The African National Congress of South Africa (ANC) were allegedly killed outside the country by unidentified men alleged to be under the control of the Government of South Africa. The following cases were given as examples:

(a) In January 1988 in Manzini, Swaziland, Siphon Ngema was shot dead by a black gunman in a restaurant;

(b) On 23 March 1988, in Maseru, Mazizi Magekeza was shot dead in a hospital bed by a gunman who fired through the window;

(c) On 29 March 1988 in Paris, Dulcie September was shot dead by unidentified gunmen.

245. Furthermore, on 28 March 1988, in the suburbs of Gaborone, four persons, three of whom were said to be nationals of Botswana and one a refugee from South Africa, were allegedly killed in a raid by members of the South African Defence Forces.



246. On 9 November 1988, another letter was sent transmitting the allegation that the death penalty was extensively used against those convicted of politically related murders of policemen, black township councillors and suspected police informers. Official statistics allegedly showed that the death sentence was disproportionately imposed on the black population by an almost entirely white judiciary. As of February 1988, 267 persons were said to be under the sentence of death and by 11 June 1988 at least 71 of them had reportedly been executed. Furthermore, in the case of the conviction of the Sharpeville six, the Appeal Court judgement, upholding the trial court's decision, reportedly introduced an interpretation of the legal principle of common purpose which potentially could spread the net of criminal liability to all participants in a demonstration or riot. It was also alleged that several persons were killed in violence in various parts of the country, in particular in Natal, as a result of continuing conflicts between rival groups in black townships. In a number of incidents, members and supporters of UDF, the Congress of South African Trade Unions (COSATU) and the Natal Organization of Women (NOW) were allegedly selected as targets for assault. It was further alleged that several persons were killed by members of the police. The Special Rapporteur described such cases as follows:

(a) On 26 November 1987 in Mamafubedo township near Petrus Steyn in the Orange Free State, Josias Tlaki, aged 15, was shot dead at his home by police. It was alleged that he was killed while police were ordering his family to vacate the house;

(b) On 23 August 1987 in Bononi, East Rand, Caiphus Nyoki, a student and UDF member, was shot dead by policemen who raided his house;

(c) In early August 1988 in Soweto, Clement Gwiji, a 14-year-old high school student, was shot dead by the municipal police. According to the police statement, the shooting was to disperse the pupils who were throwing stones at a delivery truck escorted by the police. Eyewitnesses, however, contested the police statement;

(d) On 12 January 1988, Sithembele Zokwe was shot dead by the Transkei Security Police in Butterworth shortly after having been detained. Subsequently, two members of the Transkei Security Police were reportedly arrested and charged with murder;

(e) On 2 March 1988, in George, Southern Cape, Andile Kobe, from Sandkraal, died of head injuries caused by severe beatings by police.

247. In both letters, the Special Rapporteur requested information on the above-mentioned allegations, and in particular on any investigations of the cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

248. On 30 December 1988, a reply was received from the Government of South Africa to the effect that:

(a) The conflict between Inkatha and UDF continued to be a cause of much unrest and tragedy in Natal. Since the middle of 1987, this conflict, which mainly concerned the question of superiority and effective control in an area which is traditionally a Zulu stronghold, had severely escalated. The area

had always been one with a high crime rate. In the circumstances, the South African police, already stretched by the prevailing emergency situation, did their best to defuse and stabilize the situation;

(b) Godfrey Sicelo Dlomo was arrested on 12 June 1986 with six other youths on the campus of the Commercial College in Soweto, following an investigation into attempted murder and arson. All six were charged but were acquitted on 6 January 1987. Dlomo again came under attention after the broadcasting of a CBS documentary in which a certain "Godfrey" made some sensational accusations concerning the detention of children. "Godfrey" was identified as Godfrey Dlomo and on 20 January 1988, he was questioned on his involvement in the documentary. He said that he had been invited to tea by the Detainees Parents Support Committee (DPSC) where a man had asked him to relate events surrounding his detention for videotaping. According to Dlomo, he was instructed to say that he had been assaulted. Godfrey Dlomo then told police that he was afraid of certain members attached to the Azanian People's Organization (AZAPO) and since his life might be in danger, requested that he be taken to Khotso House, where the offices of the South African Council of Churches were located. He was not seen again. On 25 January 1988, his body was found in Soweto. It had three bullet wounds. Investigations were still continuing;

(c) Gordon Linda Brakvis, aged 26, was detained between 12 June and 17 September 1987 on suspicion of inciting youths to arson and violence. He was also sought for armed robbery in which he had allegedly been involved during November 1986. He was charged but found not guilty of robbery on 3 September and released on 17 September 1987. His body was found on 29 January 1988. It was alleged by witnesses that Brakvis and a friend had been attacked by three unknown men, resulting in Brakvis' death. Investigations were still continuing. Since 1983, Mr. Brakvis had been sentenced for various criminal offences and had served an 18-month term for robbery between December 1985 and June 1986;

(d) With regard to the other cases, the South African Government repeatedly denied involvement in the elimination of people abroad, and said that no evidence linking those incidents with the Government had been found.

#### Sri Lanka

249. On 28 July 1988, a letter was sent to the Government of Sri Lanka transmitting the allegation that, although the Indo-Sri Lankan agreement had been concluded on 29 July 1987 to establish peace and a return to normalcy in Sri Lanka, killing of unarmed civilians continued in the context of internal armed conflicts. The Special Rapporteur described, by way of example, cases of such killings attributed to the Indian Peace-Keeping Forces (IPKF) and the Sri Lankan police as follows:

(a) On 21 October 1987 at the Jaffna Teaching Hospital, some 100 persons were allegedly killed by IPKF soldiers. It was alleged that the victims included three doctors, a number of medical interns, 10 nurses and patients;

(b) On 22 October 1987 at Aralithurai Jetty, 35 persons were allegedly killed when an IPKF helicopter attacked a group of people with rocket mortars;

(c) On 24 October 1987 in Sanguppitti, two women were allegedly killed by IPKF soldiers after having been raped;

(d) On 27 October 1987 at Chavakachcheri market, 68 persons were allegedly killed when an IPKF helicopter attacked a large crowd of shoppers;

(e) On 30 October 1987 at the Hindu Women's College, three children were allegedly killed in an IPKF artillery attack on a refugee camp;

(f) On 16 November 1987 in Valvettiturai, seven persons, all young males, were detained by IPKF soldiers and taken to the IPKF camp at Valvettiturai. On 17 November 1987, one of the seven, named Paramanathan, son of Paramasamy, died allegedly as a result of torture. On 18 November 1987 another, named Baburaj, son of Munusamy, was allegedly shot dead in the grave which he had been forced to dig at Vallai-Velli along the road from Valvettiturai to Jaffna;

(g) On 12 December 1987 at Alaveddy North, Jaffna, three brothers named Pathmanathan Kiritharan, aged 31, Pathmanathan Muralitharan, aged 21, and Pathmanathan Balenthiran were detained by IPKF soldiers and tortured. Pathmanathan Kiritharan was allegedly killed by one of the soldiers with a bayonet;

(h) On 29 December 1987, Kanagalingam Nathan was detained by IPKF at the IPKF camp in Inuvil. His dead body, which was handed over to his family on 16 January 1988, allegedly bore marks of torture. The death certificate issued by IPKF stated that Kanagalingam Nathan, said to be a Liberation Tigers of Tamil Eelam (LTTE) militant, died on 16 January 1988 "probably due to sudden cardio-respiratory arrest";

(i) On 27 December 1987 in Batticaloa, at least 25 persons were killed in a crowded market, allegedly in indiscriminate shooting by local policemen and IPKF soldiers, after an attack by Tamil rebels on three policemen in which one policeman was killed.

250. In addition, a considerable number of civilians were allegedly killed by a Tamil armed opposition group. The following are some of such cases:

(a) On 1 March 1988 in Morawewa, in Trincomalee district, 17 persons, 16 of whom were said to be Sinhalese, were allegedly shot dead in an attack by Tamil rebels;

(b) On 5 March 1988 at Sittaru, in Trincomalee district, 26 civilians on a truck were killed when the truck hit a land-mine allegedly set by Tamil rebels;

(c) On 17 March 1988, near the town of Digawapi in Amparai district, 15 Sinhalese villagers were killed by Tamil rebels.

251. Furthermore, since July 1987 more than 250 government officials and supporters of the United National Party, the ruling political party, including its chairman, had allegedly been killed by a group named Janatha Vimukthi Peramuna (JVP), which was said to be opposed to the Indo-Sri Lankan agreement of July 1987.

252. On 9 November 1988, another letter was sent to the Government of Sri Lanka transmitting the allegation that a number of persons were killed by the Special Task Force (STF) of the Sri Lankan army before the Indo-Sri Lankan agreement in July 1987 and by IPKP after the agreement. The victims of such killings were said to be Tamil villagers. The Special Rapporteur described, by way of example, seven alleged incidents of such killings. In addition, the Special Rapporteur transmitted allegations that, during the past several months, indiscriminate killings had been carried out by the Tamil rebels. One incident of such killings was reported to have occurred on 9 October 1988 in the village of Ulukulama, where 47 Sinhalese villagers, including 13 women and 18 children, were allegedly killed by Tamil rebels.

253. In both letters, the Special Rapporteur requested information on the allegations, and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

254. On 13 January 1989, the Special Rapporteur met the Permanent Representative of Sri Lanka to the United Nations Office at Geneva and explained that the situation of continuing violence in the area where incidents of summary or arbitrary executions had been alleged had hampered investigations of the incidents. The violence, particularly on the part of LTTE made systematic judicial investigations of specific allegations impracticable currently. However, investigations into the Lahugala (Udumankulam) incident in Amparai district on 19 February 1986 had been completed by the Inspector-General of Police who had submitted his report on the alleged incident to the High Court which had issued summonses and the judicial inquiry was due to commence on 18 January 1989. The Permanent Representative listed a number of positive developments which gave hope that some of the conditions which had led to the emergence of those reports would change for the better. The developments were stated to be as follows:

(a) Lifting of the emergency with effect from midnight on 12 January 1989. In deciding to lift the emergency, the President had taken into account the improving security situation, which in his opinion "is due to the confidence the masses of this country have placed in themselves". As a result, 600 persons had immediately been released and others were expected to be released in the near future;

(b) The Government had declared that it would be ready to discuss the repeal of the Prevention of Terrorism Act as security conditions continued to improve. A final decision, however, would have to await the election of the new Parliament after the general elections;

(c) Holding of Provincial Council elections in all parts of the island was completed on 19 November 1988 and had led to a substantial measure of administrative devolution. In the temporarily merged Northern and Eastern Provinces, members of former militant groups have become members of the provincial administration, eschewing violence;

(d) General elections were scheduled for 15 February 1989 and would provide further opportunities for political participation by all militant groups which had resorted to violence in the past. The Tamil United Liberation Front, a Tamil democratic parliamentary party, had formed a coalition with the militant groups to contest the general elections;

(e) The proscription on JVP which had been opposing the IPKF presence in Sri Lanka had been lifted affording it an opportunity to participate democratically in the country's political life.

255. The Permanent Representative hoped that, as and when the security situation improved, more information on the incidents would be forthcoming and in particular that it would be possible to conduct proper investigations.

#### Sudan

256. On 28 July 1988, a letter was sent to the Government of Sudan, transmitting the allegation that, during the past year, in the internal armed conflict in the southern part of Sudan, a large number of civilians, mainly members of the Dinka ethnic group, had been killed by government forces or militias recruited by those forces. The following three incidents were given as examples of alleged killings:

(a) On 27/28 March 1987 in Diein, Darfur Province, more than 1,000 civilians were allegedly killed by the Rizeigat militias;

(b) On 11 and 12 August 1987 in Wau, at least 600, possibly 2,000 civilians, were allegedly killed by the security forces;

(c) At the beginning of September 1987 in the town of Suk Jou, hundreds of civilians were allegedly killed by the security forces and militia members.

257. The Special Rapporteur requested information on the alleged occurrence of summary or arbitrary executions, and in particular on any investigations of those cases and the measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

258. At the time of preparation of the present report no reply had been received from the Government of Sudan.

#### Suriname

259. On 15 December 1988, a cable was sent to the Government of Suriname concerning the arrest and detention of Stanley Rensch, whom the Special Rapporteur had met during his visit to Suriname in August 1987. According to information received, Stanley Rensch was arrested on 10 December 1988 by the Military Police on his return to Suriname from abroad.

260. The Special Rapporteur, expressing his concern about the arrest and requesting information in particular on the charges brought against Stanley Rensch, appealed to the Government to ensure that all legal guarantees and human rights, including the right to life, were respected in his case.

261. Subsequently the Special Rapporteur learned that Stanley Rensch had been released on 21 December 1988.

262. At the time of preparation of the present report no reply had been received from the Government of Suriname.

Syrian Arab Republic

263. On 28 July 1988, a letter was sent to the Government of the Syrian Arab Republic, transmitting allegations of deaths in detention. The Special Rapporteur described, by way of example, three such cases as follows:

(a) On 14 November 1987 in Saidnaya prison near Dimashq (Damascus), Ihsan 'Izzo was said to have died as a result of torture and denial of medical treatment;

(b) In late December 1987 or early January 1988 at Fara' Falastin in Damascus, Muhammad al-'Arraj died in circumstances similar to those described above;

(c) Between 20 and 22 April 1988 at Fara al-Tahqiq al-'Askari in Dimashq (Damascus), 'Abd al-Razzaq Abazid also died as a result of torture during interrogation.

264. The Special Rapporteur requested information on the above-mentioned allegation, and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

265. On 9 November 1988, another letter was sent to the Government of the Syrian Arab Republic concerning the allegation that, during the past several years, in Tadmur (Palmyra) prison. A number of prisoners had been executed immediately after a summary trial, in which the accused were not given the right to legal defence nor the right to appeal. Twenty-nine names of prisoners allegedly executed in Tadmur prison were given.

266. The Special Rapporteur requested information on those cases.

267. On 7 September 1988, a reply was received from the Government of the Syrian Arab Republic concerning an alleged incident of killing of civilians in Tripoli, Lebanon, on 20 December 1986, by Syrian troops and an alleged death in custody on 1 May 1986, which were described in the Special Rapporteur's last report (E/CN.4/1988/22, para. 165). With regard to the incident in Tripoli, the reply stated that the Syrian presence had been established at the request of the legitimate Lebanese authorities, with a view to halting the internecine fighting, helping the legitimate authorities to re-establish security and stability throughout the country and endeavouring to achieve national reconciliation among the Lebanese in order to protect Lebanon's unity, independence and sovereignty. With regard to the alleged death in custody, it was stated that the claim that a person had died in May 1986 as a result of torture was totally unfounded.

268. On 21 December 1988, a reply was received from the Government to the Special Rapporteur's letters of 28 July and 9 November 1988, referring to its note of 16 December 1988 to the Centre for Human Rights and attachments thereto. The note stated that the documents transmitted to the Government from the Centre for Human Rights contained various allegations concerning the human rights situation in the Syrian Arab Republic and the methods employed by its security agencies, as well as a list of detainees. The note was accompanied by eight annexes listing the acts of terrorism, sabotage and

assassination perpetrated by the persons named in the above-mentioned documents and it was stated that those annexes also showed the errors and fallacious allegations contained in those documents as well as the terrorist and criminal nature of the detainees. It was further stated that the information contained in the documents was totally unfounded and was propagated by terrorist or extremist groups and social outcasts.

#### Thailand

269. On 9 November 1988, a letter was sent to the Government of Thailand transmitting the allegation that, during the period from July to October 1987, five Kampuchean refugees had allegedly been killed in a summary or arbitrary manner by members of Thai military or paramilitary forces operating along the Thai-Kampuchean border. The Special Rapporteur described four alleged incidents as follows:

(a) In July 1987, two Kampuchean nationals, a pregnant woman and her handicapped husband, were taken into custody and killed by a soldier of the Thai Army's Task Force 80, as a punishment for collecting firewood outside Site 2 refugee encampment in Prachin Buri Province;

(b) On 6 August 1987, a Kampuchean was shot dead after having been arrested 2 km from the Site B border camp in Surin Province, near Ban Khot village;

(c) On 9 August 1987, a Kampuchean was arrested by militia forces 5 km from Site B and near Ban Cham village and was shot dead after severe beatings;

(d) On 18 October 1987, a Kampuchean was killed by Thai paramilitary Village Defence Volunteers 1 km north of Site B.

270. The Special Rapporteur requested information on the above-mentioned allegations, and in particular on any investigations of those cases and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

271. At the time of preparation of the present report no reply had been received from the Government of Thailand.

#### Uganda

272. On 15 December 1988, a letter was sent to the Government of Uganda concerning the allegation that, in late October and November 1988, in Gulu District in northern Uganda where groups opposing the Government have been active, a number of villagers were deliberately burned to death in their huts by government forces during anti-rebel operations. The Special Rapporteur mentioned five families allegedly killed by government forces.

273. The Special Rapporteur requested information on the alleged killings and in particular on any investigations of those cases and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

274. Subsequently, information was received in connection with the above-mentioned allegation to the effect that the Major-General, commanding the National Resistance Army (NRA) had reportedly announced the establishment of an inquiry into reports of NRA killings of civilians in the course of counter-insurgency operations in northern Uganda.

275. The Special Rapporteur acknowledges that since his letter was sent to the Government on 15 December 1988, it might not have had enough time to reply before preparation of the present report.

#### United Kingdom of Great Britain and Northern Ireland

276. On 28 July 1988, a letter was sent to the Government of the United Kingdom of Great Britain and Northern Ireland concerning the allegation that, on 6 March 1988 in Gibraltar, three persons said to be members of the Irish Republican Army (IRA), Mairead Farrell, Daniel McCann and Sean Savage, were shot dead by members of the Special Air Service (SAS). It was reported that, according to eye-witnesses, the three persons were shot while having offered no resistance when confronted by members of SAS, and that they were repeatedly shot when lying wounded.

277. The Special Rapporteur requested information on the above-mentioned allegation, and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

278. On 9 November 1988, a reply was received from the Government of the United Kingdom, stating that the inquest in Gibraltar into the deaths of the three IRA members had been opened on 6 September and concluded on 30 September 1988. Under the direction of the Gibraltar Coroner, Felix Pizzarello, the 11-man jury had considered evidence from some 68 witnesses and had decided, by a 9 to 2 majority in each case, that the three had been killed lawfully. The two appropriate prosecutorial authorities, the Gibraltar Attorney-General and the Director of Army Legal Services, had received statements taken during the police investigations and, following reports of the inquest from their representatives who had been present throughout, they had each separately and independently concluded that there were no grounds for prosecution. It was also stated that the Gibraltar judiciary was totally independent of, and separate from, the administration.

#### United States of America

279. On 30 March 1988, a cable was sent to the Government of the United States of America concerning a case of imminent execution. According to information received a person named John Selvage, who was convicted of murder and sentenced to death in February 1980, was scheduled to be executed in Texas on 30 March 1988. It was alleged that the jury at this trial had not been informed of the fact that Selvage had a history of mental illness dating back to 1970 and that he was later evaluated as being "psychotic".

280. The Special Rapporteur, requesting information on the above-mentioned case, in particular on his mental state as examined by a psychiatrist, appealed to the Government, on purely humanitarian grounds, for a stay of execution until the allegations mentioned above had been clarified.



281. On 16 May 1988, a reply was received from the Government of the United States of America, stating that John Selvage's execution, scheduled for 30 March 1988, had been postponed by the United States Supreme Court pending consideration of a writ of certiorari. According to the reply, John Selvage, who was convicted in 1979 for capital murder and aggravated robbery, was sentenced to death in 1980 and his sentence was confirmed in 1984 by the Texas Court of Appeal. In 1985, the District Court of the Southern District of Texas, after initially ordering a stay of execution, had denied Mr. Selvage's first petition for habeas corpus to overturn his sentence and the United States Fifth Circuit Court had confirmed that decision in 1987. On 3 March 1988, the District Court had temporarily granted a second writ for a stay of execution, but the Fifth Circuit Court had reversed that decision on 28 March 1988 on the ground that the case on which the District Court had relied in granting the stay had been dismissed. As stated above, on 29 March 1988, the United States Supreme Court had granted a stay of execution pending its decision on whether to accept Mr. Selvage's case on appeal.

282. According to the reply, at the time of his arrest, Selvage was not being treated for any psychological disorder and his attorneys, after conducting investigations into Selvage's psychological condition, had not put forward any defence based on his psychological state or challenged his competence to stand trial. Nevertheless, in February 1988, after Selvage had for the first time sought a stay of execution based in part on the issue of his mental competence, the 230th District Court of Harris County, Texas, had ordered a psychiatrist and a clinical psychologist to conduct thorough psychological examinations of Selvage and their reports had both concluded that, despite some evidence of psychosis, Selvage was competent to be executed under the standards established by the United States Supreme Court in Ford v. Wainwright, 477 US 399; 91 L.ED.2D 335; 106 S.Ct. 2595 (1986).

283. Together with the reply, the Special Rapporteur received copies of the decision by the United States Court of Appeals for the Fifth Circuit on 28 March 1988, the decision by the United States Supreme Court in Ford v. Wainwright and the reports by Dr. John D. Nottingham, Jr., a psychiatrist and Dr. Jerome B. Brown, a clinical psychologist.

#### Viet Nam

284. On 18 October 1988, a cable was sent to the Government of Viet Nam concerning the alleged imminent execution of two Buddhist monks and a layman. According to information received, Phan Van Thuong, also known as Thich Tue Sy and Le Manh That, also known as Thich Tri Sieu, were reportedly sentenced to death on 8 October 1988 and Tran Van Luong on 22 September 1988 by the People's Tribunal in Ho Chi Minh City. It was alleged that the three, arrested in April 1984 and detained at Phan Dang Luu prison, had suffered ill-treatment and torture and that the trial as a result of which the three were sentenced to death had not guaranteed the safeguards designed to protect the rights of the defendant, including the right to have legal assistance.

285. The Special Rapporteur, expressing his concern at the allegation of the absence of safeguards intended to ensure the basic rights of the defendant, requested information on the above-mentioned cases, in particular on the legal provisions and procedures under which the three might have been charged and tried.

286. On 5 January 1989, a reply was received from the Government of Viet Nam stating that Pham Van Thuong, one of the leaders of an anti-State organization called the "Free Viet Nam Force" and having close ties with another anti-State organization, had participated in subversive activities with a view to overthrowing the Government and that Le Manh That had also participated in the subversive activities of the same anti-State organizations. According to the reply, the two accused were sentenced to death on 30 September 1988 by the Court of First Instance in Ho Chi Minh City for their attempt to overthrow the Government, in accordance with article 73 of the Vietnamese Penal Code. Subsequently, by a decision of the Court of Appeals in Ho Chi Minh City on 15 November 1988, the death sentences were commuted to 20 years' imprisonment. With regard to Tran Van Luong, it was further stated that, being one of the leaders of anti-State organizations called the "Truong Son Division" and the "Popular Front for the Restoration of the Homeland", and being also "President" and "Prime Minister" of the "Volunteer Forces for the Restoration of the Homeland in the Interior of the Country" and the "National League of Resistance for the Restoration of the Homeland of Viet Nam", he had participated in subversive activities in order to overthrow the Government. After his arrest on 9 December 1985 and his trial on 23 September 1988 by the Court of First Instance, he had been sentenced to death in accordance with article 73 of the Penal Code. His case would be reviewed by the Court of Appeals in Ho Chi Minh City in due course.

#### Yemen

287. On 9 November 1988, a letter was sent to the Government of Yemen transmitting an allegation that, during the past several years, some 250 persons had allegedly been assassinated.

288. The Special Rapporteur described two examples of such alleged assassinations as follows:

(a) On 28 December 1987, Abdo Saleh Ghanem, Ali Ben Alis Ghurbani and Ahmed Ben Ahmed Chouthabi, said to have been involved with the National Opposition Front, were assassinated by agents of the security services;

(b) In January 1988, Sheikh Ahmed Nasser Al-Thahab of the Qaifa region was assassinated.

289. The Special Rapporteur requested information on the above-mentioned allegations, and in particular on any investigations of those cases and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

290. At the time of preparation of the present report no reply had been received from the Government of Yemen.

Zaire

291. On 28 July 1988, a letter was sent to the Government of Zaire transmitting the allegation, that on 13 November 1987, in Beni, three persons, arrested on their return from a visit to Uganda, were allegedly executed at Kibwe on the road from Kasemire to Kagumba. The three were said to be Kitamuriko from Karoroma village, Muhindo from Museya village and Viahoereho from Kilindera village.

292. The Special Rapporteur requested information on the alleged occurrence of summary or arbitrary executions and in particular on any investigations of those cases, including autopsies, and any measures taken by the authorities to bring those responsible to justice and prevent further occurrence of such deaths.

293. At the time of preparation of the present report no reply had been received from the Government of Zaire.

### III. ANALYSIS OF THE PHENOMENON

#### A. Remedial and/or preventive measures for the protection of the right to life: international standards

294. In his last report (E/CN.4/1988/22) the Special Rapporteur described the background and development of the idea of establishing international standards designed to prevent the occurrence of summary or arbitrary executions and to ensure proper investigations of all deaths in suspicious circumstances. He also described the efforts and co-operation of various organizations and groups. He now considers that it has been clearly understood and widely accepted that there is an urgent need to develop such standards.

295. At its tenth session held in Vienna from 22 to 31 August 1988, the Committee on Crime Prevention and Control, based on Economic and Social Council resolution 1986/10, section VI, decided to recommend to the Economic and Social Council the adoption of draft resolution X, entitled "Effective prevention and investigation of extra-legal arbitrary and summary executions". The text of the draft resolution is found in the report of the Committee on Crime Prevention and Control (E/1988/17; E/AC.57/1988/17).

296. During the process of preparation for the Committee's tenth session, the Special Rapporteur was consulted and close co-operation was maintained between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs.

297. The annex to the draft resolution, which sets out 20 draft principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, consists of three parts on prevention, investigation and legal proceedings. In the part on prevention, the prohibition of all extra-legal, arbitrary and summary executions is elaborated in eight principles, prescribing legal, administrative and organizational measures to be taken by Governments. In the part on investigation, nine principles deal with various elements of a thorough, prompt and impartial investigation, including an adequate autopsy, as well as related elements, such as the protection of complainants, witnesses, investigators and their families and the publication of the findings. The remaining three principles, in the part on legal proceedings are devoted to the bringing to justice of those identified as having been involved in extra-legal, arbitrary and summary executions, the fact that a superior's order may not be invoked to justify participation in extra-legal, arbitrary or summary executions, the prohibition of blanket immunity from prosecution for any person allegedly involved in extra-legal, arbitrary or summary executions, and fair and adequate compensation to the families and dependants of victims.

298. The Special Rapporteur was gratified by the outcome of the concerted efforts made by various organs of the United Nations and other international organizations. He is also pleased to see, in the annex to the above-mentioned draft resolution, all the elements to which he referred in his last report (E/CN.4/1988/22, para. 194) as a minimum in international standards concerning summary or arbitrary executions. The principles embodying these elements and elaborated in the annex to the draft resolution are explained in sufficient detail and clarity. The Special Rapporteur hopes that the draft resolution will be unanimously adopted in the forthcoming session of the Economic and Social Council.

## B. Co-ordination and co-operation of mechanisms

299. In the preceding paragraphs, the Special Rapporteur referred to the co-ordinated efforts and effective co-operation with regard to the establishment of standards for the prevention of summary or arbitrary executions and for proper investigations into deaths in suspicious circumstances. Similar co-ordination and co-operation are yet to be explored in the following three areas.

### 1. Thematic Special Rapporteurs

300. The Special Rapporteur has examined the reports submitted to the Commission on Human Rights in past years by the Special Rapporteur on the question of torture and the Working Group on Enforced or Involuntary Disappearances and has noted that certain parts of the mandates of the thematic Special Rapporteurs and the Working Group overlap. In fact, a considerable number of cases were concurrently brought to the attention of the Special Rapporteurs and the Working Group, since they contained elements which were relevant to all three mandates. An example of such cases would be one in which a person is abducted, tortured in detention and then found dead, the three phenomena namely, enforced or involuntary disappearance, torture and summary or arbitrary execution, being present in one case.

301. The Special Rapporteur would simply like to state at the present stage that he is willing to explore the possibility of co-operation among the three thematic mandates, reaching beyond a simple exchange of information on alleged cases relevant to the mandates concerned. In this respect, he would welcome any suggestions or proposals.

### 2. Methods of implementation

302. As described in chapter I, the mandate of the Special Rapporteur has been implemented by the following action:

(a) Inquiries concerning allegations of summary or arbitrary executions, which are communicated to the Governments concerned, requesting information, in particular on official investigations, trial proceedings, prosecution and punishment of those responsible and measures taken to prevent summary or arbitrary executions;

(b) Urgent appeals to the Governments concerned regarding alleged cases of imminent or threatened execution which appear prima facie relevant to his mandate, appealing to the Government to ensure that the right to life of the individual is protected and requesting information on the alleged cases and in certain cases, appealing, on humanitarian grounds, for a stay of execution;

(c) On-site visits to the countries concerned upon the invitation of the Government, enabling the Special Rapporteur to inform himself of particular situations, cases or relevant background material;

(d) Meetings with Government representatives for consultation in connection with the alleged summary or arbitrary executions in their country.

303. It is clear that, in all four types of action taken by the Special Rapporteur, co-operation by the Governments concerned is vital for the effective implementation of the Special Rapporteur's mandate. To that end, the Economic and Social Council, in paragraph 12 of resolution 1988/38,

"Urges all Governments, in particular those that 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".

304. In this connection, an examination of the Special Rapporteur's seven reports to the Commission on Human Rights gives some indication of the situation. The following table shows the number of Governments to which allegations of summary or arbitrary executions were addressed and from which replies were received from 1982 to 1989.

Number of Governments to which allegations were addressed  
and from which replies were received

1982-1989

Reports	Number of Governments to which letters containing allegations were sent	Replies received	Number of Governments to which appeals were sent	Replies received
E/CN.4/1983/13	40	13		
E/CN.4/1984/29	10 <u>a/</u>	5 <u>a/</u>	9	9
E/CN.4/1985/17	24 <u>b/</u>	6 <u>a/</u>	13	2
E/CN.4/1986/21				
<u>Concerning 1984 allegations</u>	16	11		
<u>Concerning 1985 allegations</u>	16	12	14	5
E/CN.4/1987/20	21	13	11	3
E/CN.4/1988/22	25	10	11	4
E/CN.4/1989/25	36	15	23	8

a/ Governments not named in the report.

b/ Of which 21 Governments were not named in the report.

305. Furthermore, the Special Rapporteur, reviewing his past activities, would like to focus on the following two points in order to enhance the effective implementation of his mandate:

(a) The possibility of more on-site visits should be explored, especially to the countries where serious allegations of summary or arbitrary executions have been made, in order that the Special Rapporteur may better inform himself of the situation or incidents so as to be better placed to make recommendations;

(b) The possibility of greater co-operation with other international organizations, whether governmental or non-governmental, should be considered, for example, with a view to making a team of forensic medical experts available to accompany and assist the Special Rapporteur during his visits to countries in order to examine allegations of summary or arbitrary executions.

### 3. Visit in situ, advisory services and technical assistance

306. The Commission on Human Rights, in its resolution 1988/54, entitled "Advisory services in the field of human rights", requested its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, "to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services" (para. 9).

307. Of those recommendations and proposals which the Special Rapporteur on summary or arbitrary executions made in his past reports, two are relevant to the programme of advisory services.

308. One concerns the Special Rapporteur's proposal of a general nature. In his last report (E/CN.4/1988/22, para. 207 (a)) he recommended that "as a matter of urgency, training programmes should be organized with a view to training or educating law enforcement officers in human rights issues connected with their work". For this purpose he proposed that regional seminars and workshops should be organized. He has since learned that such seminars and workshops are organized by regional institutes in co-operation with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs.

309. The other concerns specific countries, namely Uganda (E/CN.4/1987/20, annex II) and Suriname (E/CN.4/1988/22, annex). In both cases, the Special Rapporteur, after having visited the countries within the context of his mandate and informed himself in situ of the situations concerned, identified the questions and issues involved. The recommendations and proposals made for these countries were the outcome of his visit in situ.

310. In order to implement these proposals, co-operation and co-ordination between Governments and United Nations offices would be indispensable. The Special Rapporteur considers that in certain cases his experience in the specific country might be of some help in formulating a project in or for the country concerned.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

311. As mentioned in previous reports, hundreds of thousands of people have died in situations of international and internal armed conflicts. In 1988, however, a number of positive initiatives were taken in various international conflicts leading to the creation of an atmosphere in which situations conducive to summary or arbitrary executions can be reduced. It is very much hoped that these efforts will give rise to definitive solutions so that international peace and security can be achieved. It is only in an atmosphere of peace that human rights, and in particular the right to life, can be guaranteed and that the national institutions established to protect human rights and enable persons to enjoy them can be strengthened and operate effectively. Therefore the efforts under way to resolve these conflicts are to be welcomed.

312. Unfortunately, the initiatives taken in dealing with international conflict areas have not so far been matched by similar initiatives to resolve internal armed conflicts or tensions. Consequently, thousands of lives still continue to be lost by civilians in such conflicts. In the period under review, there has been a lot of indiscriminate killing of unarmed civilians on the part of governmental forces. The groups opposing Governments have also been guilty of this practice. In fact, in some situations where Governments have genuinely tried to address the grievances giving rise to such groups and have tried to involve all persons in the democratic process, such groups have tried to sabotage those efforts and in so doing have wantonly killed people.

313. It is a matter of regret that, in some areas where peace negotiations have ended international armed conflict, reports are emerging which indicate that the governmental instruments of power have turned from the enemy across the border to civilians within the country, with the result that there has been a very noticeable increase in summary or arbitrary executions by the Governments concerned of their own civilians. In some cases, according to the allegations made, persons who had already been tried, without the proper procedural safeguards, and sentenced to a term of imprisonment have been executed without further due process of the law or trial.

314. In the period under review, the Special Rapporteur has received more reports than at any time during the period of his mandate, alleging increased use of chemical weapons. In at least three areas, there were allegations that chemical weapons had been used and that they had resulted in thousands of deaths. In this regard, the Special Rapporteur welcomes the determination of the international community as reflected in the Final Declaration of the representatives of States participating in the Conference on the Prohibition of Chemical Weapons which met in Paris from 7 to 11 January 1989 when they resolved to prevent any recourse to chemical weapons by completely eliminating them, and solemnly affirmed their commitment not to use chemical weapons and condemned such use.

315. A disturbing feature of the period under review is the increasing number of allegations which the Special Rapporteur has received to the effect that thousands of people have lost their lives at the hands of police or other law enforcement officials in demonstrations. It would appear that the law enforcement officials did not act with the restraint required in such cases



according to the Code of Conduct for Law Enforcement Officials. The Special Rapporteur would therefore strongly reiterate the recommendation he made in his last report that the United Nations Centre for Human Rights should organize seminars or workshops for law enforcement officials to train them and inculcate in them the principle that they should carry out their work with due respect for the human rights of the individual, and to familiarize them with various international human rights instruments which are directly related to their work. There is also room for bilateral and multilateral technical assistance in this regard.

316. One of the problematic issues that has faced the Special Rapporteur is how to determine whether a "death squad" or an extreme right- or left-wing group which is responsible for killing people is acting independently or with the support, tolerance, connivance or encouragement of the Government. In some countries it is alleged that, although such groups are ostensibly independent, they are sponsored by the Government or the Government tolerates them or in fact they include police and military personnel in plain clothes and under orders from their superiors. The Governments have said that such groups act independently of them. The Special Rapporteur would welcome the Commission's views on how to deal with this problem. Whatever the position, it is the primary duty and responsibility of the Government to ensure that the right to life is guaranteed and protected from anyone who attempts to violate it.

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