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HUMAN RIGHTS COUNCIL  
Eighth session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Albania\*, Argentina\*, Austria\*, Belgium\*, Brazil, Bulgaria\*, Canada, Chile\*,  
Costa Rica\*, Croatia\*, Cyprus\*, Czech Republic\*, Denmark\*, Ecuador\*,  
Estonia\*, Finland\*, France, Germany, Greece\*, Guatemala, Hungary\*,  
Iceland\*, Ireland\*, Italy, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*,  
Mexico, Netherlands, New Zealand\*, Norway\*, Panama\*, Peru, Poland\*,  
Portugal\*, Romania, Slovakia\*, Slovenia, Spain\*, Sweden\*, Switzerland,  
The former Yugoslav Republic of Macedonia\*, Timor-Leste\*, United Kingdom  
of Great Britain and Northern Ireland, Uruguay: draft resolution**

**8/... Mandate of the Special Rapporteur on extrajudicial,  
summary or arbitrary executions**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, which guarantees the right to life,  
liberty and security of person, and the relevant provisions of the International Covenant on Civil  
and Political Rights,

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\* Non-member State of the Human Rights Council.

*Having regard* to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

*Mindful* of all relevant General Assembly and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004 and Assembly resolution 61/173 of 19 December 2006,

*Acknowledging* that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

*Convinced* of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the inherent right to life,

*Dismayed* that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

5. *Takes note* of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/8/3), as well as of the recommendations made in previous years, and invites States to give them due consideration;

6. *Commends* the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of the mandate, to collect information from all concerned, to respond effectively to information that comes before her or him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of her or his reports;

7. *Requests* the Special Rapporteur, in carrying out her or his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her or his findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Council or the High Commissioner for Human Rights informed about serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To respond effectively to information which comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(c) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue to pay special attention to killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of all members of national, ethnic, religious or linguistic minorities, of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, extrajudicial

killings committed in the context of armed conflict, all killings committed for any discriminatory reason, including sexual orientation, as well as other cases where a person's right to life has been violated;

(g) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(h) To apply a gender perspective in her or his work;

8. *Strongly urges* all States to cooperate with and assist the Special Rapporteur so that her or his mandate may be carried out effectively, including, where appropriate, by responding favourably to visits when she or he so requests, and to respond to the communications transmitted to them by the Special Rapporteur;

9. *Expresses its appreciation* to those States that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to provide information to the Special Rapporteur on the actions taken on those recommendations and requests other States, including those mentioned in reports of the Special Rapporteur, to cooperate in a similar way;

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

11. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

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

13. *Also requests* the Secretary-General and the High Commissioner to continue to use their best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 7, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

14. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

15. *Also decides* to continue to consider this matter in conformity with its programme of work.

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