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SUMMARY OF ARBITRARY EXECUTIONS

Report by the Special Rapporteur, Mr. S. Amos Wako,
appointed pursuant to resolution 1982/35 of 7 May 1982
of the Economic and Social Council

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I. BACKGROUND

1. For a number of years the subject of summary or arbitrary executions has been discussed in the United Nations but within the framework of a wider discussion on human rights. Mandates of Special Rapporteurs appointed to deal with specific countries have had to deal with this subject within the context of the human rights situation in a particular country. The Sub-Commission on Prevention of Discrimination and Protection of Minorities has for a long time reported on this subject under the item "Disappearances and Summary Executions". A study of the Sub-Commission's reports over the years shows increasing reports of instances of summary executions. The Commission on Human Rights resolution 20 (XXXVI), adopted on 29 February 1980, established a working group to examine questions relevant to enforced or involuntary disappearances of persons. Beginning with the same year, other developments which showed the international community's extreme concern at the growing phenomena of summary or arbitrary executions took place. They are:

2. The General Assembly at its thirty-fifth session adopted, on 15 December 1980, its resolution 35/172 entitled "Arbitrary or Summary Executions". In that resolution the General Assembly, alarmed at the incidence in different parts of the world of summary executions as well as of arbitrary executions, and also concerned by the occurrence of executions which are widely regarded as being politically motivated, requested the Secretary-General to use his best endeavours in cases where the minimum standard of legal safeguards appeared not to be respected and also to seek from member States, specialized agencies, regional intergovernmental organizations and concerned non-governmental organizations in consultative status with the Economic and Social Council views and observations concerning the problem of arbitrary executions and summary executions.

3. The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Caracas, 25 August to 5 September 1981) adopted a resolution entitled "Extra-legal executions".^{1/} The resolution "deplores and condemns" and affirms as a particularly abhorrent crime the practice of killing and executing political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups acting with the tacit or other support of such forces or agencies. It also called upon all Governments to take effective measures to prevent such acts.

4. The Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fourth session adopted, without a vote, on 3 September 1981, its resolution 1 (XXXIV) in which the Sub-Commission, concerned over information contained in documents submitted to it about the scale of executions in various parts of the world, particularly of political opponents and imprisoned and detained persons, and also over the summary execution of persons who are subsequently frequently reported to have "disappeared", decided to draw the attention of the Commission on Human Rights to the increasing scale of politically-motivated executions. The Sub-Commission also recommended to the Commission to request the Economic and Social Council to call upon Governments to abolish capital punishment for political offences.

^{1/} A/CONF.87/L.11, 5 September 1980.

5. The General Assembly at its thirty-sixth session adopted, on 9 November 1981, its resolution 36/22 entitled "Arbitrary or Summary Executions". In that resolution the General Assembly condemned the practice of summary executions and arbitrary executions, strongly deplored the increasing number of summary executions as well as the continued incidence of arbitrary executions in different parts of the world; and noted with concern the occurrence of executions that were widely regarded as being politically motivated. The Assembly also urged all the States concerned to respect the minimum standard of legal safeguards referred to in General Assembly resolution 35/172; requested the Secretary-General to use his best endeavours in cases where this minimum standard of legal safeguards appears not to be respected; invited member States, specialized agencies, regional intergovernmental organizations and relevant non-governmental organizations in consultative status with the Economic and Social Council to answer the Secretary-General's request for their views and observations concerning the problem of arbitrary executions and summary executions; and requested the Committee on Crime Prevention and Control to examine the problem of arbitrary executions and summary executions at its seventh session with a view to making recommendations.

6. The Commission on Human Rights, by its resolution 1982/29 adopted at the 59th meeting on 11 March 1982, recommended that the Economic and Social Council should request the Chairman of the Commission to appoint an individual of recognized international standing as Special Rapporteur to submit a comprehensive report to the Commission at its thirty-ninth session on the occurrence and extent of the practice of summary or arbitrary executions, together with his conclusions and recommendations. This resolution was subsequently adopted at the Economic and Social Council as resolution 1982/35 (see Annex I).

7. The Chairman of the Commission, after consultations within the Bureau, appointed Mr. S. Amos Wako as Special Rapporteur by letter dated 4 August 1982 from the Centre for Human Rights to Mr. Wako.

8. The Special Rapporteur visited the Centre for Human Rights United Nations Office at Geneva from 6 to 8 and 13 September 1982 for consultations. The Special Rapporteur also visited Copenhagen on 9 and 10 September 1982 for consultations with the Government of Denmark at that Government's request. The Special Rapporteur again visited Geneva from 7 to 19 January and from 23 to 25 January 1983 to finalize the report.

II. REQUESTS FOR INFORMATION

9. In accordance with ECOSOC resolution 1982/35, requests for information were sent to all governments as well as specialized agencies, intergovernmental organizations in consultative status with the Economic and Social Council by a note verbale dated 17 September 1982 (see Annex II).

10. (i) Replies were received from the following Governments: Argentina, Australia, Austria, Colombia, Cyprus, Denmark, Djibouti, Ecuador, Ethiopia, Federal Republic of Germany, France, India, Iraq, Japan, Liberia, Luxembourg, Morocco, Norway, Pakistan, Peru, Qatar, Seychelles, Spain, Sri Lanka, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

(ii) Replies were also received from: Holy See and the Republic of Korea.

(iii) Replies were also received from the following international organizations: Food and Agriculture Organization; International Bank of Reconstruction and Development; International Labour Organisation; International Maritime Organization; International Monetary Fund; World Health Organization; World Intellectual Property Organization; United Nations Educational, Scientific and Cultural Organization.

(iv) Replies were also received from the following non-governmental organizations in consultative status with ECOSOC: Amnesty International; International Commission of Jurists; International Committee against Apartheid, Racism and Colonialism in Southern Africa; International Committee of the Red Cross; International Organization of Journalists; International Police Association; International Union of Lawyers; Inter-Parliamentary Union; World Council of Churches.

11. All information received which referred to specific countries was transmitted to those countries. By a note verbale dated 19 November 1982 (see Annex III), the information so received was transmitted to the following countries for their comments: Afghanistan, Angola, Argentina, Bolivia, Brazil, Chad, Chile, Colombia, El Salvador, Ethiopia, Guatemala, Guinea, Honduras, India, Indonesia, Iran, Iraq, Lesotho, Libyan Arab Jamahiriya, Mali, Paraguay, Philippines, Syria, Thailand, Turkey, Uganda, Zaire.

12. Replies were received from the following Governments (see Annex IX): Colombia, El Salvador, Ethiopia, Guatemala, Honduras, India, Iran, Mali, Syria, Turkey.

13. A further note verbale (Annex IV) was sent on 7 January 1983 to the Governments referred to in para. 11 above who had not replied to the note verbale of 19 November 1982. By this note, these Governments were informed that the Special Rapporteur would be available to meet their representatives in connection with his mandate, if they so wished, at the United Nations Office at Geneva from 11 to 17 January 1983.

14. As a result of further information received after the arrival of the Special Rapporteur in Geneva (6 January 1983) a further note verbale dated 14 January 1983 (Annex V) was sent to the following governments with the information received for their comments: Bangladesh, Burundi, Central African Republic, Democratic Kampuchea, Korea, Republic of, Lebanon, Malaysia, Mozambique, Pakistan, Suriname.

15. A reply was received from the Republic of Korea on 24 January 1983.
16. On 21 January 1983 a note verbale was sent to the Government of South Africa, and letters were sent to the Chairman of the Council for Namibia and to the Commissioner for Namibia with information received, including information contained in the report of the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights, which was adopted by the Working Group upon the conclusion of its meetings on 14 January 1983.
17. During his stay at Geneva the Special Rapporteur received the representatives of Colombia, Ethiopia, Guatemala, Iran and the Republic of Korea.
18. The Special Rapporteur would like to thank all the Governments, agencies and non-governmental organizations who replied to the note verbale dated 17 September 1982 (see paragraph 10 hereof). The Special Rapporteur wishes to especially thank those Governments who replied to the allegations of summary or arbitrary executions made in regard to situations in their countries whose representatives saw him when he was in Geneva in January 1983 (see paragraphs 13 and 17 hereof). The Special Rapporteur would like to acknowledge that those Governments who received the notes verbales dated 14 January 1983 and 21 January 1983 may not have had time to reply, given the limited time available (see paragraphs 14 and 16 hereof).

III. INFORMATION MATERIALS RECEIVED

19. The materials which contain information concerning specific allegations on summary or arbitrary executions were submitted mostly by non-governmental organizations. Some Governments responded with explanations on their own penal systems and/or procedures which are arranged for safeguarding against summary or arbitrary executions.

20. The materials are of two kinds. One is those which contain general information on the subject matter and related areas and the other is those which contain allegations of summary or arbitrary executions occurring in specific countries.

21. The materials of the latter kind could be classified as follows:

- (i) Those with allegations with detailed reference to specific cases of summary or arbitrary executions with or without background information on the situation of the country's legal system, procedures etc.
- (ii) Those with allegations of disappearances often resulting in deaths, but without any means to confirm the government's involvement.
- (iii) Those with reports of killings and executions in the situations such as armed conflicts, military operations and political upheavals without detailed descriptions of those killings.
- (iv) Those with alleged violations of human rights in general, with brief reference to executions by summary procedures often without explanation on the size and extent of the practice.
- (v) Those with sporadic, unconfirmed reports of killings and/or executions often without any possible investigation.
- (vi) Those which deny that summary or arbitrary executions do in fact occur in a particular country.

IV. INTERNATIONAL LEGAL STANDARDS

A. The right to life and standards of judicial execution

22. The "right to life" is given prominence and is articulated in all international human rights instruments. In fact, it is the most important and basic of human rights. It is the fountain from which all human rights spring. If it is infringed the effects are irreversible and therefore international law has laid down stringent procedural safeguards to ensure that a death penalty or the taking away of a person's life is not done lightly. The following paragraphs indicate briefly the non-substantive conditions following the normal order of the penal process:

(a) The law providing for capital punishment should not be retroactive (articles 6(2) and 15 of the International Covenant on Civil and Political Rights). This principle may not be derogated from even in public emergency. (See also article 7(2) of the African Charter; article 7(1) of the European Convention.)

(b) Everyone is "entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law" (article 14(1)). (See also article 7(1) of the African Charter; articles 8(1) and (5) and 25 of the American Convention and article 6(1) of the European Convention.)

(c) At criminal trials, everyone has the right to be presumed innocent until proved guilty according to law (article 14(2)). (See also article 7(1)(b) of the African Charter; article 8(2) of the American Convention; and article 6(2) of the European Convention.)

(d) Article 14, paragraph 3, goes on to set forth in some detail "minimum guarantees" in the penal process, including the rights to be fully informed of charges, to have adequate time and facilities for the preparation of one's defence, and to obtain legal assistance, to examine or have examined the witnesses against him and to obtain the attendance and examination of witnesses on his behalf, not to be compelled to testify against himself or to confess guilt. (See also article 7(1) of the African Charter; article 8(2) of the American Convention; and articles 5(2) and 6(3) of the European Convention.)

(e) Special rules protective of juveniles should be provided for at trial (article 14(4)). (See also article 19 of the American Convention.)

(f) The right of appeal before a higher Court, on conviction and sentence, is guaranteed to everyone (article 14(5)). (See also article 8(2)(h) of the American Convention.) It is not expressly restated in article 6 regarding capital punishment, although the term "final judgement" may imply the requirement of appeal. General Assembly resolution 35/172 of 15 December 1960 urged Member States to envisage making appeals procedures automatic in capital cases and not to carry out executions before exhaustion of all recourses.

(g) The right to seek pardon or commutation of sentence is recognized, and there shall be no bar to the State prerogative to grant amnesty, pardon or commutation of sentences in all cases (article 6(4)). (See also article 4(9) of the American Convention.)

(h) The death penalty shall not be imposed for crimes committed by persons below 13 years of age nor carried out on pregnant women (article 6(5)). (The American Convention also makes a similar provision but in addition states that capital punishment shall not be imposed on a person over 70 years of age (article 4(5).)

(i) Further clauses, in articles 14(6) and (7), provide for compensation in case of miscarriage of justice and guarantee protection against double jeopardy.

23. Throughout the process leading to capital punishment and in all aspects thereof, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment applies (article 7, United Nations Declaration against Torture, Standard Minimum Rules and other instruments; article 7 of the International Covenant on Civil and Political Rights).

B. Killings in connection with law enforcement

24. Apart from capital punishment which can be legally imposed under conditions outlined in the foregoing paragraphs, killings committed in connection with enforcement of law is acceptable in international law under certain stringent conditions.

25. The Code of Conduct for Law Enforcement Officials was adopted by the United Nations General Assembly in 1979. Article 3 of the Code states:

"Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

26. The commentary to article 3, which the United Nations Committee drawing up the Code called "an integral part of the code", specifies that:

"In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved."

The commentary further states that:

"in general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender."

27. Article 2(2) of the European Convention uses the following formulation:

"Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection."

28. A draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment is being considered by the United Nations General Assembly at the committee level. Although it does not address directly the question when a prison officer might be justified in using force against a prisoner (other than to prohibit outright in Principle 5 the use of "torture or other cruel, inhuman or degrading treatment or punishment"), it does provide in Principle 30, a remedy for the use of unjustified force leading to death:

"Whenever the death or disappearance of a detained or imprisoned person occurs during or shortly after the termination of his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either of its own motion or at the instance of a member of the family of such a person or any citizen who has a reliable knowledge of the case."

C. Killings in war, armed conflicts and states of emergency

29. A person cannot be arbitrarily deprived of his or her life in a situation of public emergency. By virtue of article 4(2) of the International Covenant, derogation from article 6 which provides for "right to life" is not permitted in times of public emergency.

30. Other regional conventions on human rights have substantially similar provisions. For example, article 15 of the European Convention provides:

"(1) In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligation under this Convention to the extent strictly required by the exigencies of the situation provided that such measures are not inconsistent with its other obligations under international law.

(2) No derogation from article 2 (which provides for 'right to life') except in respect of deaths resulting from lawful acts of war, or from articles 3, 4 (paragraph 1) and 7 shall be made under this provision."

31. Article 27(1) of the American Convention has similar wording as article 15(1) of the European Convention and its paragraph (2) also provides that article 4 which provides for "right to life" is not suspended during the time of war or other public emergency threatening the life of the nation.

32. Under the African Charter there is no express clause by virtue of which no derogation is allowed in respect of the inviolability of human beings and the right to have their life respected. However, in view of the fact that in the African Charter where derogation is permitted it is expressly so stated in the article which asserts the right, there are strong arguments in favour of the interpretation that even in the African Charter, no derogation to this right is permitted since such derogation is not expressly stated in article 4.

33. The Geneva Conventions of 12 August 1949 are also relevant. Each of the four conventions deal with a particular group of "protected persons": the wounded and sick in armed forces in the field (Convention I); the wounded and sick and shipwrecked members of armed forces at sea (Convention II); prisoners of war (Convention III) and civilians in time of war (Convention IV). These four conventions (as supplemented by Additional Protocols I and II in 1977) prescribe as minimum standards procedural safeguards which must be adhered to in death penalty cases in times of war or armed conflict, including specific provisions for armed conflicts which are not international.

34. Each of the Geneva Conventions clearly prohibits murder and other acts of violence against protected persons. They explicitly provide that "wilful killings" are to be considered "grave breaches" of the Geneva Conventions, that is, war crimes subject to universality of jurisdiction.

35. Article 3 which is common to all Geneva Conventions prohibits "at any time and in any place whatsoever ... violence to life and person, in particular murder of all kinds" of people "taking no active part in the hostilities" in armed conflict which is not international in character. In respect of people who do not take a direct part or who have ceased to take part in hostilities during an armed conflict which is not international, article 4 of the Additional Protocol II prohibits violence to life "at any time and in any place whatsoever". Article 75 of the Additional Protocol I prohibits "violence to ... life ... in particular ... murder" against all people (whether or not they are protected persons) who are in the power of one of the sides in an international armed conflict.

36. Common article 3 of the Geneva Conventions of 1949 also specifically prohibits the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Article 6 of Additional Protocol II states that a conviction must be pronounced by a court offering the essential guarantees of independence and impartiality and proceeds to enumerate some of the procedural and substantive guarantees amongst which are: no one shall be convicted of an offence except on the basis of individual penal responsibility; presumption of innocence until proved guilty according to law; the right for the accused to be tried in his presence; the death penalty shall not be pronounced on persons who were under the age of 18 years at the time of the offence and shall not be carried out on pregnant women or mothers of young children; prohibits retroactive legislation. Article 84 also provides for independence and impartiality of courts trying prisoners of war and article 105 provides for the rights and means of defence.

37. The main purpose of the Protocols and in particular Additional Protocol II was to provide for civilians better protection against the effects of hostilities. Among the numerous provisions adopted are that "the civilian population as such, as well as individual civilians shall not be the object of attack" and, especially, that "Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited (article 51, paragraph 2 of Additional Protocol I and article 13, paragraph 2 of Additional Protocol II); there is also the prohibition "to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis" (article 40 of Additional Protocol I).

38. Additional Protocol II, article 1 paragraph 2 reads:

"This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts."

39. This constitutes the major weakness of the Geneva Conventions and the Protocol in that situations of "internal disturbances" and "internal tension" are not covered. The "internal disturbance" could be described as a "situation in which there is no non-international armed conflict as such, but there exists a confrontation within the country which is characterized by a certain seriousness or duration and which involves acts of violence", which can assume all forms from "the spontaneous

generation of acts of revolt to the struggle between more or less organized groups and authorities in power". The "internal tension" can be defined as the situation where force is employed as a preventive measure to maintain respect for law and order. They are situations of serious tension of political, religious, racial, social or economic nature or are sequels to armed conflicts or internal disturbances. It may very well be that the principles which guide the Geneva Conventions could in appropriate cases by analogy be applied to situations of internal disorders or internal tensions.

D. The principle of non-discrimination and crimes against humanity

40. The principle of non-discrimination also plays a role in the international protection of man from summary or arbitrary execution. The Universal Declaration of Human Rights (article 2) as well as the International Covenant on Civil and Political Rights (articles 2(1) and (3)) contain non-limitative clauses prohibiting discrimination "of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" in respect of all the rights recognized in those instruments, including the right to life. Even in time of public emergency, as stated in article 4, paragraph 1, of the Covenant, States derogating from their obligations have, nevertheless, no right to take measures involving discrimination solely on the ground of race, colour, sex, language, religion or social origin.

41. The Declaration and the Convention on the Elimination of All Forms of Racial Discrimination imposes, *inter alia*, the obligation to eliminate racial discrimination in the enjoyment of all human rights, notably the right to security of the person and protection against violence or bodily harm (article 7 Declaration, and article 5 Convention).

42. International law further includes special norms concerning the gravest forms of discrimination, namely mass murders, against whole groups of persons. The Convention on the Prevention and Punishment of the Crime of Genocide of 1948 confirms that it is a crime under international law to commit certain acts with "intent to destroy in whole or in part a national, ethnical, racial or religious group, as such", in particular: "(a) killing members of the group;" and "(b) causing serious bodily or mental harm to members of the group", (article 2).

43. It should be recalled that genocide had already been declared a crime under international law by the General Assembly in resolution 96 (I) of 11 December 1946, before the adoption of the Convention. The International Court of Justice, in its Advisory Opinion of 28 May 1951, stated that the principles of the Genocide Convention "are recognized by civilized nations as binding on States, even without any conventional obligations". ^{1/}

44. The Genocide Convention was considered so important by the authors of the Covenant that it was twice referred to in article 6. Paragraph 2 requires that the laws on capital punishment should not be contrary to the Genocide Convention.

^{1/} Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, International Court of Justice, Reports of Judgements, Advisory Opinions and Orders, 1951, p. 23.

Paragraph 3 provides that nothing in this article "shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide".

45. The International Convention on the Suppression and Punishment of the Crime of Apartheid of 1973 deems it to be a crime against humanity, constituting a threat to international peace and security, to commit certain acts "for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them". Such acts include, inter alia, "(a) denial to a member or members of a racial group or groups of the right to life and liberty of person: (i) by murder of members of a racial group or groups," (article 2).

46. In addition, numerous resolutions of the General Assembly, for instance resolution 2394 (XXIII), 1/ have strongly condemned the use of capital punishment or other executions on racial grounds or directed against the opponents of racist regimes.

47. There have been attempts to extend the category of "crimes under international law" although they have not been successful. A draft Code of Offences against Peace and Security of Mankind was produced in 1951, commented upon by governments and a revised version released in 1954. Article 2(11) refers to "inhuman acts such as murder, extermination, enslavement, deportation or persecutions, committed against any civilian population on social, political, racial, religious or cultural grounds by the authorities of a State or by private individuals acting at the instigation or with the toleration of such authorities". 2/ This would appear to cover summary or arbitrary executions.

1/ Adopted on 26 November 1966, G.A.O.R. Twenty-third session, Supplement No. 18 (A/7218), p. 42.

2/ "Report of the International Law Commission covering the work of its sixth session" (A/2693), para. 54, in Yearbook of the International Law Commission, 1954, Vol. II.

V. NATIONAL LEGISLATION

48. By studying the information made available the Special Rapporteur finds that a large number of countries have laws and regulations concerning the death penalty, court procedures and conduct of law enforcement agencies in accordance with the existing international standard, as are discussed in the preceding chapter. Safeguards to guarantee the rights of the suspected and the accused are more or less provided for in these legal instruments.

49. In some countries capital punishment is totally abolished. In some other countries it is strictly limited to a few more serious crimes such as high treason during the time of war and piracy with violence. In some countries capital punishment is specifically prohibited for political offences or related common crimes. However, in some countries the death penalty covers a wider area and includes for example economic crimes and sexual offences.

50. In a considerable number of countries the death penalty is imposed for security related crimes. In many cases special courts, e.g. military tribunals, revolutionary courts, and special procedures for investigation and trial are established for this category of crime.

51. The practice of law enforcement agencies varies according to countries. In a number of countries the conduct of law enforcement officers is strictly regulated by law and there are administrative procedures for disciplining those who have abused their power. In some countries the abuse of law enforcement officials, especially the use of firearms, is not effectively checked even though the control machinery is envisaged in respective laws.

52. In many countries laws providing for safeguards which guarantee rights of the suspected and the accused exist. In some of these countries, these laws are deficient and do not conform to international standards.

VI. BASIC CONCEPTS

A. Summary or arbitrary executions as they relate to judicial or other proceedings

53. ECOSOC Resolution 1982/35 which gives the Special Rapporteur his mandate contains no definition of what amounts to "summary" or "arbitrary" execution. There is reference in the Preamble of the resolution to "extra-legal" executions as if they could form a category of their own distinct from "summary" or "arbitrary" executions. Although, as we have seen, there are a number of international covenants and conventions which are relevant to the study, in none of them is "summary" or "arbitrary" executions defined.

54. The International Covenant, the American Convention on Human Rights, the African Charter on Human and Peoples' Rights each specify that no individual shall be "arbitrarily" deprived of his or her life. The concept of "arbitrariness" must have regard to the standards and guarantees laid down in Articles 6, 14, and 15 of the International Covenant on Civil and Political Rights. It is pertinent to note that the General Assembly resolutions 35/172 and 36/22 on Arbitrary and Summary Executions urges Member States to respect as minimum standard the content of the said provisions. In debates on other articles in other international human rights instruments where the word "arbitrary" was used, it was stressed by several participants that in their view executions though in accord with domestic law should be condemned as "unjust" and contrary to the Covenant if they disregarded the international provisions.

55. Where a government has imposed a death penalty but failed to comply with procedural safeguards prescribed in international law, it has violated international law and has illegally deprived a person of his life. The deprivation of life in such circumstances can be called extra-legal execution. However, is it in all cases that such execution can be termed "arbitrary" or "summary"? If a person is executed as a result of a procedure which has not followed all the minimum guarantees, is the execution summary? If the execution is not summary, what combination of the breaches of minimum guarantees are necessary for the execution to be rendered summary? There is a whole range, from cases with only a single procedural defect to those where all or nearly all procedural guarantees are non-existent, that the trial could be said to have been in name only. At what stage does the trial become summary?

B. Summary or arbitrary executions in states of war, armed conflicts, emergency

56. Common article 3 of the Geneva Conventions prohibits the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are recognized as indispensable by civilised peoples. Judicial guarantees cannot therefore be suspended in periods of armed conflict. Such judicial guarantees in times of war or armed conflict must have reference to Articles 84 and 105 of the Geneva Convention on Prisoners of War and Article 6 of the Additional Protocol II.

57. Article 4 (2) of the Covenant which sets out those provisions from which no derogation is permitted in times of public emergency does not include Article 14 which sets out minimum guarantees of procedure amongst those provisions which are saved. Does this therefore mean that in times of emergency all or some of the procedural safeguards do not apply and if so does it not mean that summary execution is permitted in states of emergency? This would be a paradoxical result since judicial guarantees are recognized in more serious conflicts by the Geneva Conventions.

58. The use of the word "arbitrarily" in Article 6 (1) of the Covenant which is not subject to derogation under Article 4 can be invoked to justify that certain guarantees not articulated must be regarded as yet essential to protect man from the arbitrary taking of life and of being worthy of entrenchment even under states of emergency. Such guarantees would be similar to "judicial guarantees which are recognized as indispensable by civilized peoples" (common Article 3 of the Geneva Conventions). In a case involving the killing of an innocent person by the police, without any charge or warning, under a state of public emergency, the Human Rights Committee considered, inter alia, that a law granting broad immunity to the police in such instances was arbitrary and in breach of Article 6 (1). 1/

59. The term "arbitrarily" in Article 6 (1) of the Covenant coupled with the provision in Article 6 (2) that the sentence of death may not be imposed "contrary to the provisions of this Covenant", can be interpreted to mean that the procedural safeguards of Article 14 cannot be derogated from even during public emergency in the hearing of a case where a death penalty can be imposed. Article 6 (2) has the effect of bringing the procedural guarantees within the entrenched provisions as it relates to the death penalty.

C. Summary or arbitrary executions as they relate to killings in connection with law enforcement

60. The circumstances under which killings in connection with law enforcement can be justified have already been stated in the preceding paragraphs. If a law enforcement agent uses greater force than is necessary to achieve a legitimate objective and a person is killed that would amount to an "arbitrary" execution. However, it is sometimes difficult to apply this standard to the facts of the case, such as when a law enforcement agent can legitimately deprive a person of life in situations of riot, insurrection, strikes or in order to effect arrest or prevent escape.

61. Although there needs to be more strict guidelines on when a law enforcement agent can legitimately deprive a person of his life in the various situations of which the above are only examples, it is not impossible to determine whether or not a disproportionate amount of force has been used in any given circumstance. In the case of Guerrero Vs. Colombia (already quoted) the Human Rights Committee noted that the killing of the victim by the police had been done without evidence that "the action of the police was necessary in their own defence or that of others" or "that it was necessary to effect the arrest or prevent the escape of the persons concerned".

D. Summary or arbitrary executions as they relate to those in detention or custody

62. Where the executions are done after some proceedings or trial which distorts the guarantees set out in the preceding paragraphs or after no proceedings at all, the execution is "summary" or "arbitrary". If a person dies as a result of torture or of cruel, inhuman or degrading treatment that amounts to "arbitrary" execution.

63. However, some difficult cases come up. For example where a person in detention or custody dies as a result of deprivation, intentional or otherwise of food, water and medical treatment, does this amount to arbitrary execution? What about in the extreme case where a person in detention or custody is driven by the conditions in which he is or by the treatment he gets to commit suicide, is the Government in those

1/ R.11/45 (Pedro Pablo Camargo on behalf of the husband of Maria Fanny Suarez de Guerrero v. Colombia). CCPR/C/DR/(DV/R.11/45, confidential decision made public.

circumstances guilty of arbitrary execution? The Human Rights Committee in a recent case involving an alleged suicide in prison took the view that the State Party concerned was responsible "either by act or omission" for not taking adequate measures to protect the life of the victim while in police custody and was therefore in breach of Article 6 (1) of the Covenant. ^{1/}

E. Scope

64. All the resolutions in the United Nations on the subject of "summary or arbitrary executions" are directly or indirectly attributed to governments which engage in this practice. For example, Resolution 5, on "Extra-Legal Executions", of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Caracas, Venezuela (25 August to 5 September 1980) deplored and condemned: "the practice of killing and executing of political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups acting with tacit or other support of such forces or agencies". General Assembly resolution 35/192 urged Governments to "review their legal rules and practices so as to guarantee the most careful legal procedures and the greatest possible safeguards for the accused in capital cases".

65. The International Covenant, the European Convention, the American Convention each state that the right to life "shall be protected by law". During the debates when this article was being formulated the view was expressed that the article does not only concern itself with the protection of the individual from unwarranted attacks by the State but that also the State has a duty to protect human life against unwarranted actions by public authorities as well as by private persons.

66. The Special Rapporteur has for the purposes of this report been guided by the following tentative definitions:

- "Summary execution" is the arbitrary deprivation of life as a result of a sentence imposed by the means of summary procedure in which the due process of law and in particular the minimum procedural guarantees as set out in Article 14 of the Covenant are either curtailed, distorted or not followed.
- "Arbitrary execution" is the arbitrary deprivation of life as a result of the killing of persons carried out by the order of a government or with its complicity or tolerance or acquiescence without any judicial or legal process.
- "Extra legal execution" refers to killings committed outside the judicial or legal process, and at the same time, illegal under relevant national and international laws. Accordingly, in certain circumstances "arbitrary execution" as defined above can be an "extra legal execution".

67. For the avoidance of doubt, the above types of executions do not include deaths resulting from the use of reasonable force in law enforcement or permitted under relevant national and international legal standards, and killings in armed conflict not forbidden under international humanitarian law.

68. Although the resolutions leading to the mandate of the present study limit the concept of summary or arbitrary executions to acts or omissions attributable to Governments or government agents, the Special Rapporteur considers that further thought should be given to responsibility of non-governmental groups for acts or omissions leading to deprivation of life in a manner equivalent to that resulting from summary or arbitrary executions.

^{1/} See the Final Views on Communication R.21/84 (Guillermo Ignacio Dermitt Barbato and Hugo Haroldo Dermitt Barbato v. Uruguay), CCPR/C/D(XVII)/R.21/84, Annex.

VII. SURVEY AND ANALYSIS OF INFORMATION RECEIVED BY THE
SPECIAL RAPPORTEUR

69. The information received contains specific and general allegations of summary and arbitrary executions which are supposed to have taken place since approximately 1965 up to the present time.

70. The Special Rapporteur viewed as part of his mandate a historical consideration and analysis of the features and circumstances surrounding summary or arbitrary executions. Parts A and B of this chapter of the report therefore give the general patterns (Part A) and targets (Part B) of summary or arbitrary executions as disclosed by the materials in possession of the Special Rapporteur.

71. Part C of the chapter describes the information received containing allegations of occurrences of summary or arbitrary executions, taking place between end-1980 and the present, or coming to light after end-1980. This information is presented by alphabetical order of the names of the States concerned; those States in respect of whom the situation of human rights has been the subject of study or investigation by nominees of the Commission on Human Rights are not included, since this aspect of the situation has already been treated in those reports but has been taken into account in the present report; they are Bolivia, Chile and El Salvador. The Special Rapporteur has chosen the end of 1980, for the following reasons. As we have already noted in the background (paras. 2 to 5), it is since the end of 1980 onwards that the General Assembly and other bodies of the United Nations, including the Commission on Human Rights, started taking a special and keen interest in summary or arbitrary executions as phenomena in themselves.

72. The Special Rapporteur would also like to make it clear that in mentioning specific countries, he is not in any way passing judgement or making definitive findings or conclusions on the alleged incidents as necessarily true or correct. However, the Special Rapporteur is of the opinion that the allegations made do at least indicate the nature, occurrence and extent of summary or arbitrary executions. The allegations contained in this report are summaries of the allegations received in regard to those countries. In each case, the information containing any allegation received referring to a given country has been transmitted to the Government concerned.

A. Patterns

73. The information received has disclosed the following general patterns:

1. Summary executions

74. Even though executions are carried out after certain proceedings, the court procedures themselves are so curtailed or distorted that the procedural safeguards as provided for in Articles 6, 14 and 15 of the International Covenant on Civil and Political Rights were not observed.

- (i) The death sentence is delivered often in a special court, special military tribunal, or revolutionary court which are not bound by any procedural regulations.

75. In a number of countries, special courts, such as military tribunals and revolutionary courts were established after the fall of the former regime. The special courts often imposed death sentences, without any adequate procedures which provided for safeguards of rights of the accused.

76. In one country, after a coup attempt to overthrow the head of the State, it was announced that special military tribunals were being set up to try those believed to be responsible for the coup attempt and for the deaths of government officials who had been killed during the attempt. Executions were said to have begun soon after the coup attempt and to have continued for more than a year afterwards. Hundreds of people were reportedly executed as a result of the order of the said tribunals which was arrived at in complete disregard of the procedural safeguards.

- (ii) Executions are carried out without allowing time to appeal to a higher court or to seek pardon or commutation of the sentence.

77. In a number of countries, death sentences were executed immediately after sentencing. In some other countries, the right of appeal to higher court or to seek pardon was not allowed, often by procedures of special courts or by procedures provided for in security-related laws. In one country the death penalty was imposed on people charged with crimes against the security of the people and the State, and execution took place within 12 hours, even though the law stipulated that death sentences were to be carried out after five days. No opportunity for appeal or pardon was given.

- (iii) Trials are held in secret in many cases, even without allowing close family members to attend.

78. In a large number of countries many trials before military or special or revolutionary courts take place in camera and are followed either by public or secret executions. Therefore, it was extremely difficult to learn how the trials were held, whether or not the other rights of the accused were respected. In some countries the members of the family were told many years after the execution had taken place that their relative had been tried and executed whilst in custody.

- (iv) The accused person is not given any opportunity to defend himself/herself in trials nor is represented by his/her legal attorney.

79. In a number of countries, a large number of people were sentenced to death by trials briefly held without allowing the accused to defend themselves or to be represented by lawyers. This was done despite the provision in some of their Constitutions guaranteeing the right of defence and legal representation. Cases have been reported where the accused person was not even brought to the hearing. In some cases it was alleged that the court even refused to hear evidence for the defence or to question defence witnesses.

80. There are reports of people who were killed outside the country by agents sent by governments after they were tried and sentenced to death in absentia.

- (v) The person is not given any opportunity to consult with his/her legal attorney before trials.

81. In many countries the arrested persons were detained incommunicado without being informed of the charges against them. In some countries lawyers hired by their friends or families were not allowed to see them.

- (vi) The courts lack qualified judges to preside over trials and are not independent.

82. In a number of countries people were sentenced to death by special courts which were composed of military personnel, religious or governmental representatives or political figures who were neither members of the judiciary nor trained as judges. In fact the persons appointed to sit on the special tribunals etc. were normally not legally qualified nor did they have any experience as judges. It would appear that the most serious deficiency lay in the very structure and institutional position of these types of courts or tribunals. In most cases it was alleged that they did not form part of the judiciary but came under the Executive. It was further alleged that their mode of appointment and tenure was such that they could not be regarded as independent of the Executive. It is reported that the decisions of such courts and tribunals were politically biased and that they decided in accordance with the wishes of the Executive. It was claimed that in most cases the trials were just a formality as the decisions were a foregone conclusion.

- (vii) Mass public rallies are utilized as trials to deliver the death sentence.

83. In some countries death sentences were delivered at mass public rallies. In one country those suspected of their membership of guerrilla groups were executed in public after they had been paraded at political rallies where crowds had called for their execution. In another country trials were hurriedly held in public places and executions were carried out in public immediately after sentencing.

- (viii) Death sentences are delivered for acts or omissions which did not constitute capital or any criminal offence at the time of their commission.

84. In a number of countries especially after a revolution people who had connection with the former regime were tried without any legal basis or with new laws retroactively enforced and were sentenced to death.

85. In one country military tribunals were empowered to try civilians accused of various offences including a wide range of "economic crimes" which carry the maximum penalty of death.

2. Arbitrary executions

86. The killings are carried out by government agents or by civilians with the government's complicity or tolerance or connivance, bypassing any formal judicial process. In most cases governments refused their accountability for such deaths.

- (i) The killings of people who are in detention often after torture.

87. Many governments attributed the deaths in detention or custody in many cases to suicides, attempts to escape, armed resistance, accidents or natural causes. The phenomenon of deaths in detention is widespread. Many of the victims were among those detained for security reasons under various security-related laws and regulations which in many cases suspended habeas corpus and permitted arbitrary arrest without a warrant and unlimited incommunicado detention without charge.

88. In one city during a one-year period, 500 criminal suspects were officially announced to have died in armed conflicts with the police. However, in many cases it was alleged that the victims had been killed after being taken into custody by the police.

89. According to some reports, hundreds of prisoners were massacred in prison by troops commanded by the brother of the Head of the State.

90. In one country, it is alleged that "revolutionary defence squads" arrested thousands of young people aged between 12 and 25 and accused them of being counter-revolutionaries. It is alleged that about 5,000 of these young people were killed and that killings reached a peak when an average of about 100 young people were killed each night.

(ii) The deliberate killings of targeted individuals, who are not under detention by governments.

91. Governments sometimes explain the deaths as a result of armed resistance by the persons sought after (often called "encounters"). The killings also often follow after disappearances. Governments generally refuse responsibility, attributing such killings to opposition groups, guerrillas, or armed groups of civilians, which are beyond the governments' control.

92. In one country, a physician aged 46, was found murdered in a suburb of the capital after he had "disappeared" 10 days earlier. It was believed that his disappearance and death were connected with his brother's testifying in a court against a former member of the military regime. Two other people were found murdered on the same day as the physician and were thought to be connected with each other as their names were reportedly written in an address book belonging to the physician.

(iii) The massacre of groups of individuals such as political demonstration, petitioners, people gathering for a meeting.

93. Governments often plead imminent danger, security reasons and/or acts of self-defence.

94. In a number of countries demonstrators against the regime or protesting government policies, petitioners to the government authorities, or in one case people gathering for a meeting which was called for by the local government, were attacked by police or armed forces and a large number of participants were shot, bayoneted or clubbed to death.

95. In one country, a group of miners and peasants were killed in a mining district by troops of armed forces after strikes had been organized. The armed forces' attacks were carried out with tanks and heavy artillery. It was claimed that the miners had attempted to negotiate with the army before the attack began in order to prevent bloodshed, but their request for discussions had been refused.

(iv) The systematic killing over a period of time of specific categories of persons such as members of political parties, ethnic and/or religious groups, social classes or trade unions.

96. Governments in many cases justify the killings by categorizing them as traitors, insurgents, communists, collaborators with the enemy, heretics, foreign agents, etc.

97. In one country hundreds of thousands of people were systematically killed for their membership and association with a political party which allegedly participated in a coup d'état.

98. In some countries, leaders and members of a religious sect were systematically killed for a long period of time under the regimes of the majority religious groups.

99. Members of minority ethnic groups who were engaged in independent movements were also killed. The victims often included women and children.

100. In one country, it is alleged that over a hundred persons including children were massacred during a protest march about land rights.

101. For a period of two months at least 80,000 members of a particular tribe were reportedly killed by the paramilitary youth movement of the ruling party as a result of alleged tribal rivalry.

102. It was alleged that in the autumn of 1979 armed commanders killed between 50 to 200 persons in a single village.

- (v) The killings of persons during military operations which may be in violation of the Geneva Conventions of 1949 and the two protocols of 1977 for protection of the civilian population in armed conflicts.

103. There were reports of mass killings of villagers in areas where guerrillas were active; counter-guerrilla operations were carried out by government forces aiming at total depopulation of the areas. In one incident the army reportedly forced the entire village population into a courthouse, raped the women, beheaded the men and battered the children to death against rocks in a nearby river. About 100 people reportedly died in the incident.

B. Targets

104. Targets of summary or arbitrary executions range over almost all sectors of the society of the country. They include members of ethnic, racial and religious groups and social classes such as workers, peasants, intellectuals and professionals often in conflict or perceived to be in conflict with those in power. They are in opposition to the government or at least suspected or perceived to be so by the government. In a large number of cases families or entire communities become targets. The following is a brief list of types of targets.

(1) Ethnic groups

105. In a number of countries members of certain ethnic groups became targets of killing. Those groups were either in rivalry with another ethnic group which was in power or seeking political independence or autonomy. In some cases coup attempts triggered the waves of indiscriminate killings of members of those ethnic groups which were allegedly involved with the attempts.

(2) Racial groups

106. In some countries members of certain racial groups were killed under the official racial discrimination policies or suspicion of their support for guerrilla movements.

(3) Religious sects and groups

107. In some countries, leaders and members of certain religious groups and sects were executed. In another country those who belonged to a different sect of a religion from the sect of the ruling people were systematically killed by security forces of the government.

(4) Peasants

108. Mass killings of peasants occurred in rural areas where army counter-guerrilla operations were carried out. Peasants suspected of aiding guerrillas were arrested, tortured and murdered, if not killed on the spot. Families of peasants and the entire village population including women, children and the aged became victims of indiscriminate killings by the armed forces and "death squads".

109. In the rural area of one country, it is alleged that a campaign of murdering and kidnapping peasants followed the proclamation of land reform; entire villages are said to have been burnt to the ground during the campaign.

(5) Workers, trade unionists

110. Leaders of labour movements and trade unionists were frequently victims of killings. In a number of countries those who were active in organizing workers and trying to establish unions were arrested and "disappeared", to be found dead later. Trade unionists and workers on strike were attacked either by armed forces, police or civilian groups and shot to death. Labour movements leaders were also attacked while having a meeting and some of them were singled out and shot to death after being tortured. In one country, there was systematic killing of whoever took over the leadership of a trade union.

(6) Political leaders

111. There were reports of a number of killings of political leaders whether in opposition or within government but perceived to be working against or plotting against the Head of State and Government. A leader of a political party, parliamentarian and a lawyer, was singled out and shot to death after a paramilitary group raided a meeting which he was attending. He was murdered reportedly because he called for an investigation of human rights violations under a former president. In another country at least 14 leaders of an opposition party were assassinated one after another after the national election during which friction between the government and the opposition party had become serious.

(7) Social reform activists

112. In a number of countries, those who were suspected of their activities for social reform or peasants' movements were targets of police actions. They were often accused of being subversive. They were either killed by police or armed forces after arrest, but it was often maintained that they died in "encounters" with police or armed forces who fired in "self-defence".

(8) Church people and lay workers

113. In a number of countries priests, ministers, missionaries, nuns and lay workers were targets of killings because of their involvement with refugee relief work, basic community movements and other social works. They were often accused of their support for insurgent groups, or involvement with guerrilla movements.

(9) Refugees

114. In several countries people trying to escape the areas of armed conflict were attacked by the government forces supported by helicopter gunships and many of them were killed including women and children. Those already in refugee camps in the neighbouring countries were also indiscriminately attacked and killed.

(10) Schoolchildren and students

115. Between 50 and 100 schoolchildren were killed in prison after the arbitrary arrest of many schoolchildren and students.

116. In one country schoolchildren and students boycotting classes in protest against the inferior quality of education and school conditions were fired upon by the police on different occasions. In one incident the number of those killed was reportedly over 100. In another country students demonstrating against government policies were attacked by government troops and many of them were shot, bayoneted or clubbed to death.

(11) Intellectuals, teachers and artists

117. In one country a teacher and member of a socialist party was machine-gunned to death in the street of the capital. A secret private group later claimed responsibility although it was alleged that the private group did not operate independently of the security forces. In one country an artist was found murdered on the outskirts of the capital. He had been kidnapped the previous day allegedly by security forces. In another country people who had education above certain levels were targets of execution. In some other countries, intellectuals, including university staff, and literary figures were considered or suspected of being in opposition to the regime and therefore, became targets of killings.

(12) Judges, lawyers and members of the legal profession

118. In a number of countries lawyers, particularly those who had acted for political prisoners or individuals or groups of persons whom the government believed were in opposition to it, were killed by "death squads". Lawyers who voiced public criticism of human rights violations were similarly treated.

119. In one country a judge was shot by two men on a motor cycle because he was allegedly hearing certain political trials. A judge appointed to replace him was also shot. A prominent labour lawyer was assassinated. A lawyer working in a legal aid clinic was killed.

120. In one case a lawyer was allegedly dragged from his house by persons in police uniform into the street and shot. In one country it was alleged that in one year 26 lawyers and judges had been killed by the security forces or civilian vigilante groups working under them. A Chief Justice was taken out of his chambers by security forces and killed after he had made an order ordering the release of a person who had been illegally detained. In the same country, a judge of the Industrial Court and a judge of the High Court were also killed by security forces.

(13) Doctors and medical personnel

121. Physicians and nurses were targets of killings for their medical treatment and assistance to opposition groups or guerrilla members.

(14) Journalists

122. In many countries journalists were frequent victims; those who wrote critical reports on government policies or on the regime itself especially became targets of killings, including even those who were outside the country.

(15) Former government officials, military or police personnel

123. In a number of countries, after a revolution, an internal armed conflict or a coup d'état, former government officials, military or police personnel were executed as being accused of their connection with the former regime, being "enemies of people", "counter-revolutionaries", "foreign agents", or "traitors".

124. In some countries, government officials and military personnel have been executed when their loyalty to the Head of State was suspected.

C. Allegations in regard to specific countries

(i) Afghanistan

125. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Afghanistan by note verbale dated 19 November 1982 (annex III); as in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(ii) Angola

126. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Angola by note verbale dated 19 November 1982 (annex III); as in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(iii) Argentina

127. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries, was transmitted to the Government of Argentina by note dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received, a further note was sent on 7 January 1983 (Annex IV). As of the date of the completion of this report no reply was received; the following paragraphs give a short summary of the allegations received.

128. It is alleged that of the thousands of persons who "disappeared" many were found dead, apparently murdered after being tortured. The persons belonged to various professional backgrounds and were politically active in trade unions, critical of military government or only related to those political suspects. According to the testimony of those who escaped from secret detention camps, it is alleged that the victims were abducted by the "task forces" of military and federal police by the order of a higher authority and interrogated, tortured in camps and ultimately "transferred" which in some cases meant being taken out of camps for unknown destinations after being "given injections" of a powerful "sedative". It is alleged that in some instances those transferred, particularly from Escuela de Mecánica Armada, were thrown out to sea towards the south and thrown out of aeroplanes alive. Some dead bodies have been washed ashore.

129. The Inter-American Commission on Human Rights who examined unmarked graves at La Plata cemetery found that most of those buried in them were aged between 20 and 30 years old and the cause of death was given as "destruction of the brain by firearm projectile". In October 1982 a mass grave was discovered in the Aran Bourg cemetery where allegedly up to 400 bodies are buried

130. The Special Rapporteur also took note of other allegations including cases of summary or arbitrary executions of individuals occurring in Argentina in the latter half of 1982.

(iv) Bangladesh

131. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of Bangladesh by note verbale dated 14 January 1983 (annex V). As of the date of the completion of this report no reply was received; as indicated in paragraph 18 above the Special Rapporteur acknowledges that the Government of Bangladesh may not have been able to reply in view of the limited time available. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(v) Bolivia

132. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Bolivia by note verbale dated 19 November 1982 (see annex III). As in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). In view of the fact that the allegations in question concerned events that have already formed the subject of reports examined by the Commission on Human Rights at previous sessions, as stated in paragraph 71 above, the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(vi) Brazil

133. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries, was transmitted to the Government of Brazil by note dated 19 November 1982 (Annex III); as in the case of other governments from whom no reply was received, a further note was sent on 7 January 1983 (Annex IV). As of the date of the completion of this report no reply was received; the following paragraph gives a short summary of the allegations received.

134. Although the judicial death penalty for ordinary offences was abolished in 1979, there have been reports of an upsurge in deliberate killings of arrested criminal suspects by the police. In São Paulo, for example, 300 suspects allegedly died in armed conflicts with the police during 1981. However, in most of these cases it was said that the victims appeared to have been killed after being taken into custody by the police.

(vii) Burundi

135. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of Burundi by note verbale dated 14 January 1983 (annex V). As of the date of the completion of this report no reply was received; as indicated in paragraph 18 above the Special Rapporteur acknowledges that the Government of Burundi may not have been able to reply in view of the limited time available. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(viii) Central African Republic

136. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of the Central African Republic by note verbale dated 14 January 1983 (annex V). As of the date of the completion of this report no reply was received; as indicated in paragraph 13 above the Special Rapporteur acknowledges that the Government of the Central African Republic may not have been able to reply in view of the limited time available. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(ix) Chad

137. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Chad by note verbale dated 19 November 1982 (annex III); as in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(x) Chile

138. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Chile by note verbale dated 19 November 1982 (see annex III). As in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). In view of the fact that the allegations in question concerned events that have already formed the subject of reports examined by the Commission on Human Rights at previous sessions, as stated in paragraph 71 above, the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xi) Colombia

139. As indicated in Chapter I above, the Government of Colombia was informed of the allegations made in regard to the situation in Colombia, by note dated 19 November 1982. The reply of the Government of Colombia is annexed hereto. Furthermore, on 13 February 1983, in response to the note verbale of 7 January 1983, the Special Rapporteur received the Permanent Representative of Colombia at Geneva who reiterated the reply of his Government (see Annex IX) and gave the Special Rapporteur assurances of further co-operation. The following paragraphs give a brief summary of the allegations received.

140. It has been alleged that many killings of campesinos by the military occurred in rural areas under military control - so called "militarized zones" - notably in the department of Santander and Antioquia in Central Colombia where kidnappings and murders and ambushes of army patrols by the guerrilla organization FARC continued even after the lifting of the state of siege on 20 June 1982. It has further been alleged that there were army counter-guerrilla operations aiming at virtual depopulation of these areas in order to locate guerrilla activists and to eliminate

their suspected base of support. Campeſinos in these areas suspected of aiding FARC guerrillas were arrested, tortured and murdered. It has been reported that the army's fifth brigade were responsible for those mass killings. In some cases such army operations were attributed to plainclothes counter-guerrilla groups, sometimes working alone and wearing masks or hoods. The army often denied responsibility for those killings, attributing them to the guerrilla group FARC or to supposed "death squad" groups such as MAS (Muerte a Secuestradores).

141. A rash of killings claiming left-wing trade union leaders, political leaders and a leading lawyer of political prisoners or victims began in December 1981. Since 20 June 1982 when the state of siege was lifted, former political prisoners released after completion of sentences and on the order of the civil courts were systematically killed by plainclothes men. Among those killed were ex-prisoners who had made public testimony alleging torture and killings by the army and a lawyer who had previously been detained on several occasions in the course of his work as a defender of political prisoners. The killings were attributed by the government to the independent MAS, but it is alleged that they were conducted by the army and National Police intelligence divisions, and special counter-guerrilla units such as the army's C.A.E.S. units - Comando Anti-Extorsión y Secuestro.

142. The Special Rapporteur also took note of other allegations including cases of summary or arbitrary executions of individuals occurring in Colombia in the latter half of 1982.

(xii) Democratic Kampuchea

143. On 13 December 1982 the Special Rapporteur received information containing allegations of summary or arbitrary executions alleged to have taken place in Kampuchea. This information was accordingly transmitted to the Government of Kampuchea by note verbale dated 14 January 1983 (annex V). As stated in paragraph 18 above, the Special Rapporteur acknowledges that perhaps insufficient time was available for the appropriate reply to be formulated. The following paragraphs contain a summary of the allegations received.

144. It was acknowledged by the former Foreign Minister Ieng Sary of the Khmer Rouge Government in August 1981 that it was official policy to liquidate people accused of opposing the regime. This involved whole sections of populations, families etc., being wiped out.

145. In December 1982 the graveyard was found of 3,000 victims of Pol Pot's regime, allegedly herded from the capital of Phnom Penh between mid-1977 and 1978 and hacked to death.

(xiii) El Salvador

146. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of El Salvador by note verbale dated 19 November 1982 (annex III). A reply dated from El Salvador was received by the Special Rapporteur and is reproduced in annex IX below. In view of the fact that the allegations in question concerned events that have already formed the subject of reports examined by the Commission on Human Rights at previous sessions, as stated in paragraph 71 above, the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xiv) Ethiopia

146a. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Ethiopia by note verbale dated 19 November 1982 (annex III). A reply dated 7 December 1982 was received by the Special Rapporteur. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 and was also the subject of reports examined by the Commission on Human Rights at previous sessions, as stated in paragraph 71 above, the Special Rapporteur has refrained from including in this report a brief summary of the allegations and the reply received.

(xv) Guatemala

147. In response to the request made by the Special Rapporteur in the note verbale of 19 November 1982, the Government of Guatemala submitted a reply which is reproduced in Annex IX below. Furthermore, subsequent to the note of 7 January 1983, the Special Rapporteur received the Permanent Representative of Guatemala on 11 and 15 January 1983. At these meetings, the Permanent Representative of Guatemala briefed the Special Rapporteur on the positive political developments in his country. He extended, on behalf of his Government, an invitation to the Special Rapporteur to visit Guatemala in connection with his mandate. 1/ The Special Rapporteur accepted the invitation in principle, but, due to the time factor and other constraints, was regrettably not in a position to avail himself of the invitation prior to the completion of his report. 2/ The following paragraphs give a brief summary of the allegations made.

148. It was alleged that in 1981 the number of non-combatants killed was reported to have reached over 3,000. Reports of mass killings continued after General Efraín Ríos Montt took power in March 1982, especially under the state of siege declared on 1 July 1982 and the Government's intensified "counter-insurgency" programme, in which over 2,600 persons have been killed. It was alleged that between March and July the military and the newly-formed "civil defence" units destroyed entire villages, and carried out mass executions in at least 112 separate incidents. In one Indian village in Quiché province it was alleged that in April 1982 troops forced all the inhabitants into the courthouse, beheaded men and battered the children to death. It is alleged that raids elsewhere on the same day left some 100 people dead in the village of Mangal and 35 at Covadonga.

149. It is alleged that the majority of victims were non-combatant Indian peasants and their families in isolated rural areas, particularly where guerrilla groups were active. It was said that they were killed by the Government troops and/or Government-sponsored civil defence patrols which carried out the Government's strategy of cleaning areas of civil population in order to eliminate any possible base of logistical support for the opposition. It was alleged that the killings were indiscriminate and involved men, women and children, sometimes infants. Torture

1/ Letter dated 14 January 1983 from the Permanent Representative of Guatemala to the Special Rapporteur. (Annex X)

2/ Letter dated 25 January 1983 from the Special Rapporteur, to the Government of Guatemala. (Annex XI)

and mutilation were routinely practised. According to the testimony of a former conscript, all conscripts were given ideological training with respect to the identification of "subversives" and the military's right to kill them.

150. The victims also included people from a wide range of professional backgrounds, suspected of their activity in or sympathy with the opposition groups, trade unionists, teachers, staff and students of the University of San Carlos, lawyers and judges, people in the medical profession, political leaders, Catholic churchmen and lay workers.

151. It was believed that these killings were carried out by the military, especially the counter-subversive units called Kaibiles and security police forces such as Policia Militar Ambulante (PMA) and Cuerpo de Detectives de la Policia Nacional. It was alleged that the death squads operated under Government control or complicity.

152. Details of alleged killings which may constitute summary or arbitrary executions and the Government's statements thereon may be found in a report on the Human rights situation in Guatemala dated 31 December 1981, which was before the Commission on Human Rights at its thirty-eighth session. 1/

(xvi) Guinea

153. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Guinea by note verbale dated 19 November 1982 (annex III); as in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xvii) Honduras

154. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions was transmitted to the Government of Honduras by note verbale dated 19 November 1982. Subsequent to the note verbale of 7 January 1983, the Special Rapporteur received the reply of the Government of Honduras, dated 13 January 1983, reproduced in Annex IX below. The following paragraphs contain a summary of the allegations received.

155. It is alleged that since 1981, it was reported that Salvadorean refugees were removed from refugee camps in Honduras and were killed. In such incidents a number of Honduran and foreign relief workers were murdered, while they tried to prevent the abduction of refugees by Salvadorean soldiers.

156. There were some reports of the arrests by Departamento Nacional de Investigación (DNI) and "disappearances" of people who were leaders in student and union movements, some of them were found murdered later. The Honduran authorities repeatedly denied the arrests of those people and any knowledge of the affair.

1/ E/CN.4/1501 and Add.1.

(xviii) India

157. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of India by note verbale dated 19 November 1982 (annex III); as in the case of other Governments from whom no reply was received, a further note was sent on 7 January 1983 (annex IV). On 24 January 1983 the Special Rapporteur received a representative from the Permanent Mission of India to the United Nations Office at Geneva who briefed him on the reply of the Government of India to the effect that the allegations contained in the information transmitted to that Government had been referred for investigation to the relevant Ministry of the Government of India. However, in the light of the various constitutional and legal provisions and judicial processes which safeguard personal life and liberty of the individual in India such allegations amounted to distortions of fact. The reply of the Government of India dated 24 January 1983 is reproduced in annex IX of the present report. The following paragraphs give a short summary of the allegations received.

158. A number of allegations on summary or arbitrary executions attributed to the police in some States in India were reported. According to information received by the Special Rapporteur, the rise of the death toll coincided with the beginning of the active Naxalite movement, a communist revolutionary movement with the policy of "annihilation of class enemies" and guerrilla tactics. Combined with the local social movements, the Naxalite movement provoked a stern police reaction and strong counter-insurgency measures, initially in the States of West Bengal, Andhra Pradesh, Bihar, Orissa and Kerala; in the course of time other States such as Tamil Nadu and Uttar Pradesh followed the path. It was alleged that those who became the targets of the police actions were not only the Naxalites but also people suspected of their activities for social reform or peasants or Harijan (untouchable) movements.

159. According to one source, over 6,000 were killed during the years 1979 to 1981. It was said that most of the victims were killed by the police after the arrests, often after being tortured. In some cases, the official announcements said that those in police custody died in accidents, committed suicide or were shot "while trying to escape". In other cases the police maintained that they were killed in "encounters" with the police who fired in "self-defence".

160. In spite of the frequent allegations of the abuse of power by police officers concerning those deaths, official and unofficial investigations in some alleged killings in staged "encounters" and writ petitions filed at the Supreme Court, it is alleged that no effective action seemed to be taken to prevent such killings.

(xxix) Indonesia

161. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries, was transmitted to the Government of Indonesia by note dated 19 November 1982 (Annex III); as in the case of other governments from whom no reply was received, a further note was sent on 7 January 1983 (Annex IV). As of the date of completion of this report, no reply was received. The following paragraphs give a short summary of the allegations received.

162. It was alleged that during July/September 1981, the Indonesian forces carried out Operation Security with the aim of finally eliminating remaining Fretilin forces. During this operation, incidents of killing allegedly occurred, one of which involved the deaths of 500 people not engaged in combat, including women and children.

(xx) Iran

163. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of the Islamic Republic of Iran by note dated 19 November 1982. Subsequent to the note of 7 January 1983, the Special Rapporteur received the Permanent Representative a.i. of Iran in Geneva on 17 January 1983. The Permanent Representative a.i. of Iran orally communicated the views of his Government to the Special Rapporteur and handed the Special Rapporteur the reply of his Government. On 20 January the Special Rapporteur received another note verbale from the Government of Iran. The two notes are reproduced in Annex IX. The following paragraphs contain a summary of the allegations made.

164. A large number of summary or arbitrary executions were reported to have taken place in Iran. The victims of these executions were reported to be opponents of the Government of the Islamic Republic, and persons involved with drug smuggling and selling, as well as persons accused of sexual and moral offences, murder and robbery. Ethnic groups such as Kurds and Turkomans, members of religious groups such as Jews and Baha'is, were also executed for alleged treason, espionage and collaboration with enemy forces. It was alleged that there was a systematic elimination of members of the Baha'i faith. Members and supporters of organizations such as the People's Mujahaden Organization of Iran (PMOI) who were opposed to the regime were also executed.

165. In addition, victims included persons from different professional backgrounds and a wide range of the social sectors, as well as minors (including children as young as 13 years of age). Many were reported to have been executed after torture. Estimates of executions vary, according to sources, from between 4,500 and 20,000.

166. It was reported that in many cases executions were carried out without trial. Even in cases where trials were held by the Islamic Revolutionary Tribunals, procedural safeguards for the rights of the accused and for fair trial were totally lacking. Provisions of the post-revolutionary constitution which guarantee many of the rights of the accused and even the Regulations of the Procedure of the Islamic Revolutionary Tribunals were not observed. Arrested persons were held incommunicado, without being told the charges against them and without access to a lawyer. No adequate defence facilities were provided before or during the trials. No cross-examination of witnesses was allowed, trials were often held in camera and executions were carried out immediately after the sentencing. There were also cases in which persons were executed after being retried on the same charges.

(xxi) Iraq

167. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries, was transmitted to the Government of Iraq by note dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received, a further note was sent on 7 January 1983 (annex IV). As of the date of completion of this Report, no reply was received. The following paragraphs give a short summary of the allegations received.

166. A number of alleged summary executions have taken place in Iraq. Those allegedly executed include Government officials, members of dissidents groups such as Shi'ite and Kurdish communities, trade union leaders who were accused of their alleged plots against the Government, political activities in the armed forces, membership or association with illegal political parties and other illegal political activities.

169. Most death sentences were reportedly passed by special courts after alleged summary trials in camera. It was reported that judgements were sometimes passed by Government representatives, not members of the judiciary.

170. Defendants were held incommunicado before their trials. There was no right of defence. Sentencing was often based on confession extracted under torture, and there was no right of appeal to a higher court.

171. It has also been alleged that more than 350 executions allegedly took place in 1981.

(xxii) Korea (Republic of)

172. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of the Republic of Korea by note verbale dated 14 January 1983 (annex V). A reply was received by the Special Rapporteur dated 24 January 1983, reproduced in annex IX below. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above), the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxiii) Lebanon

173. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of Lebanon by note verbale dated 14 January 1983 (annex V). A reply was received from the Government of Lebanon on 26 January 1983 and is reproduced in annex IX. The following paragraph gives a short summary of the allegations received.

174. According to the allegations received, in Lebanon hundreds of Palestinian and Lebanese civilians including the refugee population in the refugee camps of Chatila and Sabra in West Beirut were killed between June and September 1982; according to the same information the Israeli armed forces were in military control at that time.

(xxiv) Lesotho

175. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Lesotho by note verbale dated 19 November 1982 (annex III); as in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxv) Libyan Arab Jamahiriya

176. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of the Libyan Arab Jamahiriya by note verbale dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxvi) Malaysia

177. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of Malaysia by note verbale dated 14 January 1983 (annex V). As of the date of the completion of this report no reply was received; as indicated in paragraph 18 above the Special Rapporteur acknowledges that the Government of Malaysia may not have been able to reply in view of the limited time available. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxvii) Mali

178. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Mali by note verbale dated 19 November 1982 (annex III). A reply was received by the Special Rapporteur and is reproduced in annex IX below. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxviii) Mozambique

179. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of Mozambique by note verbale dated 14 January 1983 (annex V). As of the date of the completion of this report no reply was received; as indicated in paragraph 18 above the Special Rapporteur acknowledges that the Government of Mozambique may not have been able to reply in view of the limited time available. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxix) Namibia

180. As indicated in Chapter I above (paragraph 14B) the Special Rapporteur received information including information contained in the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission, which was adopted by the Working Group upon the conclusion of its meetings on 14 January 1983. This information was transmitted to the Chairman of the Council for Namibia and to the Commissioner for Namibia by letter dated 21 January 1983 (annexes VII and VIII). As of the date of the completion of this report no reply was received. However, as indicated in paragraph 18 above, the Special Rapporteur acknowledges that a reply would not be possible in view of the limited time available. The following paragraphs give a short summary of the allegations received.

181. Under the continuous presence of the South African authorities and their military forces there were innumerable reports of killings of thousands of civilians, refugees and detainees, who were alleged to be supporters and sympathizers of the South West African People's Organization (SWAPO).

182. Incidents of indiscriminate killings were frequently reported, particularly in the north and northeast regions where the fighting between the SWAPO guerrillas and the South African Defence Forces (SADF) was intense. There were extensive indiscriminate killings of civilians often including women, children and old people during raids on villages by the security forces.

183. Killings in "free-fire" zones near the northern border or in the curfew areas were also reported. The phenomenon of "disappearances" became increasingly common and the victims were thought to have been killed and this was supported by reports of the existence of mass graves near the Angolan border. Arbitrary killings of detainees held by SADF was also reported by former detainees. It was alleged that there was in existence the Special Task Force of the police known as "Koevoet" which allegedly was given licence to assassinate SWAPO supporters and drew up a "death list".

184. There were an increasing number of reports of cross-border raids by SADF on Namibian refugee camps located inside Angola, in which many civilians including women, children and old people were killed and whole villages were destroyed.

185. There were reports of indiscriminate killings by South African troops following the raid on Kassinga in May 1978. According to various sources the camp was attacked by the South African army on 8 May 1978, involving bombings and a paratroop attack, which left over 600 dead and 1,500 wounded. 1/

186. Reports of a massacre which took place on 10 March 1982 at Oshikuku, a small village in the North of Namibia, have thrown light on the key role of the para-military police unit Koevoet in carrying out atrocities. It would appear that up to 12 people died, including a number of children. According to additional information an inquest opened on the case at the Oudangwa Inquest Court, which heard an account from one of the survivors of the massacre. The number of those who died in the massacre was recorded by the Inquest Court as representing a total of eight people. 2/

187. Arbitrary killings of detainees held by SADF was also reported by former detainees. In this connection, the Commissioner of Police in Namibia confirmed that two men arrested in the Kavango region in November 1982 had died within hours of being detained for questioning about the activities of SWAPO guerrillas. It appears that the men were being held and interrogated by the special police counter-insurgency unit, Koevoet.

188. The news of these latest deaths in detention was received within hours of the announcement by the South African Minister of Law and Order of a new code of conduct for the police, ostensibly to protect detainees from torture and assault. 3/

1/ See E/CN.A/1485, report of the Ad Hoc Working Group of Experts on southern Africa.

2/ See E/CN.4/1983/10, report of the Ad Hoc Working Group of Experts on southern Africa.

3/ News Bulletin of IDAF, Focus, No. 44 Jan.-Feb. 1983.

(xxx) Pakistan

189. As indicated in Chapter I above (paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of Pakistan by note verbale dated 14 January 1983 (annex V). As of the date of the completion of this report no reply was received; as indicated in paragraph 18 above the Special Rapporteur acknowledges that the Government of Pakistan may not have been able to reply in view of the limited time available. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxxi) Paraguay

190. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Paraguay by note verbale dated 19 November 1982 (annex III); as in the case of other Governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

(xxxii) Philippines

191. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries, was transmitted to the Government of the Philippines by note dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received, a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received; the following paragraphs give a short summary of the allegations received.

192. Summary or arbitrary executions attributed to government agents, such as the Philippine Constabulary (PC) and the armed forces and to paramilitary groups allegedly operating with official sanction, were reported to be taking place after the lifting of martial law in January 1981.

193. The occurrence of such killings was most prevalent in areas of armed conflict where the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP), and Moro National Liberation Front (MNLF), the Muslim secessionist organization, were active. Victims were often accused of being members of NPA or MNLF and their deaths were officially explained to have resulted from "encounters" between Government forces and the armed opposition. It was alleged that, in fact, many of the victims were peasants, rural workers, local labour organizers and Christian community workers in remote areas, but some well-known figures were also involved. Different from the official explanation, it was reported that in some cases they were shot dead during peaceful gatherings or demonstrations in protest against Government policies or demanding the Government's respect for their rights and that in other cases they were arrested or abducted, often followed by torture before they were killed. In all cases the victims were suspected by the authorities of their anti-Government activities.

194. Even though investigation was said to be initiated in some cases of the alleged killings, it was alleged that no final results of such investigation had been made public nor was further action reported to have taken place.

(xxxiii) South Africa

195. As indicated in Chapter I above (paragraph 16) the Special Rapporteur received information including information contained in the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission which was adopted by the Working Group upon the conclusion of its meetings on 14 January 1983. This information was transmitted to the Government of South Africa by note verbale dated 21 January 1983 (annex VI). As of the date of the completion of this report no reply was received. However, as indicated in paragraph 18 above, the Special Rapporteur acknowledges that the Government of South Africa was not able to reply in view of the limited time available. The following paragraphs give a short summary of the allegations received.

196. Under the Government's policies of apartheid a large number of people, those belonging to the majority African population in particular, were killed over an extended period of time.

197. There were reports of indiscriminate killings by police during demonstrations or strikes in coloured and black townships. People were killed by police action whilst demonstrating against poor educational facilities and the increase in bus fares. During these demonstrations or riots the police were reported to have attacked with overwhelming power and to have opened fire indiscriminately on crowds of unarmed black demonstrators and those killed included women and young children. It was alleged that at least 121 adults and 20 juveniles were killed by the police in the execution of their duties during 1981.

198. According to information contained in the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights, the number of people shot and killed by police in South Africa between 1970 and 1979 (excluding the many hundreds killed during and after the 1976 uprisings) was 1,273. 1/ Furthermore, the report contains information to the effect that 355 persons were killed by the South African police "in the execution of their duties" in 1980 and 1981, categorized as follows: 2/

	Adults		Juveniles	
	1980	1981	1980	1981
Whites	2	2	-	-
Coloureds	23	28	8	4
Asian	-	-	-	-
Blacks	125	121	20	20

199. According to further information before the Group "at least" eight black mineworkers were shot dead by police in July 1982 during protests against inadequate pay increases in the Johannesburg goldmines. 3/

1/ E.CN.4/1983/10.

2/ Ibid.

3/ Ibid.

200. The Working Group also reported on the increasing use of assassination and political terrorism by South African "security" forces, not only inside but also outside South Africa.

201. There were many reports of deaths of political detainees. The detainees were allegedly tortured during interrogation by the police which resulted in their death. However, it was officially explained that they "hanged themselves", were "shot while escaping", "died of natural causes" or "fell out of a fifth floor window". Over 50 persons officially "hanged themselves" whilst in detention or custody. No investigation was reported to have taken place to determine the truth of such deaths.

202. During its mission of inquiry undertaken in July-August 1982, the Ad Hoc Working Group of Experts on southern Africa received evidence on new cases of deaths in detention during the year 1982. Besides Dr. Neil Aggett the following five persons have died in security police custody since 1980: Saul Ndzumo (allegedly dead by "natural causes" on 9 September 1980); Sifundile Matalasi (allegedly found dead by "self strangulation" on 20 December 1980); Manana Mgweto (causes undisclosed, dead on 17 September 1981); Tshifhiwa Muofhe (allegedly "beaten to death" on 12 November 1981) and Ernest Dipale, (allegedly "found hanged in his cell" on 8 July 1982). 1/

(xxxiv) Suriname

203. As indicated in Chapter I above (see paragraph 14) the Special Rapporteur received information containing allegations of summary or arbitrary executions after his arrival in Geneva on 6 January 1983. This information was transmitted to the Government of Suriname by note verbale dated 14 January 1983 (annex V). As of the date of the completion of this report no reply was received as indicated in paragraph 18 above the Special Rapporteur acknowledges that the Government of Suriname was not able to reply in view of the limited time available. However, the Special Rapporteur has taken note of a letter dated 11 January 1983 from the Government of Suriname relating to the allegations in question and reproduced in annex IX below. The following paragraphs give a short summary of the allegations received.

204. It was alleged that in December 1982 at least 16 people and possibly over 30 were reportedly executed after they were taken into Government custody. The victims were prominent citizens of the country including trade union leaders, lawyers and journalists, who were opponents of the regime of Colonel Bouterse. It was alleged that they were shot and killed. The Government reportedly said that 15 persons were shot while trying to escape after plotting the coup attempt. The position of the Government of Suriname is annexed in the document attached hereto as annex IX.

(xxxv) Syria

205. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries, was transmitted to the Government of the Syrian Arab Republic by note dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received, a further note was sent on 7 January 1983 (annex IV). By note verbale dated 25 January 1983, the Special Rapporteur was informed that the note containing allegations had been transmitted to the appropriate authorities and that their reply would be communicated to him as soon as it was received. The reply of the Government of Syria will be reproduced in an addendum to this report. The following paragraphs give a short summary of the allegations received.

1/ See E/CN.4/1485 and E/CN.4/1983/10.

206. It was alleged that a number of executions took place after summary trials by military courts. It was alleged that the accused persons were denied the right to defence as well as the right to appeal. It was reported that torture was commonly employed on detainees before they were executed.

207. It was reported on 23 April 1981 that in the city of Hama the security forces were reported to have killed several hundred people. According to one source, the Special Units sealed off parts of Hama and carried out house-to-house searches, dragged people from their homes, lined them up in the street and shot them.

208. The victims of alleged summary executions included doctors, engineers, lawyers, Muslim Brotherhood leaders abroad and Syrian and non-Syrian journalists in Lebanon who had written articles on Syria.

209. It was alleged that the death penalty for the membership of the Muslim Brotherhood has been interpreted by the police to mean that police can execute without involving courts.

(xxxvi) Thailand

210. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Thailand by note verbale dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of completion of this report no reply was received. The following paragraph gives a brief summary of the allegations received.

211. It was alleged that arbitrary killings of civilians by members of the paramilitary unit known as the Rangers frequently occurred. In one incident the Rangers indiscriminately fired on 300 people attending a funeral and killed 11 persons. The Rangers were allegedly instructed to eliminate a leading communist cadre reportedly present at the funeral. In another incident the Rangers robbed villagers and shot four of them to death. In other incidents victims also included communist defectors, a bus driver and a policeman. As the Rangers were legally protected in their actions, legal action could rarely be taken against them.

(xxvii) Turkey

212. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Turkey by note verbale dated 19 November 1982 (annex III). A reply dated 5 January 1983 was received by the Special Rapporteur. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations and the reply received.

(xxviii) Uganda

213. As indicated in Chapter I above, information received containing allegations of summary or arbitrary executions in regard to specific countries, was transmitted to the Government of Uganda by note dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received, a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received; the following paragraphs give a short summary of the allegations received.

214. It was alleged that in 1981 political opponents of the regime in power and those who were suspected of being members of the anti-Government guerrilla movements or their sympathizers were killed by the army. It was alleged that they were killed either upon arrest or after being detained. It was alleged that a large number of detained persons were secretly killed often by torture. It was reported that between February-April 1981, 200 prisoners were killed in this way; if not killed immediately, the condition of prisons was so harsh that many detainees died due to lack of medical attention and malnutrition.

215. There were also frequent reports of incidents of indiscriminate killings by the army in the areas where guerrilla attacks took place. It was alleged that villagers including women and children were killed in reprisal for their alleged support to guerrillas or simply for treating wounded guerrilla fighters.

(xxxix) Zaire

216. As indicated in Chapter I above information received containing allegations of summary or arbitrary executions in regard to specific countries was transmitted to the Government of Zaire by note verbale dated 19 November 1982 (annex III); as in the case of other governments from whom no reply was received a further note was sent on 7 January 1983 (annex IV). As of the date of the completion of this report no reply was received. In view of the fact that the allegations in question concerned events alleged to have taken place prior to 1980 (see paragraph 71 above) the Special Rapporteur has refrained from including in this report a brief summary of the allegations received.

VIII. CONCLUSIONS

217. From the information received, the indications are that summary or arbitrary executions occur on a wide-scale throughout the world. In the last 15 years or so, it has been practised in many countries and in a number of them in a consistent pattern. Conservative estimates would put the known victims of summary or arbitrary executions to be at least two million persons. The extent and occurrence of summary or arbitrary executions could during this period have been more widespread considering the fact that not all cases are reported or known.

218. Summary or arbitrary executions have occurred in all social, economic and ideological systems in nearly all parts of the globe. All classes of people, rich and poor, peasants, urban workers, professional classes, religious groups and ethnic minorities and majorities, have been affected. The old, the young and women have not escaped it. A factor common to all these victims is that they were in opposition or were perceived or imagined to have been in opposition either to those who wielded political or economic power in the State or government or were perceived to be in opposition to certain aspects of their political and economic policies.

219. The phenomena of summary or arbitrary executions is most prevalent in areas where there exist internal disturbances. In some countries the internal armed conflict exists between government forces and other groups or between groups espousing different ideologies or political beliefs. In the same and/or other countries, states of emergency have been declared suspending all the constitutional guarantees for human rights. Summary or arbitrary executions have been carried out after a violent change of government resulting from wars, internal armed conflicts, revolutions or coups d'état or after such attempts to change the government or even where the attempt to change the government by constitutional means had failed.

220. Summary or arbitrary executions have also been prevalent in areas where political tension exists and where a state of emergency has not necessarily been declared. In this situation, summary or arbitrary executions have tended to occur against targeted individuals who are perceived to be the leaders of groups opposed to government or just critics of the government. Where a number of persons have been arbitrarily executed at one time, it has normally been during events such as demonstrations, strikes or other forms of protest.

221. There is a close relationship between summary or arbitrary executions and violation of other human rights and in particular the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; the right not to be subjected to arbitrary arrest or detention; freedom of thought, conscience and religion, the right to hold opinions without interference and the right not to be discriminated against on the ground of race, colour, sex, language, religion or social origin.

222. When in a country the law enforcement agencies start using force disproportionate to the legitimate objectives to be achieved, mass arrests are made and persons are held in custody incommunicado for weeks or months, allegations of torture are made, warnings or ultimatums are given to opposition groups and the freedom of expression

is curtailed, disappearances are reported and the independence of the courts is undermined, these are some of the warning signals that if summary or arbitrary executions have not already taken place, they could start if the situation is not arrested.

225. Summary or arbitrary execution is clearly in breach of international law, of human rights and international humanitarian law. However, although in most States it is also clearly against the municipal law, the governments have committed summary or arbitrary executions irrespective of the provisions of their own laws and even of their own Constitutions.

224. Governments have been extremely reluctant to investigate cases and where found guilty to punish those law enforcement officers or civilians who have acted with their authority, complicity or acquiescence who are guilty of summarily or arbitrarily executing persons. In fact in some cases laws have been passed granting such persons immunities from the acts they commit in "good faith".

IX. RECOMMENDATIONS

225. Deprivation of life is irrevocable; the right to life is fundamental and sacrosanct. Its respect is essential to order and social progress - its non-respect brings about and perpetrates conflict and disorder. Respect for the right to life transcends all social, national, racial, political, religious, ethnic and other differences. Summary or arbitrary executions are going on on a large scale throughout the international community. This shows a serious erosion in the level of acknowledgement of and respect for the right to life. This erosion in the value of the right to life at the national level is bound to have an effect on international order. The international community must, as a matter of extreme urgency, act collectively to halt this erosion and to do so by the adoption of effective means such as the setting up of a mechanism which will react speedily to threatened or imminent summary or arbitrary executions. It is important that high priority be given to this preventive aspect of the problem and the involvement of Governments in this process.

226. It is also clear that parallel to the urgent adoption of effective preventive measures, there should be a mechanism which monitors this phenomena and continues to suggest ways and means on how it can be eliminated altogether either generally and/or in specific situations.

227. Among the replies received by the Special Rapporteur was a suggestion that it might be considered useful to amend the mandate of the Commission's Working Group on Disappearances to cover also summary or arbitrary executions or to have a separate working group on summary or arbitrary executions; it was also suggested that the mandate of the Special Rapporteur should be extended by a further one year.

228. An appeal should be made to national governments not only to ratify international instruments on human rights and in particular the International Covenant on Civil and Political Rights and the Geneva Conventions and the Protocols but to ensure that they are followed and enforced in their countries.

229. An important effort of education world-wide should be undertaken to ensure that the international standards are known and are applied. This should be aimed at all levels of society and in particular the police, military, judiciary, executive, legislative. The international community should launch a campaign to create a world opinion against summary or arbitrary executions.

230. Although certain basic standards for determining arbitrary or summary executions exist and are relatively clear, further standard-setting work needs to be done in the long term in some areas including:

1. Clarification of the definition of summary or arbitrary executions;
2. Clarification of the minimum substantial and procedural guarantees to be observed by military, special or revolutionary tribunals during public emergency or situations of internal disturbance or tension and the qualification and tenure of such tribunals;

3. Clarification on the conduct and use of the powers of the police or other law enforcement agencies during events such as demonstrations, riots and the exercise of the powers of arrest, and safeguards against torture in obtaining statements or interrogating persons;
4. Minimum standards of investigation need to be laid down to show whether a Government has genuinely investigated a case reported to it and that those responsible are fully accountable;
5. Study of the specific types or patterns, for example, execution of arrested persons or persons in detention, in order to define its characteristics and conditions of operation more closely and to determine appropriate national, regional and international standards or other action to eliminate the problem;
6. Examination of the role and responsibilities of groups other than government for acts leading to deprivation of life in a manner equivalent to that resulting from summary or arbitrary executions.

ANNEX I

Economic and Social Council Resolution 1982/35:
Summary or arbitrary executions

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

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

Further recalling Commission on Human Rights resolution 8 (XXIII) of 16 March 1967 concerning the question of violations of human rights and fundamental freedoms in any part of the world,

Mindful of General Assembly resolution 36/22 of 9 November 1981, in which the Assembly condemned the practice of summary executions and arbitrary executions,

Bearing in mind resolution 5 on extra-legal executions of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Deeply alarmed about the occurrence of summary or arbitrary executions, including extra-legal executions, that are widely regarded as being politically motivated,

Convinced of the need to deal urgently with the question of summary or arbitrary executions,

1. Strongly deplores the increasing number of summary or arbitrary executions taking place in various parts of the world;
2. Decides, therefore, to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions;
3. Requests the Chairman of the Commission on Human Rights, after consultations within the Bureau, to appoint an individual of recognized international standing as special rapporteur;
4. Considers that the special rapporteur in carrying out his mandate may seek and receive information from Governments as well as specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council,

5. Requests the special rapporteur to submit a comprehensive report to the Commission on Human Rights at its thirty-ninth session on the occurrence and extent of the practice of such executions together with his conclusions and recommendations;

6. Urges all Governments to co-operate with and assist the special rapporteur in the preparation of his report;

7. Requests the Secretary-General to provide all necessary assistance to the special rapporteur;

8. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its thirty-ninth session under the agenda item entitled "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".

ANNEX II

Note verbale dated 17 September 1982

The Secretary-General of the United Nations presents his compliments to ... and has the honour to refer to Economic and Social Council resolution 1982/35 entitled "Summary or Arbitrary Executions". A copy of this resolution is attached to this note verbale. By this resolution the Council decided to appoint for one year a Special Rapporteur to examine the questions related to summary or arbitrary executions and requested the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its thirty-ninth session on the occurrence and extent of such executions together with his conclusions and recommendations. The Special Rapporteur of the Commission on Human Rights, Mr. S. Amos Wako, is in the process of preparing the report requested by the Economic and Social Council. The observations of his Excellency's Government on the subject matter would be very much appreciated. In addition, any information in the possession of His Excellency's Government that may be relevant to this subject should be communicated to the Special Rapporteur and should, if possible, include the following points:

(a) Information and observations on the occurrence, extent and current trends regarding summary or arbitrary executions wherever they may have occurred or are occurring.

(b) Information on constitutional, legislative and administrative measures which set out guarantees and procedures relevant to a decision to execute a person or persons by the judiciary and special tribunals and courts such as military tribunals, revolutionary courts, peoples' courts etc., including inter alia:

- the competence of the courts, tribunals etc.;
- independence of the courts, tribunals etc.;
- whether evidence obtained in a manner contrary to national and/or international law is admissible;
- publicity of trials and verdicts;
- procedures and relevant substantive rules under states of emergency, exceptions, siege, armed conflict etc.

(c) Information on constitutional, legislative and administrative measures which set out guarantees and procedures relevant to a decision to execute or kill a person or persons by the executive, including law enforcement agencies, members of armed and paramilitary forces and other governmental officials or agents as well as information on constitutional, legislative and administrative measures relevant to situations in which executions or killings are probable.

Such information could include inter alia:

- rules concerning the application of force by the executive and/or the bodies or persons mentioned above;
- rules and procedures for the protection of detainees and other persons in custody, including the possibility of holding detainees and other persons in custody incommunicado;

- procedures and relevant substantive rules under states of emergency, exception, siege, armed conflict etc.

(d) Policies and measures taken to enforce the guarantees and procedures set out in (b) and (c) above.

(e) Suggestions on the policies and measures that should be taken at the international level to prevent summary and arbitrary executions.

The Secretary-General would be most grateful if any such information that may be available could be forwarded to the Special Rapporteur on Summary or Arbitrary Executions, c/o Centre for Human Rights, United Nations Office at Geneva, by 12 November 1982, to enable the Special Rapporteur to complete his report to the thirty-ninth session of the Commission on Human Rights, which is to take place at Geneva from 31 January to 11 March 1983. The Special Rapporteur would be grateful if His Excellency's Government were to indicate if any of the information provided should be treated in a confidential manner.

The Secretary-General of the United Nations avails himself of this opportunity to renew to ... the assurances of his highest consideration.

ANNEX III

Note verbale dated 19 November 1982

The Secretary-General of the United Nations presents his compliments to ... and has the honour to refer to Economic and Social Council resolution 1982/35 entitled "Summary or Arbitrary Executions" and to his note verbale No. G/SO 214 (33) of 17 September 1982. Since the dispatch of the above-mentioned note verbale, the Special Rapporteur on Summary or Arbitrary Executions has received information on alleged occurrences of summary or arbitrary executions from various sources. At the request of the Special Rapporteur, the relevant documentation is attached hereto.

In order to enable him to make the most careful and impartial assessment of these allegations, the Special Rapporteur has expressed the wish to receive from the governments concerned any information or comment relevant to these alleged situations. Any information submitted by governments in response to the present note and/or the preceding note of 17 September 1982 on the subject matter will be appropriately referred to in the study. As the Special Rapporteur intends to complete his study during the month of January 1983 he would be grateful if the above-mentioned information were to be communicated to him through the Centre for Human Rights, United Nations Office at Geneva, Palais des Nations, CH-1211 Geneva 10, by 3 January 1983.

The Secretary-General of the United Nations avails himself of this opportunity to renew to ... the assurances of his highest consideration.

ANNEX IV

Note verbale dated 7 January 1983

The Secretary-General of the United Nations presents his compliments to ... and has the honour to refer to his vote verbale No. G/SC 214 (33) of 19 November 1983 addressed to the Ministry of Foreign Affairs of the Democratic Republic of Afghanistan (copy attached) on the implementation of Economic and Social Council resolution 1982/35 entitled "Summary or Arbitrary Executions". Documentation containing information on alleged occurrences of summary or arbitrary executions from various sources was attached to the afore-mentioned note verbale; the Special Rapporteur had expressed his wish to receive from the governments concerned any information or comment relevant to these alleged situations in order to enable him to make the most careful and impartial assessment of these allegations.

As stated in the note verbale of 19 November 1982 the Special Rapporteur intends to complete his study during the current month and he would wish, by the present note, to reiterate that he is ready to receive any information relevant to the material attached to the note verbale of 19 November 1982.

The Special Rapporteur wishes to inform His Excellency that he is at present at the United Nations Office in Geneva in the course of completing his study from 11 to 17 January 1983, and will be available to give His Excellency's Government further opportunity to furnish any information or to make any representation that His Excellency's Government may wish to communicate to him on the subject. Should His Excellency wish to contact the Special Rapporteur this may be done through the Centre for Human Rights, United Nations Office at Geneva, Room D.217, extension 3964.

The Secretary-General of the United Nations avails himself of this opportunity to renew to ... the assurances of his highest consideration.

ANNEX V

Note verbale dated 14 January 1983

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of ... and has the honour to refer to Economic and Social Council resolution 1982/35 entitled "Summary or Arbitrary Executions" and to his note verbale No. G/SO 214 (33) of 17 September 1982. Since the dispatch of the above-mentioned note verbale, the Special Rapporteur on Summary or Arbitrary Executions has received information on alleged occurrences of summary or arbitrary executions from various sources. At the request of the Special Rapporteur, the relevant documentation is attached hereto.

In order to enable him to make the most careful and impartial assessment of these allegations, the Special Rapporteur has expressed the wish to receive from the Governments concerned any information or comments relevant to these alleged situations. Any information submitted by Governments in response to the present note and/or the preceding note of 17 September 1982 on the subject-matter will be appropriately referred to in the study. As the Special Rapporteur intends to complete his study in the coming days he would be grateful if any information referred to above were to be communicated to him c/o the Centre for Human Rights, United Nations Office at Geneva, Palais des Nations, CH-1211 Geneva 10 as soon as possible. The Special Rapporteur will stay in Geneva until 19 January 1983.

The Secretary-General of the United Nations avails himself of this opportunity to renew to the Permanent Representative of ... the assurances of his highest consideration.

ANNEX VI

Note verbale dated 21 January 1983 from the Secretary-General to
the Government of South Africa

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the Republic of South Africa and has the honour to refer to Economic and Social Council resolution 1982/35 entitled "Summary or Arbitrary Executions" and to his note verbale No. G/SO 214 (35) of 17 September 1982. Since the dispatch of the above-mentioned note verbale, the Special Rapporteur on Summary or Arbitrary Executions has received information on alleged occurrences of summary or arbitrary executions from various sources. At the request of the Special Rapporteur, the relevant documentation is attached hereto.

In order to enable him to make the most careful and impartial assessment of these allegations, the Special Rapporteur has expressed the wish to receive from the Governments concerned any information or comments relevant to these alleged situations. Any information submitted by Governments in response to the present note and/or the preceding note of 17 September 1982 on the subject-matter will be appropriately referred to in the study. As the Special Rapporteur intends to complete his study in the coming days he would be grateful if any information referred to above were to be communicated to him c/o the Centre for Human Rights, United Nations Office at Geneva, Palais des Nations, CH-1211 Geneva 10, as soon as possible.

The Secretary-General of the United Nations avails himself of this opportunity to renew to the Permanent Representative of the Republic of South Africa the assurances of his highest consideration.

ANNEX VII

Letter dated 21 January 1983 from the Assistant Secretary-General of the
United Nations Centre for Human Rights to the President of the United Nations
Council for Namibia

I have the honour to refer to Economic and Social Council resolution 1982/35 entitled "Summary or Arbitrary Executions" and to a note verbale No. G/SO 214 (33) of 17 September 1982 (copy attached). Since the dispatch of the above-mentioned note verbale the Special Rapporteur on Summary or Arbitrary Executions has received information on alleged occurrence of summary or arbitrary executions from various sources.

In order to enable him to make the most careful and impartial assessment of these allegations, the Special Rapporteur had expressed the wish to receive from the Governments concerned any information or comments relevant to these alleged situations. Any information submitted by Governments in response to the present letter and/or the preceding note verbale of 17 September 1982 on the subject-matter will be appropriately referred to in his study.

The Special Rapporteur received information relevant to his mandate concerning Namibia. He is in the process of completing his study and would be grateful if any information that you may have at your disposal and that may assist the Special Rapporteur in completing his report could be communicated to him c/o the Centre for Human Rights, Palais des Nations, CH-1211 Geneva 10.

ANNEX VIII

Letter dated 21 January 1983 from the Assistant Secretary-General of the United Nations Centre for Human Rights to the United Nations Commissioner for Namibia

I have the honour to refer to Economic and Social Council resolution 1982/35 entitled "Summary or Arbitrary Executions" and to a note verbale No. G/SO 214 (33) of 17 September 1982 (copy attached). Since the dispatch of the above-mentioned note verbale the Special Rapporteur on Summary or Arbitrary Executions has received information on alleged occurrences of summary or arbitrary executions from various sources.

In order to enable him to make the most careful and impartial assessment of these allegations, the Special Rapporteur had expressed the wish to receive from the Governments concerned any information or comments relevant to these alleged situations. Any information submitted by Governments in response to the present letter and/or the preceding note verbale of 17 September 1982 on the subject-matter will be appropriately referred to in his study.

The Special Rapporteur received information relevant to his mandate concerning Namibia. He is in the process of completing his study and would be grateful if any information that you may have at your disposal and that may assist the Special Rapporteur in completing his report could be communicated to him c/o the Centre for Human Rights, Palais des Nations, CH-1211 Geneva 10.

ANNEX IX

COMMUNICATIONS FROM GOVERNMENTS

Responses to notes verbales dated 19 November 1982, 7 and 14 January 1983

COLOMBIA

[Original: Spanish]

[27 December 1982]

The matter in question concerns statements made by Amnesty International, which accepted as reliable various press articles questioning the methods used by the Armed Forces in their efforts to maintain order. These statements are now being repeated without regard for the fact that the previous Government publicly and thoroughly answered the allegations, which were held to be unfounded, and succeeded in bringing out the truth about what had occurred. It should be also borne in mind that, as a result of these allegations, officials of the organization in question were formally invited to visit Colombia to enable them to assess the situation without restrictions, thus demonstrating how far Colombia has developed as a State in which the rule of law prevails. When the visit was over, the statements made by the visitors, once they were outside the country, did not accurately reflect the real situation. The Government was thus compelled to repudiate the statements in order to prevent Colombia's image abroad from being tarnished.

As far as the criminal activities of MAS and similar groups are concerned, it should be emphasized that the Government is making every effort to identify their members in order to subject them to the full rigour of the law and receives the full co-operation of the Attorney-General and of the secret investigation services of the State in this endeavour.

EL SALVADOR

[Original: Spanish]

[10 January 1983]

"The Government of El Salvador herewith submits observations and comments on the information concerning summary or arbitrary executions transmitted to it by the Special Rapporteur. It informs him that it is in principle opposed to the use of this material in a report on the subject, since the material reflects a partial, incorrect and fallacious approach which systematically distorts facts:

The Special Rapporteur's attention is drawn to the fact that a social phenomenon as complex as that which exists in El Salvador cannot be objectively observed, on the basis of reports whose substance derives from biased and politically motivated sources, from a unilateral viewpoint characterized by a campaign of disparagement and disinformation aimed at the government authorities.

In El Salvador a courageous effort is being made to enable the people to achieve self-determination in the face of foreign interests which are seeking to intervene in the internal situation and which have kept up a long publicity campaign at the international level in an unjust and malicious attempt to attribute contemptible acts to the Salvadorian Government.

Consequently, on this occasion, in order to avoid going into a lengthy and detailed analysis, we express a general reservation and reject this documentation since it is based on false and inaccurate information deriving from inadmissible sources.

The Government of El Salvador is determined to undertake a process of social and economic structural change and a political process of democratization whose ultimate objective is to promote and defend the human personality, dignity and rights. To this end, numerous measures notable for their profundity and scope have been put into practice.

In this connection it is absurd to maintain that, in order to achieve its objectives, the State is using methods inconsistent with these values when one of its goals is precisely to eradicate the violence which is sadly afflicting the nation, and thereby to consolidate peace, justice and the common good.

In El Salvador violence is the framework within which attacks are made on persons and property; it is perpetrated by extremist groups whose anarchical intention is to destabilize the State system by means of terror and the destruction of the productive economic apparatus. In this situation, of which advantage is taken by criminal and terrorist groups of both extremes, the Government is striving to consolidate the rule of law.

Accompanying this desire to destabilize the Government are foreign pressures and actions, which take the form not only of propaganda and disinformation, but also of material assistance to the extremist groups which perpetrate violence.

In this context it is apparent that at the international level the campaign is seeking in a simplistic and global manner to attribute violations of human rights to members of the government forces. This is inherently absurd in circumstances in which the facts have not been clearly determined, since it is impossible to determine a priori responsibilities in respect of the identity of the actual perpetrators or the brains behind them.

The Government of El Salvador wishes to make it perfectly clear that it rejects the very idea that one can attempt to establish a pattern of violations of human rights which attributes to it, either implicitly or explicitly, summary or arbitrary executions.

Rather, such an attempt reflects a diffuse and partial approach alien to the efforts of the legitimately established authorities to promote respect for the law and to overcome the current difficult situation in El Salvador.

Consequently, the Government of El Salvador categorically rejects any insinuation that in this country there have been summary or arbitrary executions in which it has acquiesced or to which it has turned a blind eye. Such imputations form part of the campaign to create a distorted image of the political process under way in this country.

The Government expresses its strong determination to carry out the necessary investigations concerning every case in which members of the government forces are alleged to have committed any kind of action inconsistent with respect for human rights, in order that justice and the rigour of the law shall be effectively and fully applied.

This determination has again been evinced in recent days through the establishment and functioning of a Human Rights Commission, which has wide powers and capacity of action and is already carrying out its mandate".

GUATEMALA

[Original: Spanish]

[10 January 1985]

The coup d'état of 23 March 1982 was a response to the outcry of the Guatemalan people, whose ardent wish it was to put an end to a virtually intolerable state of affairs caused by successive electoral frauds, lack of respect for human dignity, the corruption that was common in high Government circles, the continued and systematic violation of human rights, the moral and civic degradation of many officials, lack of respect for democratic institutions, the trampling underfoot of the ethical and legal principles on which every civilized society is founded and the resultant international isolation of the country.

The Government of the Republic which took over power on 23 March immediately won the full backing of the people of Guatemala and the understanding and sympathy of the international community because from the outset, it made a solemn pledge to respect the universally-recognized human rights, to guarantee their full exercise, validity and observance, and to co-operate with the bodies which, at the international level, guard and protect those values.

The Government of the Republic has made very positive steps towards putting those promises into effect. In terms of international action, for example, the Inter-American Commission on Human Rights of the Organization of American States was invited to visit the country for the purpose of verifying the human rights situation on the spot and this visit took place from 20 to 26 September 1982.

At the end of their visit to Guatemala the members of the Inter-American Commission on Human Rights made a list of recommendations, all of which have been implemented, as far as possible. In particular, a court of second instance has been set up to hear appeals from, or to review judgements delivered by, the Special Courts whose legal nature, competence and jurisdiction is explained further on.

An offer was also made to furnish the United Nations Working Group on Enforced or Involuntary Disappearances with all available information and to provide it with all necessary co-operation for the performance of its mandate.

Lastly, in view of the decision of the United Nations Commission on Human Rights to appoint a Special Rapporteur to prepare a report on the human rights situation in Guatemala, an offer was made to provide the person serving as rapporteur with all possible facilities and co-operation for the performance of his task.

At the local level, there was the issuance of the Fundamental Statute of Government, which stipulates that respect for human rights is one of the fundamental principles of Guatemala's internal structure and international relations.

The Statute, which is the highest ranking legal instrument in the State as now organized, lays down, regulates and promotes human rights.

The parliamentary groups and death squads that were operating under the previous Government have been disbanded.

Officials of the deposed regime in respect of whom there were reasonable indications of offences having been committed have been brought before the courts.

A Special Office has been established within the Directorate-General of the National Police to receive complaints about disappeared persons, with a view to undertaking, to the extent possible, the appropriate enquiries and to bringing before the courts those responsible for criminal acts.

There now exists a Council of State representative of all sectors of the population including, for the first time in the history of the country, representatives from the various indigenous ethnic groups that make up our nation.

We, as officials and employees of the civil service, have solemnly sworn an oath to fulfill our duties honestly, efficiently and patriotically, and to make greater efforts to further the progress of our country.

In addition, a campaign is under way to regain our national identity and extoll the human, spiritual, moral and ethical values of our people.

Hence, there has been in Guatemala, as from 25 March 1982, an effective change in all areas and there is not the slightest connection with earlier Governments. It is therefore illogical, notwithstanding the legal continuity of the State, to claim that the present Government must answer for events that occurred under those administrations when the events in question are the very ones that forced the change of government.

Since, apart from the document referred to in paragraph 2 and entitled "Guatemala: massive summary executions in rural areas under the Government of General Efraín Ríos Montt", the remaining documents refer to events that occurred under previous regimes, no observations have been formulated regarding them and the Special Rapporteur is respectfully requested, for the reasons explained above, not to take them into account in his report.

Guatemala has been facing the serious problem of subversive activities fostered, instigated, financed and supported from abroad.

The subversive groups have perpetrated a series of criminal acts in the form of murder, robbery, kidnapping, blackmail and threats, designed to sow panic and alarm among the people.

They also planned the physical destruction of the country by means of sabotage and terrorism. For example, they started to dynamite bridges, electric power plants, highways, municipal buildings, schools, health centres and telephone installations seriously damaging the national infrastructure.

Even the archaeological treasures of Tikal, which are part of the historic and cultural heritage not only of Guatemalans but of the whole of humanity, suffered from the actions of subversive terrorism.

Furthermore, either by force or by deception, they compelled thousands of peasants, to abandon their home towns and remain in the mountains, in an endeavour to show that the subversive factions had wide popular support.

In the interests of peace in Guatemala, the present Government of the Republic granted a broad and general amnesty to all those persons who had participated in subversive acts and guaranteed that no measure would be taken against them if they laid down their arms.

Many people took advantage of the amnesty decree, but a minority involved with foreign interests turned it down and went on committing abuses and offences of all kinds against people and their property.

The Government of the Republic, which has an obligation to protect the security of all the inhabitants of the country, decided to declare a certain zone of the high plateau, where subversive activity was most intense, an area of conflict and, using its security forces, fought against the subversive factions that have caused so much harm to Guatemala until it secured control of and restored peace to that zone.

The Government has also been compelled to introduce a state of siege, basically with a view to applying it in the areas of conflict, since these areas have for the past six months been virtually at war against subversion. The state of siege has had a minimal effect on the people, since 95 per cent of the urban and rural population are fully engaged with their usual occupations and all the other activities of the country are being carried on in the normal manner.

In addition, Special Courts have been created. These operate in the areas of conflict and were introduced to try persons who perpetrate terrorist acts and those who commit serious offences provided for and defined in the decree whereby the Special Courts were established.

The Special Courts hear the relevant cases in summary proceedings, the accused being guaranteed the right of defence at the trial and the assistance, from the time of their first statements to the authorities, of counsel appointed by themselves or by the court.

The judgements of the Special Courts are appealable, that is, there is a court of second instance whose decision is final.

To date, about a hundred people have been brought before these courts. Most of them have been acquitted and released after undergoing trial.

Only four persons who were proved guilty in all respects of the very serious acts with which they were charged have been sentenced to capital punishment; the sentence was carried out by firing squad on 17 September 1982. These persons were Marcelino Marroquín, Julio Hernández Palomo, Jaime de la Rosa Rodríguez and Julio César Vasquez Juárez.

Apart from these executions, which were carried out pursuant to a final judgement by one of the Special Courts, there have been no summary executions in Guatemala.

The peasants who had been compelled by subversive groups to remain in the mountains sought the protection of the national army. The latter received them like brothers, setting up temporary camps where they were provided with immediate emergency aid, mainly in the form of food and medical attention.

Co-operation in this humanitarian task was provided by the admirable Guatemalan Red Cross and the United Nations World Food Programme.

The Government of the Republic sent to these camps medical personnel, nurses, social workers and, in general, all the staff necessary to help the peasants.

The thousands of peasants who returned from the mountains included men, women, old people and children - all of whom were in a pitiful state. The deprivation and suffering of all kinds which they had endured was evident. The children in particular were suffering from an advanced state of malnutrition and from intestinal infections, eye diseases, tuberculosis and other kinds of ailments.

The next step was to move the peasant families back to their homes after creating the "rifles and beans" programme. This consists basically of organizing the peasants into "civil defence squads" and compensating them with food for the work they do on rebuilding their villages so as to ensure their survival until they can begin reaping the fruits of their own plantings.

The peasants organized into "civil defence squads" defend their own lives, those of their families and their land from any action by the subversive groups which, in desperation and in the face of their obvious defeat, still try to maintain a presence by harassing and murdering the peasants.

The most heartless and inaccurate statement contained in the documents received is the assertion that the "civil defence squads" have replaced the paramilitary groups that used to exist under the previous Government.

In view of this infamy, it must be made clear that the "civil defence squads" are formed of peasants in their own localities, that their identity is perfectly established, and that membership of the squads is fully registered and controlled; in addition to this the weapons at their disposal are altogether rudimentary, some even being made by the peasants themselves. This is in contrast to the paramilitary bands and death squads: their members were unknown, operated in masks and disguise, were properly armed and, once they had committed criminal acts, used to disappear with impunity.

The members of the Inter-American Commission of Human Rights, a number of foreign dignitaries and also journalists and correspondents from international news agencies have visited the areas of conflict and verified the manner in which these civil defence squads, which are under the control of the national army, are organized, as well as the success achieved in implementing the "rifles and beans" programme.

This year will see the implementation of a complementary programme to the "rifles and beans" programme; it has been called: "home, food and work". Under it the rural communities so hard hit by subversive action will rebuild their dwellings, gather in their crops and enjoy the fruits of their endeavour and labour for their own benefit and that of their children in an atmosphere of peace and security.

In Guatemala, urban transport in the capital city used to be subsidized by the State to keep the fare down to five centavos (equivalent to 5 United States cents). The Government used to pay out a sum of 15 million quetzals annually for this purpose.

The present Government decided to allow a fare increase so as to be able to use the sum referred to above on programmes and projects of direct benefit to the peasant population in the high plateau area of the country. The inhabitants of the capital have accepted the sacrifice of paying double for the price of urban transport because of the very lofty purpose to which that money will be devoted and because they are confident that it will be administered with the utmost integrity.

For the reasons already explained above, the Government of Guatemala is not formulating comments or observations on the documents entitled:

"Guatemala: Government programme of political murders";

Publication of the International Commission of Jurists, The Review No. 28; Information letter from Amnesty International, 1981; Amnesty International press communiqué, 12 October 1982.

Extract from the Amnesty International report of 1982

As regards the document entitled "Guatemala: massive summary executions in rural areas under the Government of General Efraín Ríos Montt", the Government of the Republic rejects the accusations it contains and in particular the conclusion at which it arrives that there is no significant difference between the present Government and previous ones, since the international community has received convincing proof that, as from 23 March 1982, there has been a change in Guatemala in all areas and a fundamental one so far as respect for human rights is concerned.

It is clear that what was waged in the high plateau area of Guatemala was a war against subversive factions armed and supported from abroad and that, as in all wars, there were casualties on both sides, including, inevitably, innocent victims among the civilian population whose deaths must weigh upon the conscience of those who instigated this confrontation.

If there were massacres of peasants in some villages and hamlets, they were carried out by subversive elements to terrify the indigenous population so that they would not refuse to provide them with food and other forms of co-operation.

To conceal their crimes and to be able to attribute them subsequently to the army, they used uniforms similar to those used by the armed forces.

In every subversive hideout that was located, the find included, in addition to weapons, bombs and propaganda uniforms like those of the army.

As the guerillas have been defeated militarily, the subversive leaders are trying to retain influence in the political field. For this, they have resorted to a campaign of international defamation against the Government of Guatemala, making false charges against its security forces or accusing it of carrying out punishable activities, the real perpetrators of which were none other than the troublemakers themselves.

As proof of the statement made in the foregoing paragraph, a case, one of many of the same kind, is cited below: in December 1982, Mrs. Julia Esquivel complained in Brussels, Belgium, that on the previous day there had been a massacre of peasants in Guatemala in the village of Juleque, municipality of Dolores, Department of El Petén.

The Government of Belgium requested its Ambassador in Guatemala, Mr. Dieter O.R. Maddens, to provide it with information about the matter.

After the Ambassador had visited El Petén, it was fully established that the report was entirely false and that it was yet another lie by Mrs. Esquivel who is employed by the forces of subversion to defame the Government of Guatemala.

As regards human rights, there has been a persistent tendency in international organizations to give complete credence to the reports of bodies such as Amnesty International. While such organs have a certain prestige the fact is that the majority of the complaints they receive come from interested and involved parties. They are nothing but complaints which are immediately given the stamp of certainty and regarded as the truth.

There is never any verification of facts or even any requirement as to prima facie evidence. The statements and their arguments of the Governments concerned are dismissed without the slightest analysis, for there prevail throughout the treatment of human rights political bias and sectarian interests that are completely at variance with the lofty nature and justice of that cause.

It should be kept very much in mind that subversion operates not only in the military field but also in the spheres of politics, diplomacy and publicity, where in pursuit of its evil ends, it carries out an international campaign of disinformation and systematic accusations against the Government of Guatemala, as part of a structured plan to destabilize the Government and prevent the world from knowing the true facts about the country.

It is paradoxical that the present Government of Guatemala (the only one in the country's history to have taken a genuine interest in the indigenous population which, since it constitutes 70 per cent of the total number of inhabitants is in the majority) which is fully aware of their problems and needs, which continues to give priority in its plans to attending to and resolving, in so far as possible, their most pressing requirements, and which hopes to include that segment of our population in the benefits of progress and development, is the one that is falsely accused of extrajudicial executions in rural areas.

Both in Europe and in Latin America it is recognized that in Guatemala there has been a change in attitudes, in aims and in Government philosophy, particularly as regards respect for human rights.

The people, the Press and even the Government of the United States of America, whose foreign policy gives top priority to the human rights question, likewise share in this international recognition, for there have been public statements to the effect that the human rights situation in the country has obviously improved.

It was on the basis of this conviction that the said Government voted in favour of the granting of funds to Guatemala by the multilateral financing bodies, action which had been opposed by previous administrations pursuant to the principle of not co-operating with Governments that violated human rights.

As regards bilateral relations, the United States Government has resumed its aid to Guatemala in the fields of economic co-operation and technical assistance.

Guatemala is a country with deep democratic convictions which has faith in the human values on which its institutions are based; for this reason, it confirms its unshakeable desire for peaceful evolution, in accord with the rhythm of the age through which the world is living for the benefit of all its inhabitants without any distinction, and for the same reason it vehemently rejects the subversive movements, which are founded on hatred and violence and are, moreover, very much in the minority and inspired from abroad.

Lastly, I wish to point out that the Government of the Republic is taking the necessary steps to return to constitutional normality.

To this end, 23 March 1983, only one year after the assumption of power, will see the promulgation of the new electoral law - the law of political parties and civic committees and the law of civil records.

Later on, elections will be held for a national constituent assembly which will have the task of drafting a new constitution and, as a final step, general elections will be held for the posts of Presidents of the Republic and members of the National Congress of Municipal Mayors as well as for the other posts to be filled by the people's votes, and power will be transferred to the person who is freely and democratically elected by the people of Guatemala in clean, uncorrupted and sovereign elections in which the popular will is totally and absolutely respected.

The Government of Guatemala reiterates its decision and its undertaking to continue in its line of conduct by fostering the full participation of the indigenous population, which is in the majority in the country, in the taking of decisions on national affairs and to respect and guarantee the full exercise, enjoyment and observance of the universally-recognized human rights.

I would request the Special Rapporteur to include this document in the report to be submitted to the thirty-ninth session of the Commission on Human Rights.

HONDURAS

[Original: Spanish]
[18 January 1983]

1. The National Directorate of Investigations (DNI) denies having any information as to the whereabouts of Roberto Becerra Lanza, Roberto Fino, Félix Martínez and Germán Perez Alemán, with regard to whom the DNI is continuing its enquiries, with a view to shedding light on their cases;
2. The Court of First Military Instance of the Third Military Region, based in the town of Santa Rosa de Copán, in the department of Copán, has instituted proceedings in accordance with the law against sergeant Filiberto I. Miranda Villanueva and privates Saturnino Carranza Vasquez, Elvin Efraín García and Daniel García Ramírez, against whom the appropriate detention order was issued by the Commission for the crimes of homicide committed against the person of Doctor Oscar Augusto Girón Tovar and of physical abuse and robbery committed against the person of Miss Cynthia Lee Morine. The trial is following the proper legal course, and Miss Lee Morine has appeared in court to give her evidence on the matter, as is fitting in a State where the rule of law prevails.

INDIA

[Original: English]
[24 January 1983]

It may be emphasised that in terms of constitutional and legal provisions in India, full safeguards against summary or arbitrary detention/executions have been provided and procedures established by law have to be followed before the State can subject an individual to detention/execution. The judiciary in India functions as the watchdog of the safeguards that have been provided against summary or arbitrary detention/execution. The Preamble of the Indian Constitution promises to secure to all its citizens "Justice, social economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity". From this preambular concept flows the Chapter on Fundamental Rights in the Constitution of India, and amongst the rights enshrined therein is the right to life and personal liberty. Article 21 of the Constitution of India provides that "no person shall be deprived of his life and personal liberty except according to the procedure established by law". Accordingly, the circumstances and procedures under which an individual may be deprived of his personal liberty (through detention) or his life (through execution of death sentence) are laid down in detail in the Indian Penal Code 1860 and Criminal Procedure Code, 1973. Details of procedure for

awarding or execution of a death penalty have already been forwarded vide our earlier Note of even number dated December 27, 1982, and we are now enclosing further information relating to armed forces in India with specific references to the procedures for dealing with offences punishable under the Army Act 1950 and the Navy Act 1957 (Annex I).*/ As regards detention, India is one of the few countries which has enacted extremely progressive legislation providing ample opportunity to the individual to safeguard his liberty and to move judicial and other authorities in this regard. An example of this is the provision in the Criminal Procedure Code for the grant of anticipatory bail whereby an individual apprehending detention may move the courts for bail. The relevant provisions in this regard are appended at Annex II. */

ISLAMIC REPUBLIC OF IRAN

[Original: English/French]
[17 January 1983]

1. The victory of the Islamic Revolution in Iran was a great defeat for those powers which for many years under the previous regime had free access to our natural and economic resources and enjoyed every facility to exploit this national wealth. Recognizing that, in the passing of the Pahlavi regime, they have lost not only a faithful ally but also an accomplice in their political and economic interests, the Imperialists of the West have, from the very beginning, manipulated the delicate structure of the social heterogeneity of Iran to impede the achievement of complete solidarity and their attention has been especially focused on the tribal peoples such as Kurds, Turkmen, Bakhtiyaris, Baluchis and qashqais; they have unconditionally supported the anti-revolutionary elements who have been unsparing in their efforts to topple the present popular regime. It is certainly not a coincidence that all communications regarding "human rights" problems in Iran come from either the United States, Britain or France, the three main countries of asylum of a wide range of anti-revolutionaries of all kinds, from rightist monarchists to leftist terrorists. This whole phenomenon of complaints about Human Rights should be seen in the light of a campaign of propaganda on the part of these interested groups and does not reflect to any extent the realities concerning so-called "political prisoners" in Iran. To our very deep regret this sort of scheme has, to some extent, been successful in the past and the anti-revolutionary forces have mis-used human rights organizations as a lever for exerting political pressure.

2. We have read very attentively all annexes received from your office and have noted, without surprise, that the most detailed report comes from an organization which is the forerunner of the terrorist groups in Iran. These reports which have been signed by Mr. Masoud Rajavi, the leader of the so-called "Council of National Resistance of Iran" and who is also the leader of the terrorist organization called "Mujahedeen Khalq Iran" (hereafter referred to as MKO), consist of a long list of names of those alleged to have been executed. You will be interested to note that it is this same organization who first declared the so-called armed struggle against the Islamic Republic of Iran and has already assassinated many spiritual leaders as well as hundreds of ordinary people.

The MKO who are complaining about "summary executions and torture" have unfortunately forgotten (as all liars are forgetful) that they have so often claimed responsibility for bombings which lead to the martyrdom of many of our high-ranking officials and ordinary people. The declaration of Mr. Bani Sadr, so-called President of the National Resistance Council, was in fact not unprecedented when he said, in an interview with an Italian reporter, that "terrorism is necessary to overthrow

*/ The documents contained in the annexes are available for consultation in the Secretariat.

Khomeiny's regime" and during the first year of the victory of the Revolution they were the main political group urging revolutionary executions.

It is ironic to note that the spokesman of the same organization which has submitted complaints regarding "Human Rights" to the Human Rights Commission has announced with pride, in Paris, that the MKO has been able to increase its anti-government and terrorist activities in Iran to the level of a hundred attacks per week as an average. As a close examination of any official bulletin of the MKO, chosen at random, proves, this organization has designed and orchestrated a systematic program of terrorism to overthrow the present Islamic Regime.

No purpose would be served in bringing further documents as proof of the hypocrisy of such terrorist groups. It is sufficient to draw your attention to the numerous random street explosions which have resulted in the deaths of so many innocent people.

3. Bearing in mind that the Islamic Republic of Iran Judicial system is a two-tiered system, and that the Islamic Revolutionary Court of Appeal, established by Decree of Imam Khomeiny, has full authority to approve or reject inferior court decisions, we would like to clarify a few points in connexion with the procedure of revolutionary courts. There is, in fact, a long distance in time between the arrest of the accused and the preparatory investigations of the court, the issue of the indictment, the inquiry by the court, the verdict and the revision of the verdict. The above-mentioned procedure is always pursued under the supervision of competent judges. Regarding the establishment of Revolutionary Courts of the Islamic Republic of Iran, the following provisions guarantee a fair judgement, under revolutionary circumstances, as follows:

Article 2

The following criminal acts come within the competence of the Islamic Revolutionary Courts:

- (1) Murder and massacre directed towards consolidating the Pahlavi regime or repressing the struggle of the Iranian people, committed either by ordering or by perpetrating the acts;
- (2) Imprisonment and torture of the struggling people (militants), either by ordering or by perpetrating the acts;
- (3) Important economic offences, i.e. the misappropriation of public funds and the squandering of national wealth to the benefit of foreigners;
- (4) Conspiracy against the Islamic Republic of Iran by recourse to arms, terrorism, the destruction of public buildings and spying on behalf of foreigners;
- (5) Armed robbery, rape and the production, import and distribution of narcotic drugs.

Remarks

Any other criminal act which is not covered by the above articles is outside the competence of the Islamic Revolutionary Courts and will be dealt with by the ordinary or military courts. A Revolutionary Court is set up within the jurisdiction of each Islamic revolutionary public prosecutor's office. The court might, if necessary, have several sections and, in such an eventuality, the president of the first section is responsible for submitting case files to the other sections.

Article 4

The Revolutionary Court is composed of three full members and two alternates. The full members are the following:

- (a) An Islamic judge designated by proposal of the Council of the Islamic Revolution and with the approval of the Imam;
- (b) An ordinary court judge (Ministry of Justice) designated by the Islamic judge;
- (c) A person worthy of the confidence of the people and conscious of the imperatives of the Revolution, designated by the Council of the Revolution or by a person designated by the Council for this purpose.

Remark No. 1

The alternatives will be selected from persons possessing the qualifications set forth in article 4.

Remark No. 2

No member of the court may be under 30 years old by the solar calendar.

Remark No. 3

As soon as the full members have been appointed, the court may proceed with its task.

Article 6

The indictment must be communicated in writing to the defendant or to his lawyer at least three days before the court meets.

Article 7

All defendants shall be entitled to designate a lawyer of Iranian nationality possessing a knowledge of Islamic legal matters and criminal law.

Article 9 - Remark

The court must allow the defendant and his lawyer at least 15 hours to plead.

Article 9 - Remark No. 1

A hearing is public unless the president deems it necessary to declare that it shall be in camera.

Article 10

The text of a verdict rendered in absentia shall be made known to the defendant through its publication in a newspaper with a wide circulation. The absent defendant may challenge the verdict within a period of 10 days. The decision of the court after the said protest has been heard is definitive and enforceable.

Article 11

After reading the indictment and hearing the defence of the defendant and of his lawyer, the court may undertake any verification (investigation) it may deem necessary in order to establish the facts of the case, in accordance with the precepts of Islamic law. If omissions and defects are discovered in the file, by order of the president of the court, after deliberation, the verdict will be rendered in conformity with the criteria and principles of Islamic law. Only a verdict which has received a majority vote, including the vote of the President, is considered to be valid.

Remark No. 1

If such a majority is not obtained, two other Islamic judges will be appointed to the court, after which the decision taken by the majority will be valid.

Article 12 - Remark

In the event that a convicted person possesses no legitimate assets, responsibility for the legal maintenance of his dependants will, in accordance with the opinion of the court, be made by the State.

Article 14

In order to supervise the satisfactory operation of the Islamic revolutionary prosecutor's offices throughout the country, a central prosecutor's office is established in Tehran.

Article 15

The Islamic revolutionary prosecutor's office shall be assigned a prosecutor and a sufficient number of examining magistrates and prosecuting counsels. The chief prosecutor and the revolutionary public prosecutor may be assisted by a sufficient number of alternates, deputies and administrative staff.

Article 21

The examining magistrate shall discharge his functions on his own or, if necessary, in the presence of a prosecuting counsel; he shall inform the prosecutor of his opinion concerning the guilt or innocence of the defendant. The indictment shall be issued by the prosecutor if the latter agrees as to the guilt of the defendant.

Remark

In the event of a difference of opinion between the examining magistrate and the prosecutor, the court will decide.

Article 26

Decisions concerning arrest (arrest-warrant) or dismissal of proceedings, which invariably fall within the competence of the examining magistrate, must be reported to the prosecutor. In the event of a disagreement in this regard between the examining magistrate and the prosecutor, the Islamic judge of the court shall decide.

Article 32

The defendant must be notified of sentences, by appropriate methods; the prosecutor shall order the sentences to be carried out. Sentences involving capital punishment must be brought to the attention of the chief revolutionary prosecutor 10 days prior to the date of execution; during that period, the convicted person's family must be allowed to visit. The sentence should be carried out, whenever possible, in the locality where the crime was committed.

As stipulated by Article 9, in case it would be necessary that witnesses, experts and informed authorities attend the court, they shall be summoned to the court and, also, as stipulated by the Article 32, the death sentence issued by the competent courts and approved by the Revolutionary High Court of Appeal established by Decree will be executed, after 10 days during which time the condemned may visit his family.

As provided by Article 22 of the Constitution, "Respect for life, property, rights, housing and occupation of people are unviolable unless the law prohibits otherwise".

These laws are in fact among penal statutes carried out by the judicial authorities, prosecutor's offices and Revolutionary Courts and each of these legal institutions is equipped with regulations based on which they inquire the relative crime cases before them.

The Islamic Revolutionary Guards and disciplinary authorities implement the orders of judiciary authorities.

According to Article 31 of the Regulations of the Revolutionary Courts, the Guards have not the right to arrest anyone without legal summons. They also have no right to enter people's homes or to confiscate their possessions without the prosecutor's written permission. The same law provides that in the case of any violation being committed by the Guards, they shall be dismissed by order of the revolutionary prosecutor and if any Guard's action is considered a crime, he will be prosecuted by the prosecutor's office. The article provides also for the guarantee of people's freedoms. If the accused is an ordinary Governmental employee, he or she shall be summoned and detained by the Revolutionary Prosecutor's Offices with previous knowledge of the person ranking above him/her. The second subparagraph of the mentioned article provides that if the accused is among the staff of the military or disciplinary forces or if he/she hold significant political or administrative position, he/she shall be summoned and charged only after the approval by the concerned commission and with previous knowledge the person ranking above him/he

The most significant backbone for the independence of Iran's judiciary institutions, in addition to rules and regulations, stipulated in the Constitution and the rules relative to the Courts, is the Supreme Judicial Council which, as provided by the Article 158 of the Constitution, consists of the most outstanding and pious judicial authorities and jurisprudents who will supervise the judiciary system of the Islamic Republic of Iran.

4. A report of the MKO's Terrorist Activities, Massacres and Bombings

The following is a partial list of counterrevolutionary activities, randomly selected among some of the Major Terrorist Activities of the Counter-revolutionaries and Munafiqeen in the Iranian Year 1360 (1981).

- March 30: The assassination attempt on Ayatollah Rabani Shirazi, one of the members of the Guardian Council.
- April 4: The religious judge of Shalreza escaped an assassination attempt.
- April 5: One clergy in Isfahan was assassinated.
- April 6: The Commander of the Central Province Committee was attacked by armed men.
- April 26: An explosion by the counterrevolutionaries left 7 martyrs and 45 injured in Kerman's Azadi Square.
- May 6: The body of a Bandar Abbas police officer was riddled by 19 terrorists' bullets.
- June 8: The Shomal Textile Factory was set ablaze by counterrevolutionaries and millions of rials in damages were sustained.
- June 21: The Deputy of Educational Affairs of the Sages Educational Department was assassinated.
- June 24: A bomb explosion in Qom's railway station resulted in the martyrdom of 6 and the injury of more than 50.
- June 27: The terrorists attempted an assassination on the life of Tehran's Friday Congregational Prayers leader, Mr. Khamene'i, in the Abuzar Masjid after noon prayer that resulted in the paralysis of his right hand. Hojatolislam Khamenei is at the present, the President of the Islamic Republic.
- June 28: The explosion of a bomb planted by the hypocrites in the Central Headquarters of the Islamic Republic. Party Headquarters in Tehran resulted in the martyrdom of 74 of the top leaders of the country, the Chief Justice of the Supreme Court, Dr. Behashti, ministers and representatives of the Majlis.
- July 2: Muhammad Katchui, a warden of Evin Prison, was martyred by a hypocrite who was goaded and guided by Muhammad Reza Saadat, an MKO leader.
- July 6: The Governor-General and a Deputy-Governor of Gilan were bullet-riddled by the hypocrites and martyred.
- July 10: Mulla Ali Jalilzadeh, one of the committed clergy of Sanandaj and his son were martyred in an armed onslaught by the hypocrites.
- July 11: Two clergy were assassinated in Sanandaj.

- July 14: An unsuccessful attempted assassination of the Revolutionary Prosecutor and a religious judge of Sari.
- July 15: Forty million rials of the Public Treasury were turned to ashes in the burning of the Reconstruction Jihad warehouse in Tehran.
- July 21: The Chief of the Divan-Dareh Department of Education was assassinated in his home.
- July 23: A hand grenade was thrown at the Blood Transfusion Organization.
- July 23: Attempted assassination on the Iqlid people's candidate in the Islamic Consultative Assembly.
- July 24: American agents martyred 13 Islamic Revolutionary Guardsmen on Presidential Election day.
- July 25: The assassination of Hojjatoleslam Beheshti, the Chief of Isfahan's Islamic Revolutionary Court and the candidate for a seat in the Islamic Consultative Assembly along with his 11-year-old nephew.
- July 25: The inspector of the 13th District Committee was assassinated.
- July 25: The doctor in charge of the Guardian Corps First Aid Team was martyred by the MKO terrorists.
- July 26: The Terrorists martyred two police constables.
- July 26: The hypocrites martyred a reporter of Kayhan International and a member of Martyr Moffateh's Committee.
- July 26: An unsuccessful assassination attempt was made on the life of Gilan's provisional Governor-General.
- July 27: The brother-in-law of a Karaj representative to the Islamic Consultative Assembly was assassinated.
- July 27: A grenade thrown into the house of the Governor of the city of Rezvan injuring him and his wife and his 12-year-old sister.
- July 27: A bomb explosion at Tehran's Enghelab Square resulted in the injury of several passersby.
- July 27: The Manager and Deputy of the Nowroozmehr Dam, near Bukan, were martyred.
- July 28: A hand grenade was thrown into a girls' high school in Tehran Pars.
- July 28: An assassination attempt on the life of Kermanshah's Friday Congregational Prayers leader was made. This 82-year-old prayer leader was assassinated a year and a half later in a grenade explosion set by MKO's terrorists.
- July 28: The armed attack on the house of Hojjatoleslam Mesbah, a prominent figure at Qom's theological center.

- July 29: Five Revolutionary Guards were assassinated in Tehran.
- July 29: Hojjatoleslam Kamiab, the Mashad Deputy of the Islamic Consultative Assembly was martyred by the hypocrites.
- July 30: The acting Islamic Revolutionary Prosecutor of Tabriz was assassinated by the hypocrites.
- July 30: Hojjatoleslam Mir Shahloo escaped an attempted assassination carried out by the hypocrites.
- July 31: The attempted assassination of a Prime Ministry representative in the trading affair committee proved unsuccessful.
- August 1: In an armed assault on the house of Dr. Taheri in Shiraz three members of his family were martyred.
- August 1: The assassination attempt on the life of an executive of the Educational Department of Bushehr was unsuccessful.
- August 3: A bomb exploded in front of the Pasteur Institute in Tehran, resulting in the martyrdom of three and the injury of two innocent persons.
- August 3: Attempted assassination on the life of the investigator for the Islamic Revolutionary Court in Arak.
- August 4: Hojjatoleslam Daneshjoo was martyred in Kazeroon.
- August 4: The Public Relations Officer of the Islamic Revolutionary Guard Corps in Isfahan was martyred by the hypocrites.
- August 4: Hassan Ayay, a representative in the Islamic Consultative Assembly was martyred by the hypocrites while coming out of his house.
- August 4: A bomb blasted the Kuwaiti market place of Kermanshah, in which 14 people, including two children lost their lives.
- August 5: The hypocrites made an assassination attempt on Hojjatoleslam Hassani, an Islamic Consultative Assembly deputy, his son and bodyguard all of whom fortunately escaped.
- August 5: An attempted assassination of the Shahrood governor proved unsuccessful.
- August 6: An attempted assassination on the life of Hojjatoleslam Farzaneh was thwarted.
- August 7: An assassination plot against Hojjatoleslam Jalali Khomeini was thwarted.
- August 7: A grenade was thrown at the Martyr Foundation building of Mashad.
- August 8: The cowardly assassination and martyring of Hojjatoleslam Sheikh Ahmad Faqihi, the religious judge of the Islamic Revolutionary Court in Fassa and Johrom.

- August 8: A bomb explosion in Kermanshah resulted in the martyrdom of 14 and the wounding of 30 innocent people.
- August 8: The Islamic Revolutionary Court investigator of Arak was martyred.
- August 8: The hypocrites martyred the Chief of the Islamic Revolutionary Courts of East Fars Province.
- August 10: Hojjatoleslam Isfahani was assassinated.
- August 10: Mr. Morteza Said, Bank Melli employee was assassinated.
- August 11: An old man had gone to Mashad to visit his injured son and while there was martyred.
- August 12: Hajj Baha-e-din Araqi, the Imam of Congregational Prayer of one of the mosques in Kerman and his bodyguard were martyred.
- August 13: A grenade exploded in front of the Pars News Agency building.
- August 15: A bomb was thrown at Pars News Agency.
- August 16: Attempted assassination of Hojjatoleslam Sabouri in Ahwaz.
- August 16: Hojjatoleslam Towhidi, one of the combatant ulema in Babol was martyred.
- August 16: The home of Iran's Prosecutor General, Mr. Rabani Amlashi, was attacked by 16 persons.
- August 18: Minister of Commerce, Mr. Asqar Ovlad was shot at while coming out of his house and escaped.
- August 27: The Christians representative in the Parliament was attacked in Tehran, he could escape but 11 pedestrians were injured.
- August 29: In Borujerd, the hands of a bookseller were cut off because he sold the books of the Imam, and his shop was put on fire.
- August 30: The explosion of an incendiary bomb which had been planted by the hypocrites in one of the Prime Ministry conference rooms resulted in the martyrdom of the President, Raja'i, and the Prime Minister, Dr. Bahonar.
- September 5: A Molotov cocktail was thrown at a bus.
- September 7: Ayatollah Quddousi, the Prosecutor-General of the Islamic Revolutionary courts was martyred by the explosion of a bomb planted in his office by the hypocrites.
- September 10: A terrorist hypocrite martyred Ayatollah Madani, the Tabriz Friday Congregation Prayer leader, along with six others.

- September 11: Two grenades were thrown into the crowd of people of Langroud rejoicing the victory of their soldiers over the Baathist forces.
- September 14: The attackers set two public buses ablaze.
- September 17: The terrorists attacked the mobilization headquarters of Ghaemshahr at night and assassinated or injured 14 committed young men in their sleep.
- September 19: A bus was set ablaze by the hypocrites.
- September 27: Hojjatoleslam Abdul Hossaini, the supervisor of the Martyrs Foundation of Lorestan, was martyred in Khorramshahr.
- September 27: Nine public buses were burned in Tehran. Twenty innocent people were martyred.
- September 27: A hypocrite martyred Hojjatoleslam Hashemi Nejad, the Secretary of the Islamic Republic Party of Korassan Province with a grenade.
- October 1: The Chief of the Gendarmerie station of Arak was martyred by four foreign mercenaries.
- October 1: The hypocrites opened fire upon the people in Gorgan and martyred three innocent persons.
- October 4: The hypocrites injured two orphans in Gorgan.
- October 4: As a result of an explosion in Sanandaj, 35 persons were killed and injured.
- October 7: In the explosion of a hand-made grenade in a supermarket in Shiraz one person was martyred.
- October 13: A public bus was set ablaze by the hypocrites.
- October 17: The hypocrites set a public bus ablaze in Shiraz: 30 were injured and two children were burned alive.
- October 17: The plot for burning 400 public buses was foiled.

A List of the Terrorist Activities of the Enemies of the Islamic Revolution in Iran for the Year 1979-1980

- April 23: General Qarani, the Joint Chief of Staff of Army of the Islamic Republic of Iran was martyred in Tehran by three members of Forqan Terrorist Group.
- May 2: Ayatollah Mutahari, the philosopher and the Chairman of the Islamic Revolutionary Council of Iran was martyred by Forwan terrorists.
- May 26: As a result of an assassination attempt on the life of Hojjatoleslam Hashemi Rafsanjani, he was wounded and hospitalized for several days.

- July 7: Muhammad Taki Hajj Tarkhani, the founder of the Quba Masjid in Tehran was martyred by a number of assassins.
- August 26: Hajj Mehdi Araqi and his son were martyred by assassins on motorcycles.
- August 26: Ayatollah Qazi Tabatabai, Imam's representative and Friday Prayers leader of Tabriz was martyred.
- December 18: The supervisor of the Theological Faculty, Ayatollah Dr. Muhammad Mufateh, was assassinated by Forqan members and achieved martyrdom.
- October 7: Engineer Bahrainian, the Chief of Isfahan Central Committee was assassinated and martyred.
- March 22: Counterrevolutionaries exploded a bomb in front of Ayatollah Musavi Ardebili's house, attempting an assassination on his life.

And last but not least the martyring of several guardsmen and members of the Reconstruction Crusade in Tehran, Kurdestan, Maluchestan and Fars Provinces during the two years.

... This is the report of the "popular" activities of a group who under the mask of supporting the masses have gathered a number of youths and unexperienced children around themselves and stain everyday their hands with the blood of the dearest and bravest children of these heroic masses.

It is appropriate that the reader ponder these lines and ask those who falsely accuse the Islamic Republic of executing the "How old are the children of the Jihad and Basij who are killed by these savage grouplets?"

A Summary of Terrorist Activities from June 15 to September 27, 1981

A. The slaughter of under-age children ranging from sucking infants to 11 year old youngsters, whose only sin was having Muslim parents:

From June 15 to September 27, 1981, 10 innocent children were martyred by the people's splinter groups.

1. Two babies were martyred in a bomb explosion planned by counterrevolutionary groups (Kayhan, June 22).
2. The nephew of Sayyed Hassan Beheshti was martyred during an armed raid on the latter's house by the mercenaries of the United States. (Ettela'at, July 25).
3. In an armed raid launched by the Munafiqeen (the MKO members) on four pedestrians, an infant was martyred (Ettela'at, August 12).
4. A 3 year old girl called Fatima Taleghani was burned alive on June 30 by the Munafiqeen. She was the daughter of a member of the Construction Jihad of Mahshahr. (Ettela'at, August 20).

5. In a bomb explosion in a passage in Kermanshah (Western Iran) two children were martyred.
6. In the course of the counterrevolutionaries' attack on the head of the Housing Foundation of Fars Province (Southern Iran) on August 27, a 10 year old boy, called Gholam Yusofi, was martyred.
7. Due to a dastardly attack on the innocent people of Mashad on August 29, the Munafiqeen martyred an 8 year old girl.
8. In a bomb blast in Sardast (Western Iran) a 7 year old girl was martyred (Kayhan, August 16).
9. A little girl called Hiedeh Beigi was shot dead in the Semnan Township by the United States hirelings. (Kayhan, September 29).

What was the sin of these children to deserve these savage killings?

How can these terrorists justify these actions except through the fact that they do not refrain from any crime to reach their sinister aims?

B. The massacre of innocent people

The anti-people Munafiqeen have stopped short of no crime through launching armed demonstrations, terror, and massacre of the innocent people, mostly from the deprived stratum of the society. From June 15 to September 27, 1981, 110 ordinary people were martyred by MKO members:

1. In a bomb explosion at the railroad station of Qom, seven people were martyred (Ettela'at, June 24).
2. The Munafiqeen opened fire on the people participating in the funeral procession of a martyred Revolutionary Guard and as a result eight people were martyred (Ettela'at, June 25).
3. In a dastardly raid launched by the Munafiqeen, two people were martyred in Kuhdasht on July 23.
4. The Munafiqeen martyred an employee of the Sepah Bank, called Ghanbar Akhbari, on July 24.
5. Two employees of the Zarine Rud Dam were martyred by the armed agents of the MKO, on July 28.
6. The hirelings of the United States martyred nine people by a bomb explosion at Enghelab Square in Tehran on July 26.
7. A lady called Sakineh Segoli was martyred in the course of an aborted assassination attempt on the Friday Prayers Imam of Kermanshah on July 28.
8. In a bomb explosion on Pastor Street in Tehran on August 3, three pedestrians were martyred.
9. Armed invaders from the MKO opened fire on the members of a family in Shiraz and martyred three persons namely: Robabeh Solaimani, Rashid Mohminian and Mohammad Hussein Isma'ili.
10. Fourteen people were martyred in a bomb explosion at a shopping mall in Kermanshah on August 4.

11. In Karaj, a man called Kamal Choraishi was shot dead in his shop by the mercenaries of the United States (Ettela'at, August 24).
12. Two traders were martyred in Ghuchan by the Munafiqeen (Ettela'at, August 24).
13. A hand grenade, hurled at a house in Kermanshah by an MKO terrorist caused a lady, called Fatima Darabi, to be martyred (Ettela'at, September 2).
14. A 16 year old youth, called Isma'il Delbar, was martyred in a savage raid at the Anzali Port (Northern Iran) by the Munafiqeen.
15. In a dastardly attack launched by the Munafiqeen in Mashad, five innocent people were martyred (Ettela'at, September 21).
16. A shoemaker was martyred at his shop on the Nosrat Street in Tehran by the Munafiqeen on September 21.
17. One of the teachers of Gha'em Shahr, called Ahmad Islami Nia, was martyred by the Munafiqeen (Ettela'at, September 27).

C. Massacre of the Members of Construction Jihad, Revolutionary Courts, the Martyr Foundation and Other Revolutionary Organs.

From June 15 up to September 27, 14 members of the revolutionary foundations of the country were martyred by the Munafiqeen.

1. The MKO's terrorists martyred an official of Tehran's Martyr Foundation, called Marandaranj, on June 21.
2. The Munafiqeen martyred two members of the Construction Jihad in Sanandaj (Western Iran) on July 16.
3. The Deputy Prosecutor General of the Islamic Revolutionary Court of Tabriz was assassinated and martyred by the Munafiqeen (Ettela'at, July 30).
4. The Head of the Martyr Foundation of Behbahan, Hojjatoleslam Bekhradian, was assassinated by the MKO's terrorists on August 3.
5. The Imam's representative in the Construction Jihad of the Anzali Port (Northern Iran) was martyred by the counterrevolutionary Munafiqeen on September 1.
6. A member of the Construction Jihad of Bonjnurd Township was attacked and martyred by the Munafiqeen (Ettela'at, September 9).

These are the "popular" activities of a group which under the guise of supporting the masses, have gathered a number of ignorant youths around themselves, and stain every day their hands with the blood of the bravest and dearest children of these heroic masses.

D. Massacre of Revolutionary Guards, Members of the Basij (mobilized forces) and the Revolutionary Committees

The Munafiqeen assure the killing of the Guards, members of Basij and Revolutionary committees, as a duty and attack them even during sleep. For example the MKO's

terrorists recently attacked 14 member guards of the Basij in Gha'em Shahr (Northern Iran) and opened fire on them when they were asleep, and as a result eight of the guards were wounded and six were martyred.

From June 15 up to September 27, 91 Revolutionary Guards and members of the Basij and Islamic Revolutionary Committee were martyred by the counterrevolutionary groups. The following is part of the chronology of their crimes in this connection.

1. In an armed raid in Tehran the MKO members martyred 14 Revolutionary Guards.
2. In an attack launched by the Munafiqeen upon Revolutionary Guards on July 24, 12 members of the IRGC and Basij were martyred.
3. In a brutal armed attack carried out by the Munafiqeen on the Eighth Committee of Tehran, a worker who was also a member of the Basij was martyred (Ettela'at, July 26).
4. Three members of the Basij were martyred by the Munafiqeen on August 18.
5. A revolutionary Guard called Ebrahim Afsharid, who had just returned from the war front to visit his family was martyred in Shahrara, Tehran.
6. Two Guards were shot dead by the MKO's terrorists, riding a motorcycle (Ettela'at, August 31).
7. The Munafiqeen martyred a member of the Basij with grenade, in Langerud (Kayhan, September 1).
8. A bomb explosion at the Training Centre of the IRGC in Mashad (Northeastern Iran) took the lives of two Revolutionary Guards.
9. A Revolutionary Guard was martyred in Tehran by the Munafiqeen on September 29.

E. The Assassination of the Army Personnel

1. An army officer called Kiomars Karami was assassinated in Tehran by the MKO's terrorists on September 11.
2. A non-commissioned officer called Mehdi Shaghaghian was martyred in Shiraz on September 9 by the Munafiqeen.
3. The MKO's terrorists martyred an army non-commissioned officer in Tehran on September 9.

F. The massacre of the officials and statesmen of the Islamic Republic of Iran

The outstanding example of these massacres is the calamity of bombing the IRP office in Tehran which ended in the martyrdom of 74 top officials including Ayatollah Beheshti.

The bombing of the Prime Ministry office which took the lives of our President and Prime Minister and the assassination of the pious scholar, Ayatollah Madani, are among the other conspicuous crimes of the MKO in this connection.

The authorities and the Heads of the Islamic Republic of Iran and other religious, cultural and scholarly personalities who have been martyred as a result of terrorism include

1. General Gharani (Chief of the Military Staff)
2. Dr. Mofateh (Islamic Scholar)
3. Ayatollah Motahari (Great Philosopher of Islam Member of the Revolutionary Council)
4. Ayatollah Ghazi Tabatabai (Friday Imam of Tabriz)
5. Haj Mehdi Iraqi (Manager of Keyhan)
6. Ayatollah Beheshti (Head of the Supreme Court)
7. Four Cabinet Ministers of Martyr Rajai
8. More than 10 Ministerial Deputies
9. Chief of the Police
10. More than 28 representatives of Islamic Majlis among whom were personalities such as Mohammad Montazeri, Haghani, Lavasant, Hasheminejad, and ...
11. Ayatollah Madani (Friday Imam of Tabriz)
12. Ayatollah Dastgheib (Friday Imam of Shiraz) and a number of other cities Friday Imaus
13. Ayatollah Ashrafi Isfahani (Friday Congregational Prayers Leader of Bakhtaran)
14. Rajai (President)
15. Bahonar (Prime Minister and tens of other eminent respected individuals).

G. Raiding Private and Public Places

During their "historic" and "heroic" operations the Munafiqeen succeeded in destroying many buildings of the "reactionaries" such as mosques, bookshops, hospitals, pharmacies, blood transfusion centres, the building of the martyr foundation and the war victims as well as the houses and shops of ordinary people.

From June up to September 27, the Munafiqeen carried out 146 raids on the public and private places and property examples of which are as follows:

1. Bomb explosion at the railroad station of Qom on June 23 which resulted in severe human and material casualties.
2. The explosion of a concussion bomb at the Swiss Air Office in Tehran on June 28.

3. Setting fire to the library of the Al-Hadi mosque in Tehran as a result of which numerous copies of Quran and Nahjul Balagha were burned.
4. A part of the building of the "Vahdat" Islamic Center was set on fire by the counterrevolutionary Munafiqeen (Ettela'at, July 11)
5. The bookshop of Imam Reza Mosque was set ablaze by the MKO's terrorists (Kayhan, July 15).
6. A concussion grenade was hurled at the building of the Pars News Agency by the counterrevolutionary Munafiqeen (Ettela'at, July 16).
7. For the second time the Munafiqeen set fire to the library of the Al-Hadi Mosque with a Molotov cocktail on July 14.
8. The mercenaries of the United States while supported by the German Police, raided the Hamburg Mosque and tore copies of Quran (Ettela'at, July 21).
9. An automobile belonging to the martyr foundation of Lahijan (Northern Iran) was set ablaze by the Munafiqeen (Ettela'at, July 25).
10. A bomb explosion in front of a hospital in Shiraz (Ettela'at, July 25).
11. A grenade was thrown at the building of the Blood Transfusion Organisation in Tehran.
12. A pipe bomb was hurled into a girls' high school in Tehran and caused some damage (Ettela'at, July 28).
13. A bomb explosion at a military hospital left damages. (Kayhan, July 26).
14. The counterrevolutionaries bombed the Sahebul Zaman Mosque in Tehran, (Kayhan, July 27).
15. A shop on the Jomhuri Street in Tehran was set afire by the Munafiqeen (Ettela'at, Aug.)
16. The counterrevolutionaries set fire to the shop of a man called Ali Akbar Pahlevani (Ettela'at, August 8).
17. The Munafiqeen set five shops ablaze in Sari (Ettela'at, August 10).
18. A molotov cocktail, hurled by the Munafiqeen at a pharmacy in Mashad, caused some damages (Kayhan, August 23).
19. Due to the Munafiqeen's attack on a beverage-producing factory in Orumich, various parts of this factory were damaged (Kayhan, August 24).
20. The counterrevolutionaries set fire to a carpet shop in Shiravan (Ettela'at, August 24).

Massive Funeral Procession in Wake of Committeemen's Torture-Death

Tehran, August 16 (IRNA) - Iranian television last night broadcast a film of the bodies of three Islamic Committeemen who were captured and tortured by members of the outlawed Mujahideen Khalq Organization (Munafiqeen) in Tehran last Saturday.

The incident was discovered when two MKO members were trying to steal a motorcycle from a man on a street in Tehran last week. However, the passersby prevented the MKO members from this action and they were arrested. One of the Munafiqeen, Khosrow Zandi, later confessed that he was involved in kidnapping, torturing and burying alive, three Islamic Committeemen.

The terrorist, who was speaking in a television program, said that the three victims were tortured for about a week in a Munafiqeen hideout and the idea behind the torture was to make them reveal information which they refused to do. In addition to being beaten, the victims' nails were pulled out, their skin was burned by hot irons, their hands were put in boiling water and their teeth were pulled out and later the bodies were mutilated.

The terrorist said that when the victims were being buried, he knew that two of them were still alive. He himself referred to the savagery of the crime and at the same time stressed that upon capture he was treated well.

A massive funeral procession was held for the three martyrs in Tehran this morning which was attended by political, religious and military personnel as well as people from all walks of life. The crowd, carrying pictures of Imam Khomeini, chanted slogans against the Munafiqeen and strongly condemned this brutal action. They also called on the revolutionary judicial authorities to give the terrorists due punishment.

Terrorist Bomb Blast Martyrs One, Wounds 20

Tehran (IRNA) - At least one person was martyred and another 20 wounded as a concussion bomb went off in a bus terminal in downtown Tehran at 11.00 Tuesday.

As a result of the explosion several buildings of the terminal were damaged.

The explosion was the fourth in a series of terroristic acts in Tehran since early September.

The majority of the wounded people are workers, and also include women and small children.

The bomb had been placed in the storeroom of the Cooperative Bus Company number five.

On September 6, a powerful bomb exploded in downtown Tehran, which resulted in the martyrdom of 20 people and wounding of over 100 others.

Perpetrators of Bomb Blast Condemned, 58 Martyred, over 717 Injured

Tehran - October 2 (IRNA) - At least 58 people were martyred and over 717 others injured in the bomb blast in Tehran Naser-Khosrow avenue at 20.30 hours Friday night, according to latest reports by 10.00 hours today.

There were two women and a child among the martyrs, the report said, adding that 217 of the injured were hospitalized in eight major hospitals in Tehran.

Over 500 others with minor injuries in the explosion received outpatient treatment Friday night.

Police Chief Colonel Hejazi told IRNA at the scene of the explosion that the explosives used in last night's incident were similar to those used last September 6, but he added that this time the amount used was much more, about 150 kgs.

Colonel Hejazi added that the extent of damage and casualties caused would be much higher than the September 6 bombing near here, which martyred more than 20 people and injured some 100 others.

The bomb had been placed in a 10 ton truck in front of several small hotels in the square. IRNA reporter said that the size of the crater created by the blast was about six meters long, four meters wide and three meters deep, knocking off powerlines and destroying underground water pipes. Electricity and water was soon cut off so that rescue operations could be carried out more safely.

Ten private automobiles, two double-decker buses and one bus, with their passengers, had been either destroyed or badly damaged. Shops, homes and buildings some thousand meters away had been affected by the blast. Most of the victims were in nearby restaurants and sandwich shops.

Six Worshippers Wounded in Terrorist Attack

Tehran, September 25 (IRNA) - Six Muslim worshippers were wounded, two of them seriously when two Munafiqeen (MKO) terrorists fired their automatic weapons at a van carrying the group at the Azari crossing, in downtown Tehran yesterday. The attack was launched at 14.20 hours yesterday afternoon as the people were returning home from the weekly Friday prayers at Tehran University.

Finally we would like to refer to a Reuter despatch which appeared in the "Guardian" of 30 December 1982 which reported that, according to information they had received from the MKO Office in Paris, "During the past six months they had killed 1,000 revolutionary guards and government officials, 600 of these people having been killed in Tehran and the remainder in other cities during the armed struggle". This despatch describes only a part of the situation but reveals the extent of the atrocities being committed indiscriminately and explain why it was necessary to put an end to this form of blind terrorism. Their appeal is in contradiction to their deeds.

[Original: English]

[20 January 1983]

In accordance with Article 198 of the Amended Criminal Procedure Code, the felonies for which the capital penalty is envisaged by law will be considered in Criminal Tribunals. This Tribunal is composed of a judge and an adviser with no right of vote. The adviser must for each case brought to the Tribunal submit his opinion in written form based on judicial evidence. During the first deliberations it is forbidden for the Tribunal to give its verdict, only its findings and conclusions (judgement) and if, in the view of the Tribunal, capital punishment should apply then in accordance with article 285 of the Amended Criminal Procedure Code, the case ipso facto will be brought to the Supreme Court irrespective of whether or not the accused or the prosecutors have made an appeal. The Supreme Court is composed of several branches and each branch is composed of a judge and an expert. If there is a consensus between the Chair and the Expert in opposing the opinion of the Tribunal the case will be sent back to the Tribunal for a review of the verdict and if there is not a consensus a third party will be sought. If the Supreme Court sees some irregularity either in the procedure or in the opinion of the Tribunal they will declare it and if these observations are not acceptable to the Tribunal then the case will be transferred to another branch of the Supreme Court. In the case of the observations of the latter also proving unacceptable then the matter will be brought before the Supreme Court as a whole composed of the judges of all the branches.

It is necessary to recall that under Article 224 of the Criminal Procedure Code, in cases where capital punishment is applicable, it is imperative to have preliminary investigations carried out. At this stage a public prosecutor and the Attorney General will consider the evidence and if they find it to be sufficient to justify bringing the case to court the Attorney General will issue a Bill asking the Tribunal to determine the guilt of the accused. The prosecutor and the Attorney General are members of the judicial authority and they are qualified judges. The final stage is to bring the case before the Commission for Pardon which will be held upon the request of the condemned. The Commission for Pardon is composed of the Head of Criminal Registration and Pardon Office, the Director-General of the Judiciary, the Head of the Legal Office and the Head of the Prisons Office, the Head of the Prisoners' Protection Association and a member of the clergy presented by the Supreme Judicial Council established by Article 158 of the Constitution Commission. It will give its opinion within 15 days and this opinion is final.

REPUBLIC OF KOREA

[Original: English]

[24 January 1983]

1. The Republic of Korea has had no practice or occurrence of summary and arbitrary executions. In accordance with provisions of the Constitution, "All persons who are arrested or detained shall have the right to prompt assistance of counsel." and "no citizen shall be tortured or be compelled to testify against himself in criminal cases."

The Constitution further guarantees the right of the accused to have speedy public trial without delay, and "the accused shall be presumed innocent until a determination of guilt has been confirmed."

The Constitution also provides that courts-martial may be established as special courts to exercise jurisdiction over military trials and that the Supreme Court shall have the final appellate jurisdiction over courts-martial.

Furthermore, Article 467 of the Code of Criminal Procedures stipulates that the death penalty should be executed in the presence of a public prosecutor and a director of correction or detention house or his representative.

2. With reference to information contained in the documentation attached to the note-verbale of the Secretary-General of the United Nations G/SO214 (33) dated 14 January 1983, it should be pointed out that the said information is far from the truth

The Kwangju case of 1980 was an armed rebellion staged against the lawfully-established Government. Well-trained subversive agents and radical elements raided the armories of the National Police as well as the Army Reserve Units and took away a formidable quantity of weapons, ammunitions, grenades, TNT and etc. Subsequently in the rebellion, 189 persons lost their lives and 380 wounded, including policemen and soldiers. Allegations concerning the Kwangju turmoil were not substantiated with facts. Most of those persons arraigned in connection with the Kwangju turmoil were released from the custody of the authorities soon after public order was restored in the area. On 3 April 1981, a special clemency was granted to all 83 persons, signifying the conclusion of all legal proceedings relative to the Kwangju case.

It may be noted that death sentence on Kim Dae Jung was commuted on 23 January 1981 to life imprisonment which was reduced to 20 years on 3 March 1982. Kim was released from prison on 16 December 1982 and allowed to undergo medical treatment in the United States of America.

Five Korean residents of Japan were convicted in open trials as espionage agents and sentenced to death in 1975-1977. On 3 March 1982, their sentences were commuted to life imprisonment by an act of general amnesty. They are also eligible for further commutation of their sentences.

4. The new Korean Government established on 3 March 1981 under a new democratic constitution has continued to build a solid record of remarkable achievements in the field of human rights. The new Government has taken a series of lenient measures to bring about a wider participation of people in building a just democratic welfare state.

Taking into account the remarkable political development, the United Nations Commission on Human Rights decided, at its thirty-eighth session, to discontinue consideration of the human rights situation in the Republic of Korea.

5. The Government and people of the Republic of Korea hold the view that the practice of summary and arbitrary execution should be completely abolished from the earth through the common efforts and co-operation of the members of the international community.

The Government of the Republic of Korea is fully committed to uphold and implement the relevant resolutions adopted by the United Nations to abolish the practice and occurrence of the summary and arbitrary executions.

LEBANON

[Original: French]

[26 January 1983]

The Permanent Mission of Lebanon to the Office of the United Nations and other International Organizations at Geneva presents its compliments to the Secretary-General of the United Nations and, with reference to his note No. G/SO 214 (35) of 14 January 1984, has the honour to inform him that the Government of Lebanon regrets that it is unable to provide the Special Rapporteur with any information concerning the summary or arbitrary executions reported to have taken place between 16 and 18 September 1982 in the refugee camps of Sabra and Chatila in Beirut, since this zone was under the control of the Israeli military authority. Moreover, the documentation containing the allegation by Amnesty International, attached to the aforementioned note, clearly states the following:

"... The Israeli armed forces were in military control of the area at the time..."

The Government of Lebanon is consequently unable to satisfy the request of the Special Rapporteur.

MALI

[Original: French]

[6 January 1983]

Document No. 47, AI Newsletter, May 1980, p. 1, attached to your letter, alleges that 18 Malian students have been killed but fails to provide even a shred of proof for so grave a charge, as would be the moral duty of any periodical anxious to furnish objective information to its readers rather than to create sensations.

The Government categorically denies the Newsletter's allegations. Had any such "carnage" occurred in Mali, AI Newsletter would not have been the only paper to report it. As a result of their political, social and religious education, Malians are profoundly respectful of human life. For the same reasons, they watch jealously over the stability of their freely-established institutions and over the maintenance of order in our society.

To the Government of Mali, our young people represent the very life-force and strength of the country. The Head of our State has said again and again that Mali will be what its young people make it.

The Malian Government's youth policy is based on the following three main considerations:

Training and education rooted in our country's realities;

Freedom of association conducive to a keen awareness of those realities, and open-mindedness towards the outside world in a context of respect for institutions;

A continuous dialogue with the authorities with a view to seeking thereby adequate solutions to the specific problems of our youth as a whole. In that connection, I should point out that the Secretary-General of the Malian Youth Union is an ex officio member of the country's highest political authority, the Democratic Union of the Malian People (UDPM).

As to the events of 1979-80 which perturbed school life in Mali - and which, incidentally, were not confined to Mali alone - the truth is that, before those incidents broke out, the Government of Mali and the Head of State in person made immense efforts to achieve co-operation, inter alia with the elected representatives and the parents of students, as well as with officials of parents' associations, the trade unions and women's and youth associations, lest regrettable acts disrupt education in our country.

When the incidents broke out, the Ministries of Foreign Affairs, National Education, Justice, the Interior, etc., organized numerous meetings with a view to making a thorough study of the situation.

The case of Abdoul Karim Camara mentioned in the Newsletter has been declared regrettable by the Head of State himself and the Government has taken steps to bring to light all the facts in this matter.

It is a prerogative and a duty of any Government to maintain public order. In the event of serious disturbances, the steps taken to re-establish order are, throughout the world, commensurate with the gravity of the troubles.

The interim measures for the protection of property instituted by the Government of Mali at the time of the incidents of the 1979-80 period were reflected, after examination by the competent authorities, in the adoption of decisions, orders and decrees in respect of the persons charged.

Accordingly, the following documents are attached to this letter:

A Note from the State Prosecutor's Office of the Republic of Mali concerning the persons on whose behalf Amnesty International had made representations to the Malian authorities;

Decision No. 1490/MT-DVFPP-D 4-3, dated 26 November 1980, by the Ministry of Labour and of the Civil Service, announcing the transfer of teachers involved in the events of 1979-1980;

Decision No. 0193/MT-CAF/EP, dated 4 December 1980, announcing the reassignment of the same teachers;

Decision No. 289/RG-CAE/CLA, dated 20 December 1980, by the Governor of the region of Gao, announcing the transfer of some teachers; and

Decision No. 0433/MEK-CAF/DIVP, dated 30 March 1981, by the Minister of Education, announcing the transfer of some teachers.

Lastly, the students who, for one reason or another, were unable to rejoin their classes immediately after the ending of the events of 1979-1980, including those who registered in schools outside the country, have all been authorized to return to their educational establishments and to resume their studies in the normal way.

For the Malian people, its Government and the teachers and students concerned, the incidents of 1979-1980 belong to the past. The Government had to do its duty, without, however, deviating from the sense of justice which inspires those having the charge of a people like that of Mali. Mali's youth has been quick to perceive the direction of true struggle for active and efficient participation in the construction of our country.

The social peace which was disturbed as a result of the incidents has been re-established and Malian students today have no other concern than that of building their future, that is to say the future of their Motherland.

State Prosecutor's Office

Malian Court of Appeal

List of persons sponsored by Amnesty International

Name and first name	Date of commitment order	Penalty	Date of release
Mamadou GOLOGO	24 April 1979	4 years	24 April 1982
Idrissa DIAKITE	"	"	"
Modibo DIAKITE	"	6 months	28 Nov.1980(released)
Cheick Fanta Mady BAGAYOKO	No C.D.	No penalty	At liberty
Cheick COULIBALY	"	"	"
Cheick KOUMARE	"	"	"
Dadié SOGORA	"	"	"
Moussa DIABY	"	"	"
Daouda SIMBARA	"	"	"
Christophe SANGARE	"	"	"
Lamine Laïco TRAORE	"	"	"
Cheickna Hamalla BA	"	"	"
Bréhima DIAW	"	"	"
Isac KONATE	"	"	"
Aliou DIARRA	"	"	"
Idrissa DIALLO	"	"	"
Abdoulaye Sidi DIALLO	"	"	"
Modibo Ladjji KEITA	24 April 1979	Charge dismissed	12 September 1979
Oumar SINGARE	"	6 months	28 Nov.1980(released)
Abdoulaye Ga BA	"	"	"
Yamadou DIALLO	20 July 1975	3 months	20 October 1975
Abdoulaye SINGARE	24 April 1979	Charge dismissed	12 September 1979
Adama DIARRA	30 July 1980	3 months	30 October 1980
Dioncounda TRAORE	"	"	"
Alou SOUNTOURA dit DIALLO	Not known	"	"
Boukary TAMBOURA	"	"	"
Ibrahima Samba TRAORE	30 July 1980	"	"
Oumar Kaba DIAKITE	"	"	"

MINISTRY OF LABOUR AND OF THE CIVIL SERVICE
NATIONAL CIVIL SERVICE AND STAFF DIRECTORATE

DECISION No. 1490/MT-DNFPP

The Minister of Labour and of the Civil Service,

- CONSIDERING the Constitution,
- CONSIDERING Decree No. 171/PG-RM, of 2 August 1980, setting forth the membership of the Government of Mali;
- CONSIDERING the Regulations on salaries and appurtenances of officials, agents and employees of the Malian Civil Service;
- CONSIDERING Order No. 77-71/CMLN, of 26 December 1977, setting forth the General Statute of Civil Servants applicable from 1 January 1978;
- CONSIDERING Decree No. 182/PG-RM of 3 July 1978, concerning the distribution of administrative and staff management responsibilities in the Civil Service;
- CONSIDERING Letter No. 282/MEN-SP, of 22 November 1980,

DECIDES as follows:

Article 1

The teachers whose names are listed below shall be placed under the responsibility of the Ministry of the Interior.

Names and first names	No.	Unit	Grade
Victor SY	127-29/N	PESGTP	2nd class, step 7, Index No. 34
Modibo DIAKITE	305-44/A	"	3rd class, step 7, Index No. 25
Kaourou DOUCOURE	305-38/A	"	" " " "
Tiéblé DRAME	394-25/D	"	Trainee (Index No. 225)
Yamoussa COULIBALY	269-05/F	"	3rd class, step 11, Index No. 275
Aliou DIARRA	250-38/T	"	3rd class, step 16, Index No. 304
Adama DIARRA	230-11/M	"	2nd class, step 5, Index No. 334
Dincounda TRAORE	351.41/X	PESUP	2nd class, step 2, Index No. 316
Abdoulaye TRACRE	229.19/X	M.S.C.	3rd class, step 10, Index No. 167
Harouna KONATE	231.97/K	"	3rd class, step 11, Index No. 170
Abdramane DIALLO	253.91/D	"	2nd class, step 3, Index No. 196
Fousseyni CAMARA	116.87/Z	"	2nd class, step 12, Index No. 196

Article 2

For budgetary purposes, the persons concerned shall remain on the payroll of their former department until 31 December 1980.

Expenses chargeable to: Budget of employing department.

Article 3

This decision, which shall enter into effect as from the date upon which the persons concerned report for duty in their new posts, shall be recorded and communicated as necessary.

Bamako, 26 November 1980

p.p. Minister of Labour
Amadou Baba KEITA
Chef de Cabinet
Chevalier de l'Ordre National

MINISTRY OF THE INTERIOR
Administrative and Finance Department

DECISION No. 0193/MI-CAF/BP

The Minister of the Interior,

CONSIDERING the Constitution,

CONSIDERING Decree No. 171/PG-RM, of 2 August 1980, setting forth the membership of the Government of Mali,

CONSIDERING Decree No. 182/PG-RM, of 3 July 1978, concerning the distribution of administrative and staff management responsibilities in the Civil Service,

CONSIDERING Decision No. 1490/MT-DNFPP-D4.3, of 26 November 1980,

CONSIDERING the exigencies of the service,

DECIDES as follows:

Article 1

The teachers whose names are listed below, and who were placed under the responsibility of the Department of the Interior by Decision No. 1430/MT-DNFPP-D4.3, of 26 November 1980, shall be transferred to the secretariats of the following administrative districts:

Tombouctou region

District of Bambara-Maoudé:

Mr. Harouna KONATE, No. 231.97/K, secondary school master, class 3, step 11, index No. 170.

Nadiakoye district

Mr. Abdrahamane DIALLO, No. 253.91/D, secondary school master, class 2, step 3, index No. 196.

Gosse district

Mr. Fousseyni CAMARA, No. 116.87/Z, secondary school master, class 2, step 12, index No. 223.

Gao region

N'Tillit district

Mr. Victor SY, No. 127.29/H, secondary school teacher (general, technical and vocational education), class 2, step 7, index No. 346.

Hacoussa-Foulane district

Mr. Modibo DIAKITE, No. 305.44/A, secondary school teacher (general, technical and vocational education), class 3, step 7, index No. 255.

Djébock district

Mr. Kaourou DOUCOURE, No. 305/88/A, secondary school teacher, (general, technical and vocational education), class 3, step 7, index No. 255.

Telataye district

Mr. Tiéblé DRAME, No. 394.25/D, trainee secondary school teacher (general, technical and vocational education), index No. 225.

Tessit district

Mr. Yamoussa COULIBALY, No. 269.05/F, secondary school teacher (general, technical and vocational education), class 3 ...

Quatacouna district

Mr. Aliou DIARRA, No. 250.38/T, secondary school teacher (general, technical and vocational education), class 3, step 16, index No. 300.

Almoustarat district

Mr. Adama DIARRA, No. 230.11/M, secondary school teacher (general, technical and vocational education), class 2, step 5, index No. 334.

Téméra district

Mr. Dioncounda TRAORE, No. 351.41.K, lecturer, class 2, step 2, index No. 316.

Bamba district

Mr. Abdoulaye TRAORE, No. 229.19/S, secondary school master, class 3, step 10, index No. 167.

Article 2

The above-mentioned persons may be accompanied by their regular family dependants.

Expenses chargeable to: National Budget.

Article 3

This decision shall be recorded and communicated as necessary.

Bamako, 4 December 1980

Lt-Colonel Sory Ibrahima SYLLA
Officier de l'Ordre National

GAO REGION

20 December 1980

DECISION No. 289/RG-CAB/CAA

Concerning transfers of teaching staff under the GAO Inspectorate.

THE GOVERNOR OF GAO REGION

CONSIDERING the Constitution of 2 June 1974 of the Republic of Mali,

CONSIDERING Decree No. 171/PG-RM, of 2 August 1980, setting forth the new membership of the Government,

CONSIDERING Decree No. 182/PG-RM, of 2 July 1978, concerning the distribution of administrative and management responsibilities in respect of State employees,

CONSIDERING Service Note No. 317/IEFG, of 10 December 1980, from the Inspector of Basic Studies, Gao,

CONSIDERING the exigencies of the service,

DECIDES as follows:

Article 1

The teachers whose names are listed below shall be transferred as follows:

Name and first name	Registration No.	Grade	Specialization	Former post	New post	Duties
Cheickna H. BAH	158.74/Y	MSC	French	C.Garde	Sanège	Assistant master
Lamine L. TRAORE	269.21/Z	PSC	Life sciences	L.Badala	Lycée Gao	"
Daouda DOUGOUMARE	383.68/C	PSC	Psychology & educational studies	I.N.A.	Lycée Gao	"
Zourkaleini S. MATGA	219.02/S	MSC	General	Dravéla	Aljana.A	"
Karamoko P.H. BAGAYOK	357.84/W	PESG	Electrical engineering	E.N.I.	Lycée Gao	"
Oumar DJUGUIBA	220.14/R	PESG	Mathematics	L.Tech. niq.	Lycée Gao	"
Moussa DIABY	326.78/A	PESG	Russian	"	"	"
Assegurema DOLO	325.76/L	"	Life sciences	L.Sankor.	"	"
Christophe SANGARE		MSC	Mathematics	Cathédrale	Sénéye	"
Amidou GINGOIBA	178.17/V	"	Mathematics	E.N. Sup.	Dioulabougou	"
Diadié SOGOBA	340.29/	"	French, History, Geography	Djico. Para	Gadèye	"
Adama STESSOKO	256.45/B	"	Biochemistry	Sogoniko	Gadèye	"
Cheickna H. SYLLA	287.23/B	PESG	Philosophy	L.N.D.N.	Lycée Gao	"
Moussa KAHOUTE	394.88/A	PESG	French	EN.SEG	"	"
Issa DIARRA	381.02/L	PESG	French	EN.SEG	"	"
Abdoulaye S. DIALLO	127.54/L	MSC	Biochemistry	Han. Plat.	Dioulab.	"
Ibrahima DIAW	122.02/C	MSC	General	Badala	Sossokéira	"
Daouda SIMBARA	305.72/G	PESG	Physics and chemistry	L.J.F.	Lycée Gao	"
Idrissa DIALLO	121.33/M	MSC	General		Farandj.	"
Isack KOUATE	325.87/G	PESG	French	EN.Sup.	Lycée Gao	"

Article 2

This decision shall be recorded, published and communicated, as necessary.

Major Issa ONGOIBA
Governor of the Region

MINISTRY OF NATIONAL EDUCATION
ADMINISTRATIVE AND FINANCE DEPARTMENT
PERSONNEL DIVISION

DECISION No. 0455/MEN-CAF/DIR.P

The Minister of National Education,

CONSIDERING the Constitution,

CONSIDERING Decree No. 171/PG-RM, of 2 August 1980, setting forth the composition of the Government of Mali,

CONSIDERING Decree No. 182/PG-RM, of 5 July 1978, concerning the distribution of administrative and staff management responsibilities in the civil service,

CONSIDERING the relevant letter of 9 February 1981,

DECIDES as follows:

Article 1

The staff members listed below are placed under the responsibility of the Governor of the Seventh Region (Gao) - (Regularization)

Name and first name	Registration No.	Specialization	Old post	New post
SECONDARY SCHOOL TEACHERS				
Lamine Laïko TRAORE	269.21/Z	Biology	Lycée Badala	Lycée Gao
Dacouda Dougoumalé CISSE	385.68/C	Psychology and educational science	I.N.A.	"
Karamoko F. Mady BAGAYOKO	357.84/W	Mechanical engineering	E.N.I.	"
Oumar DJIGUIBA	220.14/R	Mathematics	Lycée Techn.	"
Moussa DIABY	326.78/A	Russian	"	"
Asséguéréma DOLO	325.76/L	Biology	Lycée Sankor	"
Cheickna H. SYLLA	287.25/B	History and geography	L. Askia Moh.	"
Moussa KANOUTE	394.88/A	Philosophy	L.N.D.N.	"
Issa DIARRA	381.02/L	French	"	"
Dacouda SEMBARA	305.72/G	Physics and chemistry	L. Jeunes Filles	"
Isack KONATE	325.97/G	French	E.N. Sup.	"
SECONDARY SCHOOL MASTER (Assistant master)				
Amidou ONGOIBA	179.17/V	Mathematics		Ecole Fon, Quartier, Dioulabo, Gao

Article 2

This decision, which enters into effect as from the date of reporting for duty, shall be recorded and communicated, as necessary.

Bamako, 30 March 1991.

pp. the Minister
Modibo KEITA
Chef de Cabinet

SYRIAN ARAB REPUBLIC

[Original: English]

[25 January 1983]

The Permanent Representative of the Syrian Arab Republic presents his compliments to the Secretary-General of the United Nations and with reference to his note No. G/SO 214 (33) dated 19 November 1982 addressed to the Foreign Ministry of Syria has the honour to inform him that the contents of the above-mentioned note was transmitted to the appropriate authorities and as soon as their answer is received it will be communicated to the Special Rapporteur through the Centre for Human Rights.

SURINAME

[Original: English]

[11 January 1983]

Referring to the information requested concerning reports of executions in Suriname, those reports do not reflect the actual recent events in our country.

In an official statement of the Military Authority it is stated that on 8 December 1982 a number of persons, detained for their involvement in activities to overthrow the Government through violent means were killed in an unfortunate accident as a result of their attempt to escape custody.

The National Army and Government will see to it that such occurrences be prevented in the future.

ANNEX X

Letter dated 14 January 1983 from the Permanent Representative of Guatemala to the United Nations Office at Geneva addressed to the Special Rapporteur on Summary or Arbitrary Executions

On behalf of the Government of Guatemala, I hereby wish to extend to you a formal invitation to visit our country for a period of time which you would deem necessary, in order to check in situ the situation of human rights in Guatemala, especially in the field of your mandate, that is, summary or arbitrary executions.

Should you be in a position to accept this invitation, I would very much appreciate it if you could indicate a possible date for such a visit.

For your information, this invitation has been officially addressed to the Deputy Secretary-General and Director of the Center for Human Rights of the United Nations.

Please accept, Sir, the assurances of my distinguished consideration.

ANNEX XI

Letter dated 25 January 1983 from the Special Rapporteur on Summary and
Arbitrary Executions to the Permanent Mission of Guatemala to the
United Nations Office at Geneva

I wish to thank you and through you the Government of Guatemala for your letter of 14 January 1983 (reference 025/DH/83) by which you extend to me a formal invitation to visit your country in order to check in situ the situation of human rights in Guatemala, particularly in regard to the implementation of my mandate from the Commission on Human Rights as Special Rapporteur on summary or arbitrary executions.

I would be very grateful if you were to inform your Government that I accept its invitation in principle. However, having concluded my work on the report and in view of the constraints of time which I am not unfortunately in a position to alter, it would not be possible for me to avail myself of your invitation at this time. It is my hope that an appropriate visit to Guatemala will materialize in the context of any follow-up that the Commission on Human Rights may give to my report.