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

**Extrajudicial, summary or arbitrary executions**

**Report of the Special Rapporteur, Asma Jahangir, submitted pursuant to  
Commission on Human Rights resolution 2002/36**

### **Executive summary**

The present report, which is submitted pursuant to Commission on Human Rights resolution 2002/36, covers information received and communications sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions in the period from 2 December 2001 to 1 December 2002, unless otherwise stated. The report is divided into five sections, focusing on different aspects of the problem of extrajudicial, summary or arbitrary executions, and contains the Special Rapporteur's observations on issues falling within the purview of her mandate.

Section I of the report provides a summary of the mandate entrusted to the Special Rapporteur. In section II the Special Rapporteur presents the main activities she has undertaken in the framework of her mandate during the period under review. Section III gives an overview of the various situations involving violations of the right to life relevant to the Special Rapporteur's mandate, including observations regarding violations of the right to life of special groups and issues of special focus. Section IV provides an overview of developments, in follow-up to the Special Rapporteur's country visits. Finally, section V is devoted to addressing developments of special concern and the Special Rapporteur also presents her conclusions and a number of recommendations she feels could be helpful in preventing and combating the problem of extrajudicial, summary or arbitrary executions.

It should be emphasized that the report should be read in conjunction with addendum 1 (E/CN.4/2003/3/Add.1), which presents a summary of all urgent appeals and letters of allegation sent during the reporting period, as well as summaries of replies from Governments.

The Special Rapporteur's report briefly describes action taken in regard to various forms of violations of the right to life, including deaths in custody, deaths due to excessive use of force by law enforcement agents, killings by security forces or paramilitary groups, and death threats. The report also discusses the issue of capital punishment and makes reference to death penalty cases in which the Special Rapporteur has intervened in reaction to reports that the sentences concerned had been passed in violation of international restrictions and human rights standards. In her report, the Special Rapporteur also discusses the situation of a number of specific categories of victims, who are particularly vulnerable or have been directly targeted for extrajudicial execution. These groups include human rights defenders, lawyers, journalists, demonstrators, members of national, ethnic, religious or linguistic minorities, internally displaced people, women, children, members of indigenous communities and persons extrajudicially killed and/or exposed to death threats because of their sexual orientation.

The report additionally includes a section devoted to follow-up in relation to missions undertaken by the Special Rapporteur. This section includes follow-up information on her visits to Mexico, Turkey and Honduras.

The Special Rapporteur concludes her report by highlighting some disturbing trends identified during the reporting period, and presents a number of recommendations. She highlights the imperative of avoiding a culture of impunity and ensuring accountability. Her recommendations include the following:

- (a) Greater focus and effort needs to be placed on preventive action;
- (b) A stronger system for response to early warnings must be conceptualized and made effective;
- (c) The Special Rapporteur encourages organizations of journalists to keep the United Nations human rights mechanisms informed of any incident of human rights violations, in particular death threats, imminent danger to their lives, or incidents of extrajudicial killings;
- (d) The military should be used, if at all, as a last resort for internal security demands and must be held accountable;
- (e) Safeguards and restrictions contained in international guidelines and customary law must be respected in each and every case when imposing or executing the death penalty;
- (f) Governments must end systematic and institutional impunity for those who kill women in the name of honour and so-called morality.

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## **Introduction**

1. This report is submitted pursuant to Commission on Human Rights resolutions 2001/45 and 2002/36. It is the fifth annual report submitted to the Commission by Ms. Asma Jahangir, and the twentieth submitted since the mandate on summary and arbitrary executions was established by Economic and Social Council resolution 1982/35.

2. Unless otherwise stated, the present report covers information received and communications sent in the period from 2 December 2001 to 1 December 2002, and is divided into five sections. Section I provides a summary of the mandate entrusted to the Special Rapporteur. In section II, the Special Rapporteur presents the main activities she has undertaken in the framework of her mandate during the period under review. Section III gives an overview of the various situations involving violations of the right to life relevant to the Special Rapporteur's mandate, including brief observations regarding violations of the right to life of special groups and issues of special focus. Section IV provides an overview of developments in follow-up to the Special Rapporteur's country visits. Finally, section V is devoted to addressing developments of special concern and the Special Rapporteur also presents her conclusions and a number of recommendations she feels could be helpful in preventing and combating the problem of extrajudicial, summary or arbitrary executions.

3. The Special Rapporteur notes that due to cuts in resources and restrictions with regard to the length of reports submitted to the Commission on Human Rights, the structure of the report has changed in comparison to reports from previous years.

4. As in previous years the Special Rapporteur has presented the Commission with an addendum summarizing the information transmitted and received by the Special Rapporteur, as well as her observations where required and considered appropriate (E/CN.4/2003/3/Add.1). The Special Rapporteur notes with regret that due to cuts in the resources of the secretariat it has not been possible to issue the addendum in all official languages, but only as a "mixed" unedited document in English, French and Spanish. She hopes that sufficient resources will be placed at the disposal of the mandate in the coming year to enable the Special Rapporteur to prepare this addendum in a more organized manner and fulfil her reporting obligations to the Commission on Human Rights and the General Assembly.

5. In addition, the Special Rapporteur has submitted three reports concerning three country visits which were carried out during 2001 and 2002. Addendum 2 to the present report relates to the mission to Honduras, addendum 3 to the mission to the Democratic Republic of the Congo and addendum 4 to her recent mission to Afghanistan.

## **I. THE MANDATE**

### **A. Terms of reference**

6. In resolution 2002/36, the Commission on Human Rights requested the Special Rapporteur to continue to examine situations of extrajudicial, summary or arbitrary executions, to respond effectively to information which comes before her and to enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits

to particular countries. The Commission also requested the Special Rapporteur to continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities and to pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms. The Commission further requested that the Special Rapporteur continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto.

7. In its resolution, the Commission also requested the Special Rapporteur to apply a gender perspective in her work. The Commission further urged the Special Rapporteur to draw the attention of the United Nations High Commissioner for Human Rights to such situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern to her or where early action might prevent further deterioration. The Commission welcomed the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encouraged the Special Rapporteur to continue efforts in that regard.

#### **B. Violations of the right to life upon which the Special Rapporteur takes action**

8. In carrying out her mandate, the Special Rapporteur will, when appropriate, act in the following situations:

- (a) Genocide and crimes against humanity;
- (b) Violations of the right to life during armed conflict, especially of the civilian population and other non-combatants, contrary to international humanitarian law;
- (c) Deaths due to attacks or killings by security forces of the State, or by paramilitary groups, death squads or other private forces cooperating with or tolerated by one or several States;
- (d) Deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality;
- (e) Deaths in custody due to torture, neglect or use of force, or life-threatening conditions of detention;
- (f) Death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, private individuals or groups cooperating with or tolerated by the Government, as well as by unidentified persons who may be linked to the categories mentioned above;

(g) Expulsion, refoulement or return of persons to a country or a place where their lives are in danger, as well as the prevention of persons seeking asylum from leaving a country where their lives are in danger through the closure of national borders;

(h) Deaths due to acts of omission on the part of the authorities, including mob killings. The Special Rapporteur may take action if the State fails to take positive measures of a preventive and protective nature necessary to ensure the right to life of any person under its jurisdiction;

(i) Breach of the obligation to investigate alleged violations of the right to life and to bring those responsible to justice;

(j) Breach of the additional obligation to provide adequate compensation to victims of violations of the right to life, and failure on the part of Governments to recognize compensation as an obligation;

(k) Violations of the right to life in connection with the death penalty. The Special Rapporteur intervenes where capital punishment is imposed in violation of articles 6, paragraph 2, and 15 of the International Covenant on Civil and Political Rights, and its Second Optional Protocol when relevant; article 37 (a) of the Convention on the Rights of the Child; article 77, paragraph 5, and other relevant articles of the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. In addition, the Special Rapporteur is guided by various resolutions of United Nations organs and bodies, in particular:

- (i) General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 regarding capital punishment;
- (ii) General Assembly resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- (iii) Commission on Human Rights resolutions 1997/12, 1998/8, 1999/61 and 2000/65 regarding the death penalty;
- (iv) The Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the Economic and Social Council in resolution 1984/50 on 25 May 1984, and endorsed by the United Nations General Assembly in resolution 39/118, adopted on 14 December 1984;
- (v) Economic and Social Council resolution 1989/64 adopted on 24 May 1989.



9. In view of these guidelines and international standards, the Special Rapporteur acts where:

- (a) The crime concerned cannot be considered “most serious”, as stipulated under article 6, paragraph 2, of the International Covenant on Civil and Political Rights;
- (b) The death penalty is imposed retroactively;
- (c) Persons are sentenced to death for crimes committed when they were less than 18 years of age;
- (d) Expectant or recent mothers face the death penalty;
- (e) Persons suffering from mental illness or handicap or those with extremely limited mental competence face the death penalty;
- (f) A death sentence which has been implemented is posthumously overturned;
- (g) Consular assistance is denied or not made available to a person facing the death penalty;
- (h) The accused is denied his or her right to appeal or seek pardon or commutation of a death sentence;
- (i) A death sentence is imposed following a trial where international standards of impartiality, competence, objectivity and independence of the judiciary were not met;
- (j) The legal system does not conform to minimum fair trial standards;
- (k) The death penalty is imposed as a mandatory measure without due regard to the safeguards enumerated above and compelling mitigating circumstances thus cannot be taken into consideration.

### **C. Legal framework and methods of work**

10. For an overview of the international legal standards by which the Special Rapporteur is guided in her work, she makes reference to the report of her predecessor to the Commission on Human Rights at its forty-ninth session (E/CN.4/1993/46, paras. 42-68). To carry out the work of the mandate, more resources and space is required. Restrictions on the number of pages for reporting and limiting the time for presenting a statement at the Commission undermines the work of the special procedures. Regrettably, there has been a noticeable decline in resources and priority extended to the mandate. As such, the Special Rapporteur has sought to maintain the methods of work adopted by her predecessor, under enormous pressure and with the sad realization that she does not enjoy the same amount of space for her reports as in the past.

11. Communications are sent to Governments during the entire year. In the past year, allegations were collected, after being cross-checked and selected, and were sent out to

Governments twice/thrice a year. This procedure was adopted because of the lack of human resources, but the method is unsatisfactory and now communications with Governments will be exchanged throughout the year. The mandate of the Special Rapporteur was the first special procedure to begin using an electronic database recording all urgent appeals sent, developed by the Office of the High Commissioner for Human Rights (OHCHR). It has been useful, and the Special Rapporteur and her assistants review the urgent appeals and allegations sent three times a year to follow the trends and patterns. The Special Rapporteur monitors the situation regarding her mandate and selectively releases press statements where appropriate. The more serious violations of human rights or ones which could have a negative impact on the future usually prompt a press release. To carry out her work the Special Rapporteur holds four consultations a year in Geneva and keeps in touch with OHCHR on a daily basis. She prepares (with assistance) one report for the Commission on Human Rights, including a country situation report. A report is submitted every two years to the General Assembly. In addition, the Special Rapporteur reports on her country missions, which number, on average, two per year. Documents brought back from field visits by Special Rapporteurs are not translated and therefore (with one exception), the Special Rapporteur has had to depend on personal resources to do this. To keep abreast of the development of her mandate the Special Rapporteur consults and reads a number of United Nations documents, reports of local and international non-governmental organizations and commentaries on legal developments. The annual meeting of all the special rapporteurs is particularly important. It gives all the experts time to exchange information and ideas. The direction of human rights developments is better assessed during these meetings. The presence of the Special Rapporteur during the meetings of the Commission on Human Rights is useful. There she has access to government representatives and NGOs are able to transmit their concerns to her. The access to government representatives and discussions with them are extremely important. Such meetings guide the work of the Special Rapporteur and improve the understanding between Governments and her mandate.

12. During the reporting period the Special Rapporteur has worked on developing the methods of work of the mandate. In 2003 the Special Rapporteur intends to finalize an internal draft on working methods and put them into practice. The Special Rapporteur intends to report on this development in more detail in next year's report.

## **II. ACTIVITIES**

### **A. General remarks**

13. During the reporting period, the Special Rapporteur held a number of consultations with OHCHR in Geneva. She has had the opportunity to meet with the High Commissioner and staff, as well as with a number of other special rapporteurs, representatives and experts appointed by the Commission on Human Rights. In the past year, she has also on numerous occasions taken joint action, including through joint urgent appeals, with other special rapporteurs and working groups mandated by the Commission. The Special Rapporteur presented her previous report (E/CN.4/2002/74) to the Commission at its fifty-eighth session. In June 2002, she participated in the ninth annual meeting of special rapporteurs/representatives, independent experts and chairpersons of the special mechanisms of the Commission on Human Rights, held in Geneva. In November 2002 she presented her report to the fifty-seventh session of the General Assembly (A/57/138). In addition, the Special Rapporteur met on several occasions with diplomats and

other government representatives who had comments on her reports and her work in general. The Special Rapporteur also attended a number of seminars and expert round tables throughout the reporting period.

## **B. Communications**

14. The Special Rapporteur has particular regard for the individual complaints she receives, as they offer an important channel for victims, their families and members of civil society to have their voices heard. Reports of incidents form the basis of the Special Rapporteur's communications to Governments and they lend further credibility to the supplementary information she receives. She wishes to point out that the figures presented below only give an indication of the situation regarding her mandate. They do not reflect the entire picture.

15. The amount of information received is overwhelming. It has to be selected, categorized, analysed and checked before being communicated to the Governments concerned. So far, the Special Rapporteur has been selective in sending communications, basing her criteria on sufficiently detailed information, as well as the nature and seriousness of the allegation.

16. A summary of all cases transmitted to Governments as well as summaries of replies received can be found in addendum 1 to this report.

17. During the period under review, the Special Rapporteur transmitted 188 urgent appeals on behalf of several thousand persons and several groups of people to the following countries: Algeria (1), Argentina (6), Azerbaijan (1), Bangladesh (2), Bolivia (1), Brazil (7), China (7), Colombia (29), Costa Rica (1), Cuba (1), Democratic Republic of the Congo (1), Ecuador (2), Equatorial Guinea (1), Ethiopia (1), Georgia (1), Ghana (1), Guatemala (27), Haiti (2), India (2), Indonesia (4), Iran (Islamic Republic of) (2), Iraq (2), Jamaica (3), Japan (1), Kazakhstan (1), Kyrgyzstan (1), Liberia (1), Libyan Arab Jamahiriya (2), Mexico (14), Mozambique (1), Namibia (1), Nepal (1), Nicaragua (2), Nigeria (5), Pakistan (2), Paraguay (1), Peru (3), Philippines (1), Russian Federation (1), Saudi Arabia (2), Singapore (1), Sri Lanka (1), Sudan (6), Sweden (1), Tajikistan (1), Thailand (1), Tunisia (1), Turkey (2), Uganda (1), Ukraine (1), United States of America (21), Uruguay (1), Uzbekistan (1) and Venezuela (4). She also sent three urgent appeals to the Palestinian Authority.

18. A total of 128 urgent appeals were transmitted jointly with other mechanisms of the Commission on Human Rights, such as the Special Rapporteur on torture, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on violence against women, the Special Rapporteur on the human rights of migrants, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Representative of the Secretary-General on human rights defenders. As in previous years, the Special Rapporteur welcomes this development, which to a large extent is due to the enhanced coordination between the various mechanisms of the Commission as facilitated by the newly established Quick Response Desk in OHCHR.

19. The Special Rapporteur further transmitted 56 letters of allegation regarding violations of the right to life of a large number of individuals and groups to the Governments of the following countries: Algeria (1), Argentina (2), Azerbaijan (2), Bolivia (2), Cameroon (1), China (1),

Colombia (3), Egypt (1), Ethiopia (1), Georgia (1), Germany (1), Greece (1), Guatemala (1), Honduras (2), India (2), Indonesia (2), Israel (1), Kyrgyzstan (1), Mexico (1), Myanmar (2), Nepal (2), Nicaragua (1), Pakistan (2), Peru (1), Philippines (1), Russian Federation (2), Sierra Leone (1), Spain (1), Sri Lanka (2), Sudan (1), Thailand (1), The former Yugoslav Republic of Macedonia (1), Tunisia (1), Turkey (1), Ukraine (1), United Arab Emirates (1), United States of America (1), Uruguay (1), Uzbekistan (2), Venezuela (2), Yemen (1) and Zimbabwe (1). Allegations were also transmitted to the Palestinian Authority regarding three cases of alleged violation of the right to life.

20. The Special Rapporteur wrote more than 29 letters of allegation jointly with other mandate holders, in particular the Special Rapporteur on torture, the Special Rapporteur on violence against women, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on the human rights of migrants and the Special Representative of the Secretary-General on human rights defenders.

21. During the period under review, the following Governments sent replies to urgent appeals or communications addressed to them by the Special Rapporteur during or prior to the reporting period: Algeria, Argentina, Azerbaijan, Bangladesh, Brazil, China, Colombia, Cuba, Democratic Republic of the Congo, Dominican Republic, Ecuador, El Salvador, Georgia, Germany, Guatemala, Haiti, India, Iraq, Jamaica, Mexico, Mozambique, Myanmar, Nicaragua, Pakistan, Paraguay, Peru, Philippines, Portugal, Russian Federation, Singapore, Spain, Sri Lanka, Sudan, Sweden, Thailand, Turkey, United States of America, Venezuela and Yemen. The Special Rapporteur wishes to express her appreciation to those Governments which have provided comprehensive replies to her communications for their cooperation. Regrettably, some Governments have replied only in part or on an irregular basis to her enquiries.

22. She is concerned that the Governments of Bolivia, Cameroon, Egypt, Equatorial Guinea, Ethiopia, Ghana, Greece, Honduras, Indonesia, Iran (Islamic Republic of), Israel, Japan, Kazakhstan, Kyrgyzstan, Liberia, Libyan Arab Jamahiriya, Namibia, Nigeria, Saudi Arabia, Sierra Leone, Tajikistan, The former Yugoslav Republic of Macedonia, Tunisia, Uganda, Ukraine, United Arab Emirates, Uruguay, Uzbekistan and Zimbabwe did not reply to any of her communications and requests for information during the reporting period. The Palestinian Authority did not reply to any of the communications sent.

23. The Special Rapporteur regrets that the Governments of Rwanda and Romania have not replied to communications in the past four years. The Governments of Cambodia and Papua New Guinea have not replied to any of the communications transmitted by the Special Rapporteur in the past five years.

### **C. Visits**

24. Since her appointment, the Special Rapporteur has written to a number of Governments expressing her interest in visiting their countries. At the time of writing, the Governments of Brazil, Colombia, Côte d'Ivoire and Yugoslavia had responded positively to these communications. She looks forward to carrying out missions to these countries, as and when her schedule allows. She is presently planning to undertake a mission to Brazil in

September 2003, and is aware of the urgent need in the future to undertake a mission to Côte d'Ivoire. The Special Rapporteur has requests pending with the Governments of Algeria, Cameroon, India, Israel, Pakistan, the Russian Federation, Sierra Leone and Uganda. The Special Rapporteur also has a request pending with the Government of Jamaica, and she hopes to undertake a visit to the country in February 2003. As time passes the requests for visits will need to be reprioritized and in the coming year the Special Rapporteur will communicate with Governments with which requests for visits are pending.

25. From 16 to 22 June 2002, the Special Rapporteur carried out a fact-finding mission to the Democratic Republic of the Congo. The mission was undertaken in response to a statement by the President of the Security Council of 24 May 2002 in which the Council drew the attention of the High Commissioner for Human Rights to the seriousness of the events that had taken place in Kisangani on 14 May 2002 and immediately thereafter. Pursuant to this statement, the High Commissioner alerted the Special Rapporteur to the alleged massacres of civilians, soldiers and police by the RCD-G (Rassemblement Congolais pour la Démocratie-Goma, Congolese Rally for Democracy-Goma) authorities and the mob killings of individuals by unruly crowds who responded to a call to rebellion by mutinous soldiers who had occupied the local radio station in Kisangani. At the High Commissioner's request, the Special Rapporteur promptly travelled to the country, visiting Kinshasa, Goma and Kisangani. The report on the mission containing the Special Rapporteur's findings and recommendations can be found in document E/CN.4/2003/3/Add.3.

26. From 13 to 23 October the Special Rapporteur visited Afghanistan. The Special Rapporteur on the situation of human rights in Afghanistan, Kamal Hossain, originally encouraged the Special Rapporteur to carry out the mission given the recent political changes in the country and the need to address the issue of impunity and accountability for past and ongoing extrajudicial, summary or arbitrary executions. The mission report can be found in document E/CN.4/2003/3/Add.4.

27. At its fifth special session on the situation in Israel and the occupied Palestinian territories in October 2000, the Commission on Human Rights adopted resolution S-5/1 in which it requested the Special Rapporteur, together with a number of other mandate holders, to carry out immediate missions to the area concerned and to report on their findings to the Commission at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session. The Special Rapporteur continues to follow events and will pursue her request for a visit with the Government of Israel. In this connection, the Special Rapporteur takes note of a letter from the Permanent Observer for Palestine to the United Nations Office at Geneva dated 26 January 2001, urging the Special Rapporteur to carry out her mandate under resolution S-5/1 as soon as possible. During the reporting period the Special Rapporteur continued to follow closely the development of the situation in Israel and the occupied territories. On 12 April she issued a press release expressing her alarm and concern at reports of alleged extrajudicial and summary executions by Israeli forces in connection with operations in the Jenin refugee camp. The Special Rapporteur has written repeatedly to the Government of Israel requesting a visa, so as to enable her to visit the country in the exercise of her mandate. The most recent of these letters was sent on 22 June 2001. So far, the Government has not agreed to this request.

28. The Special Rapporteur considers field missions a central element in the discharge of the mandate, as they allow her to gather first-hand information for preparing well-informed and objective reports. Field missions to specific countries are also of crucial importance when analysing patterns of human rights abuses and the root causes which give rise to and perpetuate violations of the right to life. It gives her an opportunity to exchange views with Governments and lends support to the work of civil society. During the past year, the Special Rapporteur has been approached by a number of NGOs, representatives of civil society and private individuals urging her to seek invitations to carry out missions to various locations. The Special Rapporteur appreciates this input and the genuine commitment and concern expressed by these interlocutors. The decision to seek an invitation to visit a particular country is based on a variety of considerations, inter alia a thorough analysis of the human rights situation in the country concerned, the likely or expected impact of a visit, and practical factors determining the feasibility of a field mission. She is concerned, however, that the resources currently placed at her disposal do not always allow her to submit her mission reports in a timely manner and to respond effectively to the calls and needs for field missions to be carried out in various parts of the world.

### **III. OVERVIEW OF SITUATIONS INVOLVING VIOLATIONS OF THE RIGHT TO LIFE**

#### **A. Genocide and crimes against humanity**

29. As previously underlined, the Special Rapporteur believes that the crime of genocide must be regarded as a threat to international peace and security, thereby placing greater responsibility on the international community to ensure that human rights violations of such a scale are investigated and those responsible brought to justice. All crimes of genocide must be investigated, without exception. The Rome Statute of the International Criminal Court provides for a permanent mechanism to deal with crimes affecting the entire human race, such as genocide. The Special Rapporteur welcomes the coming into force of the Statute on 1 July 2002, and urges all States which have not already done so to ratify the Statute.

30. During the Special Rapporteur's visit to Afghanistan, she received documentation and credible information that a number of summary or arbitrary executions carried out, in particular by the Taliban Council, but also by other warring factions and authorities, could constitute crimes against humanity. Such grave human rights violations committed in the past have to be recognized and addressed, so that impunity for such crimes is completely ruled out.

#### **B. The right to life and the administration of justice, deaths due to excessive use of force by law enforcement officials and deaths in custody**

31. A very large proportion of cases reported during the past 12 months are concerned with deaths in custody, mostly alleging that the death was a result of torture. Either no inquiry is carried out by the Government or the inquiry is shoddy, or the results of the inquiry are suppressed. Some Governments have responded, and indeed satisfied, the Special Rapporteur that impartial investigations into the incident reported were carried out. But the positive responses are far too few. In this regard the Special Rapporteur transmitted allegations to the Governments of the following countries: Algeria, Argentina, Azerbaijan, China, Democratic

Republic of the Congo, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Georgia, Germany, Guatemala, India, Indonesia, Kazakhstan, Liberia, Libyan Arab Jamahiriya, Nepal, Pakistan, Peru, Russian Federation, Sierra Leone, Spain, Sri Lanka, Sudan, Turkey, Uganda, United States of America, Uruguay, Uzbekistan and Venezuela.

32. The Special Rapporteur addressed a number of letters to Governments regarding excessive use of force by law enforcement officials. She wrote to the following Governments: Argentina, Algeria, Azerbaijan, Bangladesh, Bolivia, Cameroon, Colombia, Ethiopia, Germany, Honduras, India, Indonesia, Jamaica, Mexico, Mozambique, Myanmar, Nepal, Peru, Philippines, Russian Federation, Spain, Sri Lanka, Sudan, Thailand, Turkey, United States of America, Uzbekistan and Yemen. In a few cases there was an excessive use of force, under the guise of dealing with terrorists, against farmers and others who brought up social or economic issues. Witnesses to police excesses, students who held peaceful demonstrations and journalists exposing misuse of authority by the security forces were killed by excessive use of force. The military and special forces, in particular, are reported to use excessive force with impunity. The Special Rapporteur wishes to express her appreciation to the Government of Germany for a comprehensive reply which put the record straight to her satisfaction.

33. The Special Rapporteur is particularly concerned about reports concerning Bolivia, where in 2002 the police and army reportedly used excessive force to disperse demonstrators in Cochamamba, and allegedly killed six persons. Concern is also expressed about reports from Algeria about several reported cases of excessive use of force and extrajudicial killings by law enforcement officials. The Special Rapporteur is also increasingly concerned about the recent developments in Nepal and reports of excessive use of force by the police there.

34. Concern is also expressed about the actions by Russian police/security forces in the October 2002 incident in a Moscow theatre where Chechen separatists were holding several hundred civilians hostage. During the attack against the separatists more than 100 civilians died, allegedly because of a gas deployed by the Russian forces to disable the hostage takers. The Special Rapporteur has been collecting information from various sources about the incident and plans to take the issue up in 2003 with the Government of the Russian Federation.

**C. Deaths due to attacks or killings by security forces, paramilitary groups or private forces cooperating with or tolerated by the State, and violations of the right to life during armed conflict**

35. The Special Rapporteur transmitted urgent appeals to the following Governments in relation to reports of violations of the right to life due to attacks or killings by security forces, paramilitary groups or private forces cooperating with or tolerated by the State: Bolivia, Colombia, India, Indonesia, Mexico, Myanmar, Nepal, Peru, Philippines, Russian Federation, Sri Lanka, Sudan, Thailand, Turkey, United States of America and Yemen.

36. In this regard the Special Rapporteur is particularly concerned about reports relating to actions by government-controlled or -condoned paramilitary groups, as well as the use of the military in operations against civilians resulting in extrajudicial killings. In particular, Bangladesh, Colombia, Guatemala and Mexico are of concern in this regard.

37. A truly disturbing development was the events in Yemen in November 2002. It is reported that six men were allegedly killed while travelling in a car on 3 November 2002 in Yemen by a missile launched by a United States-controlled Predator drone aircraft. According to the information, one of the persons in the car was allegedly suspected of being a senior figure in the al-Qa'idah organization. The strike was reportedly carried out with the cooperation and approval of the Government of Yemen. On 15 November the Special Rapporteur addressed letters to the Governments of the United State and Yemen requesting their comments on these reports.

38. The Government of Yemen replied on 17 December 2002. As the Special Rapporteur is still awaiting the official translation, at this stage a brief summary of the letter can be provided. In its letter the Government of Yemen acknowledges that the attack did take place, and gives the names of the six persons killed. It further informs the Special Rapporteur that the six men had been involved in the attacks on the United States military vessel, the USS *Cole*, as well as a French tanker out of the port of Aden. It is further reported that the Government on several occasions had, unsuccessfully, sought to apprehend these six individuals. The Government stresses that had the persons come forward all their rights would have been protected, including a fair trial and a defence lawyer during trial. At the time of writing the United States Government had not sent a reply.

39. The Special Rapporteur is extremely concerned that should the information received be accurate, an alarming precedent might have been set for extrajudicial execution by consent of Government. The Special Rapporteur acknowledges that Governments have a responsibility to protect their citizens against the excesses of non-State actors or other authorities, but these actions must be taken in accordance with international human rights and humanitarian law. In the opinion of the Special Rapporteur, the attack in Yemen constitutes a clear case of extrajudicial killing.

40. The Special Rapporteur continues to be alarmed by reports of civilians killed in the context of armed conflict. All parties to an armed conflict must respect the rights of the civilian population in accordance with international humanitarian and human rights law.

41. The Special Rapporteur fully endorses the Secretary-General's efforts with regard to the protection of civilians in armed conflict as outlined in his report released in November 2002 (S/2002/1300). She supports the efforts to create a culture of protection, with a view to ensuring the protection of the right to life of civilians in armed conflict, and urges all States to support this process. She welcomes the active role of the Security Council in this regard.

42. The Special Rapporteur has followed the developments in Côte d'Ivoire with increasing concern. Reports of extrajudicial killings of civilians on the part of both the Government and rebel forces and reports of recent mass graves are a cause of great concern. On 12 December 2002 the Special Rapporteur issued a press statement urging all parties to refrain from committing extrajudicial executions and recalled the need for accountability. She believes that the action of the international community is crucial in order to prevent further killings of civilians.



43. During the reporting period there were disturbing reports of killings of Hindus and Muslims in Gujrat, India. Allegations against the State government's complicity were repeatedly made by Indian NGOs and national fact-finding missions. The Special Rapporteur drew the attention of the High Commissioner for Human Rights to these reports and continues to remain concerned, as subsequent developments suggest that the State government has not done enough either to protect Muslims living in Gujrat or to dispel the belief that it tolerated or colluded in the killings. The Special Rapporteur awaits the findings of the Nanawati Commission, which was established by the State government in July 2002.

44. The Special Rapporteur continues to follow with concern the developments in Chechnya. Developments in Israel and Palestine, as indicated above, are also deeply disturbing. With regard to the situation in Afghanistan the Special Rapporteur refers to her report (E/CN.4/2003/Add.4).

#### **D. Capital punishment**

45. In its resolution 2002/36, the Commission on Human Rights requested the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto.

46. While capital punishment is not abolished under international law, it must under all circumstances be regarded as an extreme exception to the fundamental right to life, and as such must be applied in the most exceptional and restrictive manner possible. It is also imperative that all restrictions and fair trial standards pertaining to capital punishment contained in international human rights instruments be fully and consistently respected in legal proceedings relating to capital offences.

47. In the discharge of her mandate, the Special Rapporteur takes action in cases of capital punishment in which there is reason to believe that international restrictions, as discussed in previous reports of the Special Rapporteur (see E/CN.4/2002/74) and outlined above in section I.B, are not respected. In such cases, the carrying out of a death sentence may constitute a violation of the right to life.

48. During the reporting period the Special Rapporteur transmitted letters of allegation to the following Governments with regard to capital punishment: China, Iran (Islamic Republic of), Iraq, Japan, Libyan Arab Jamahiriya, Nigeria, Pakistan, Philippines, Saudi Arabia, Singapore, Sudan, Tajikistan, United States of America, Uzbekistan and Yemen.

49. The imposition of the death penalty by special courts and under special laws continues, despite the fact that many of these courts and laws are the subject of criticism by the civil societies of these countries, and that bar associations in those countries consider the laws incompatible with human rights standards and special tribunals failing to provide due process. There are reports from one country alleging that torture is used to extract false confessions, on the basis of which a death sentence is handed down.

50. In October 2002 the Special Rapporteur was concerned at reports claiming that the Democratic Republic of the Congo would lift the moratorium on executions. During the visit of the Special Rapporteur to the country she noted the strain under which the legal system was operating, and the reports of miscarriage of justice. In countries where the safeguards and restrictions placed on the application of the death penalty are not effectively observed, it is desirable to abolish, or at least put in place a moratorium, on this irreversible punishment.

51. The Special Rapporteur welcomes the developments in the Philippines where, in August 2002, the President decided to implement a moratorium on executions pending the legislature's decision on a bill abolishing the death penalty altogether. All measures abolishing the death penalty should be considered as progress in the universal enjoyment of the right to life.

### **E. Death threats**

52. The Special Rapporteur transmitted urgent appeals aimed at preventing loss of life after having received reports of situations where the lives and physical integrity of persons were feared to be in danger. The Special Rapporteur only intervenes in cases where there are reasons to believe that either government-controlled actors are involved, or when it appears that the government authorities have failed to provide appropriate national protection.

53. In this context urgent appeals were sent to the Governments of the following countries: Algeria, Argentina, Bangladesh, Bolivia, Brazil, China, Colombia, Ecuador, Guatemala, India, Indonesia, Iraq, Jamaica, Kyrgyzstan, Mexico, Namibia, Nicaragua, Pakistan, Paraguay, Peru, Republic of Moldova, Turkey, Ukraine, Uruguay and Venezuela.

54. The persons targeted are most often journalists, judges, lawyers, human rights defenders, trade union representatives and indigenous people. The Special Rapporteur is particularly concerned about the large number of death threats reported in Colombia, Guatemala and Mexico.

### **F. Expulsion, return of persons to a country or place where their lives are in danger (refoulement), violations of the right to life concerning refugees and internally displaced persons**

55. The Special Rapporteur notes that extrajudicial killings in the context of global migration have become of increasing concern. The issue is increasingly highlighted as people find it necessary to move, both inside and outside their countries, for political, economic, social or other reasons, as the world population grows. The Special Rapporteur wishes to recall that the right to life applies to all human beings, and that Governments have a responsibility to protect this right in territories under their jurisdiction regardless of the citizenship of the persons concerned.

56. The Special Rapporteur is deeply concerned at reports of deliberate attacks against refugees and internally displaced persons (IDPs). Such incidents have been particularly common in situations of internal conflict and unrest, where the direct targeting of civilians has increasingly become part of the tactics employed by the parties involved. The Guiding Principles on Internal Displacement is an important document that sets out the rights and guarantees relevant to the protection of IDPs in all phases of displacement.

57. During the reporting period the Special Rapporteur addressed letters to the following Governments with regard to reports of extrajudicial killings in the context of migration: China, Colombia, Greece, Myanmar, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, and United Arab Emirates. The Special Rapporteur is grateful to the Government of Sweden which responded in great detail to her communication. It appears that the allegation was misleading and due care was taken by the competent authority to assess the situation.

### **G. Violations of the right to life of women and children**

58. The Special Rapporteur continues to monitor closely the situation with regard to violations of the right to life of women and children. During the period under review, the Special Rapporteur transmitted urgent appeals and letters of allegation on behalf of women and children to the Governments of Ecuador, Nigeria, Russian Federation, Sri Lanka, Turkey and United Arab Emirates.

59. The Special Rapporteur continues to receive reports of the murder of women in the name of honour, but she limits herself to act where the State either approves of or supports these acts or permits institutionalized impunity to the perpetrators, or impunity by giving tacit support to this criminal practice. The overwhelming number of "honour killings" are carried out by family members or in conspiracy with them. Laws allowing the heirs of the victims to either accept compensation in place of punishment or to pardon the offender therefore gives licence to male relatives to murder women on the justification of being offended by their behaviour. This form of institutionalized impunity for the so-called "honour killing" of women is unacceptable and is a violation of the right to life of a person on the basis of gender. The Special Rapporteur will closely follow the pattern of government inaction, in order to give a clearer picture through her report to be submitted in 2004.

60. The Special Rapporteur is also increasingly concerned about reports of women being condemned to death for adultery. Nigeria and Sudan have been cases in point during the last 12 months. The offence attributed to the accused does not constitute "the most serious" crime as it is not an intentional crime with lethal or other extremely grave consequences nor is it life threatening. The punishment is reportedly mandatory while the safeguards with regard to the imposition of the death penalty cover, inter alia, the right to benefit from a lighter penalty under certain circumstances. In the instant cases, according to the information of the Special Rapporteur, there was also a possible alternative explanation for the acts attributed to the accused women.

61. With regard to children, the Special Rapporteur is particularly concerned about reports relating to the extrajudicial killing of street children in Guatemala and urges the Government to address this issue urgently.

#### **H. Violations of the right to life of persons belonging to national, ethnic, religious or linguistic minorities**

62. The Special Rapporteur acted on behalf of a variety of persons belonging to national, ethnic, religious and/or linguistic minorities in Algeria, Bolivia, Brazil, China, Colombia, Guatemala, India, Indonesia, Kazakhstan, Libyan Arab Jamahiriya, Mexico, Pakistan, Saudi Arabia, Thailand and Turkey.

63. A cause for continuing concern is the situation of indigenous communities in various parts of Latin America, such as Bolivia, Brazil, Colombia, Guatemala and Mexico. The Special Rapporteur wishes to emphasize that Governments must seek to ensure the protection of all citizens under their jurisdiction, regardless of ethnic origin.

64. The Special Rapporteur also continued to monitor the situation in China with regard to the situation in Tibet. In December she was concerned about the sentencing to death of two Tibetans, Tenzin Deleg Rinpoche, also known as A An Zha Xi, and Lobsang Dhondup, also known as Luo Rang Deng Zhu. These persons were allegedly sentenced to death for causing an explosion. It is reported that the trial was unfair and mainly based on circumstantial evidence, and that the two did not have access to a lawyer during the trial. She wrote to the Government asking for clarification. As the letter was sent in December, at the time of writing no response had been received. The Special Rapporteur hopes to report on the case orally in March during the fifty-ninth session of the Commission on Human Rights.

#### **I. Violations of the right to life of persons exercising their right to freedom of opinion and expression**

65. The Special Rapporteur continues to receive reports of journalists who are the targets of death threats and extrajudicial killings because of their work to uncover corruption, organized crime and human rights violations. She also receives reports of persons targeted because of their public political statements. During the period under review, the Special Rapporteur sent urgent appeals and letters of allegation in relation to threats against or extrajudicial killings of persons exercising their right to freedom of expression, mostly journalists and participants in demonstrations, in the following countries: Argentina, Bangladesh, Colombia, Cuba, Ecuador, Ethiopia, Ghana, Guatemala, Haiti, India, Iraq, Kazakhstan, Libyan Arab Jamahiriya, Mexico, Nepal, Nigeria, Pakistan, Peru, Republic of Moldova, Ukraine and Uruguay.

#### **J. Violations of the right to life of persons because of their sexual orientation**

66. The Special Rapporteur has continued to receive reports of persons having been subjected to death threats or extrajudicially killed because of their sexual orientation. In this connection, she sent a letter to the Government of Venezuela relating to reports of killings of three transsexual persons without a government investigation having been initiated.

67. The Special Rapporteur is encouraged by the response of the Government of Mexico that reported killings of persons because of their sexual orientation are under investigation. Reports have been received of serious human rights violations committed in Afghanistan during the Taliban period, including reports of persons suspected to be homosexuals being buried alive.

**K. Violations of the right to life of persons carrying out peaceful activities in defence of human rights and freedoms, and persons who have cooperated with representatives of United Nations human rights bodies**

68. The Special Rapporteur has continued to receive reports of death threats against or extrajudicial killings of human rights activists, lawyers, judges, community workers, teachers, journalists and other persons engaged in activities aimed at protecting and promoting human rights or publicizing human rights violations.

69. The Special Rapporteur addressed letters to the following Governments with regard to the situation of human rights defenders whose lives were threatened or who had been extrajudicially killed: Algeria, Argentina, Brazil, Colombia, Georgia, Guatemala, Haiti, Honduras, Indonesia, Liberia, Mexico, Namibia, Nicaragua, Tunisia, Venezuela and Zimbabwe.

70. With regard to the situation of human rights defenders, the situations in Colombia and Mexico continue to be a cause for deep concern. The Special Rapporteur wishes to refer to the report of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2003/104).

71. The Special Rapporteur addressed letters to the following Governments with regard to the situation of judges and lawyers: Argentina, Brazil, Colombia, Guatemala, Mexico, Nicaragua and Venezuela. In this regard the Special Rapporteur also refers to the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2003/65).

**L. Impunity, compensation and the rights of victims**

72. For a more detailed discussion regarding the issue of impunity and compensation and the rights of victims, the Special Rapporteur refers to her earlier reports, in which she has addressed these questions at length (e.g. E/CN.4/2000/3, sect. V.E and E/CN.4/2001/9, sect. V.C).

73. Impunity for grave human rights violations which could constitute crimes against humanity continue to challenge the international community. There is a growing tendency to prioritize peace over justice which, in exceptional circumstances and for overcoming short and critical periods during the peace process, is understandable but it does undermine the rule of law and the sustainability of the peace process itself. Peace and justice go hand in hand and mutually support one another in the process of nation-building. Peace cannot simply be equated with the absence of conflict, but must contain the essential element of justice. It is the obligation of the international community to end impunity for all crimes against humanity. Such grave violations of human rights have an impact on the lives of every citizen of the world and should therefore not be seen as crimes against individuals or a particular nation.

74. In order to overcome impunity, Governments need to show both the political will and moral courage to confront human rights abuses by ensuring that strong, independent and effective institutions and mechanisms are in place for bringing perpetrators to justice. Non-governmental organizations have an important advocacy role in supporting these efforts. The international community also has the responsibility to combat systematic and widespread human rights violations by strengthening institutions with universal jurisdiction. In this regard

the coming into force of the Rome Statute of the International Criminal Court on 1 July 2002 is a very positive development. The Court has the potential to be a powerful tool in the fight against impunity for grave human rights violations, including extrajudicial, summary or arbitrary executions. The Special Rapporteur again urges Governments to proceed to ratification as soon as possible.

75. National Governments bear an equal responsibility for ending impunity for violations of human rights. In some countries impunity is the norm and justice an exception. There are multiple reasons for this and if the root causes are not addressed, impunity for human rights violations, including extrajudicial killing, will become deeply entrenched in the system. Impunity is often a direct product of laws explicitly exempting public officials, parliamentarians or certain categories of State agents from accountability or prosecution for human rights abuses. During her visits to countries the Special Rapporteur has noted that laws providing immunity to parliamentarians and other public officials have tempted many leaders of criminal gangs to enter politics simply to hide behind such laws. Countries facing internal unrest give security forces far-reaching powers without holding them accountable for their actions. In such situations security forces become less effective but more “powerful”, leaving little scope for accountability. The key institution to address impunity is the judiciary, which must be supported by an independent investigative machinery and a fair legal system based upon universal principles of human rights. The Special Rapporteur notes that during and immediately following a conflict situation, the judiciary must be provided with physical security, so that judges can deliver justice without fear or favour.

#### IV. FOLLOW-UP TO RECOMMENDATIONS

76. In its resolution 2002/36 the Commission on Human Rights requested the Special Rapporteur to follow up on recommendations made in her reports after visits to particular countries. Consistent and adequate follow-up to recommendations is indeed a crucial element in the discharge of the Special Rapporteur’s mandate.

77. The Special Rapporteur notes with appreciation that during the reporting period she has received detailed reports from the Governments of Mexico, Turkey and Honduras which provide responses and follow-up information to the conclusions and recommendations presented in her mission reports. While the present report cannot give complete summaries of the responses, the Special Rapporteur wishes to highlight a few points of each.

78. From 12 to 24 July 1999 the Special Rapporteur conducted a mission to Mexico. By note verbale of 1 November 2002 the Permanent Mission of Mexico to the United Nations Office at Geneva forwarded the comments of the Government of Mexico to the mission report of the Special Rapporteur (E/CN.4/2000/3/Add.3). The Special Rapporteur notes that the Government has sought to respond to most of the recommendations put forward in her report. She welcomes the continuation of the technical cooperation programme with OHCHR, efforts to enhance the dialogue with civil society, the priority given to the fight against impunity, and the efforts made to build the capacity of the judiciary and the law enforcement agencies.

79. From 19 February to 1 March 2001 the Special Rapporteur conducted a mission to Turkey. By note verbale of 25 October 2002 the Permanent Mission of Turkey to the

United Nations Office at Geneva forwarded the comments of the Government of Turkey to the mission report of the Special Rapporteur (E/CN.4/2002/74/Add.1). The Special Rapporteur welcomes the human rights provisions introduced and adopted in the new Civil Code in November 2002 and the amendments to the Constitution in October 2002, as well as subsequent changes in legislation. In particular, the Special Rapporteur welcomes the ratification by Turkey of the International Convention on the Elimination of All Forms of Racial Discrimination, the Optional Protocol to the Convention on the Elimination of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. She also welcomes the signing of two International Covenants on Human Rights, and urges the Government to finalize their ratification. With regard to the implementation of the new legislation, the Special Rapporteur intends to discuss these issues further with the Government in the future.

80. From 6 to 16 August 2001 the Special Rapporteur conducted a mission to Honduras. By note verbale of 16 December 2002 the Permanent Mission of Honduras to the United Nations Office at Geneva forwarded the comments of the Government of Honduras to the mission report of the Special Rapporteur (E/CN.4/2003/3/Add.2). The Special Rapporteur welcomes the detailed information relating to some of the individual cases of extrajudicial killings of children mentioned in the report. It is encouraging to know that in some cases law enforcement officials have been prosecuted and sentenced for these crimes. However, she intends to follow up with the Government in order to determine what steps have been taken to implement her recommendations, as very little information in that regard is provided in the comments of the Government.

81. In general, the Special Rapporteur wishes to emphasize that she plans to continue the dialogue with the respective Governments in the months to come.

## V. CONCLUDING REMARKS AND RECOMMENDATIONS

82. **During the last 12 months the world has generally not witnessed an improvement in the situation with regard to extrajudicial, summary or arbitrary executions.**

83. **Reports of past systematic and widespread extrajudicial, summary or arbitrary executions that may constitute crimes against humanity continue to be received from Afghanistan. There has been little progress in addressing the issue of transitional justice in the country.**

84. **Resorting to extrajudicial killings in order to fight terrorism is a worrying precedent and an issue of serious concern. There are also reports of Governments and their agents misusing their authority and using excessive force against unarmed civilians in the guise of fighting against terrorism.**

85. **There are growing reports of threats and extrajudicial killings of journalists. These must be taken notice of and specifically condemned. It is also an issue of great concern that human rights defenders, lawyers, students, trade union officials and judges are apparently being increasingly targeted.**

86. **Death threats against human rights defenders have been reported in a number of countries. It is alleged that these death threats are in connection with the work of the victims, who either expose human rights violations committed by security forces, powerful members of the Government or the Government itself. NGOs supporting individual witnesses to extrajudicial killings or torture have also reported receiving death threats.**

87. **Special forces, intelligence services and the military accused of extrajudicial killings often enjoy impunity and are rarely held accountable for their acts.**

88. **Deaths in custody are reported in a number of countries but appear to be more problematic in countries where either localized or other forms of conflicts exist and in countries where the democratic process has remained in its infancy. Incidents of deaths in custody, even in disputed circumstances, are either not investigated or poorly investigated.**

89. **The death penalty continues to be applied without due care for the safeguards and restrictions imposed by international guidelines and customary law.**

90. **Governments have begun in some cases to pay greater attention to the killing of women in the name of honour, but in other cases the pattern of institutionalized impunity continues.**

91. **The recommendations presented in the Special Rapporteur's previous report (E/CN.4/2002/74) as well as her report to the General Assembly (A/57/138) should be considered as still valid and read as part of the present report. In addition, the Special Rapporteur wishes to present the following recommendations in the hope that they will receive attention.**

92. **Extrajudicial, summary or arbitrary executions often occur during the period leading up to a conflict and in many cases spill over into the post-conflict period. A greater focus and effort need to be concentrated on preventive actions, so that violence does not escalate or turn into armed conflict.**

93. **Many reports submitted to the United Nations, including those of all the Special Rapporteurs on extrajudicial, summary or arbitrary executions, have constituted early warnings of deterioration in particular situations where extrajudicial, summary or arbitrary executions could escalate. Regrettably, these warnings have not been responded to effectively. A stronger system of response to early warnings must be conceptualized and made effective.**

94. **The Special Rapporteur has addressed the issue of dealing with past suspected crimes against humanity in the report on her mission to Afghanistan.**

95. **The Special Rapporteur encourages organizations of journalists to keep the United Nations human rights mechanisms informed of any incident of human rights violations, in particular death threats, imminent danger to their lives, or incidents of extrajudicial killings.**



96. **The military should be used for internal security demands as a last resort, if at all. Special forces and intelligence agencies must constantly be kept in check and made accountable to a high-level committee or institution.**

97. **When imposing or executing the death penalty, the safeguards and restrictions contained in international guidelines and customary law must be respected in each and every case.**

98. **Governments must end systematic and institutional impunity for those who kill women in the name of honour and so-called morality.**

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