

EXTERNAL (for general distribution)

AI Index: POL 35/03/93

Distr: SC/CC/PG

No. of words: 3089

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APRIL 1993

## AMNESTY INTERNATIONAL'S 14-POINT PROGRAM FOR THE PREVENTION OF EXTRAJUDICIAL

### EXECUTIONS:

#### SOURCES IN INTERNATIONAL INSTRUMENTS

Amnesty International has developed a 14-Point Program for the Prevention of Extrajudicial Executions to call attention to the official steps needed to end extrajudicial executions worldwide. The program consists of a series of detailed measures which should be taken by all governments. The program can serve as a test of governmental behaviour: the extent to which those measures are implemented is an indication of a government's commitment to end extrajudicial executions at home and abroad.

Most of the measures in this program have already been agreed by the world's governments in United Nations (UN) resolutions and other international instruments. Others are measures which Amnesty International from its experience believes would be effective.

In recent years, wishing to enhance the protection of human rights, the governments of the world have adopted a series of instruments containing specific measures for the prevention of human rights violations. On extrajudicial executions, the most important of these are the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in resolution 1989/65 of 24 May 1989 and endorsed by the UN General Assembly in its resolution 44/62 of 15 December 1989. (The "extra-legal, arbitrary and summary executions" covered in this instrument are the same sorts of killings which AI calls extrajudicial executions.)

Extrajudicial executions are forbidden under international standards for human rights protection adopted shortly after the Second World War. They violate the right to life proclaimed in the Universal Declaration of Human Rights (adopted by the UN General Assembly in 1948) and, more specifically, they are forbidden under the International Covenant on Civil and Political Rights (adopted in 1966) which states that "No one shall be arbitrarily deprived of his life" (Article 6), as well as under the Geneva Conventions of 1949, which impose restrictions on the conduct of warfare.

In the attached document, the measures of Amnesty International's 14-Point Program are shown alongside the main passages from international instruments which contain the same or similar provisions.

**Abbreviations of Principal UN Instruments  
relevant to the Prevention of Extrajudicial Executions**

<b>___ Abbreviation</b>	<b>Full Title</b>	<b>Adoption</b>
<b>Basic Principles on Force and Firearms</b>	<b>Basic Principles on the Use of Force and Firearms by Law Enforcement Officials</b>	<b>Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders on 7 September 1990</b>
<b>Body of Principles</b>	<b>Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment</b>	<b>Adopted by the UN General Assembly without a vote on 9 December 1988 in resolution 43/173<sup>1</sup></b>
<b>Code of Conduct for LEOs</b>	<b>Code of Conduct for Law Enforcement Officials</b>	<b>Adopted by the UN General Assembly without a vote on 17 December 1979 in resolution 34/169</b>
<b>Disappearance Declaration</b>	<b>Declaration on the Protection of All Persons from Enforced Disappearance</b>	<b>Adopted by the UN General Assembly without a vote on 18 December 1992 in resolution 47/133</b>
<b>Victims Declaration</b>	<b>Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power</b>	<b>Adopted by the UN General Assembly on 29 November 1985 in resolution 40/34</b>
<b>ICCPR</b>	<b>International Covenant on Civil and Political Rights</b>	<b>Adopted by the UN General Assembly on 16 December 1966 in resolution 2200 A (XXI) and entered into force on 23 March 1976</b>
<b>Principles on extra-judicial executions</b>	<b>Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions</b>	<b>Adopted by the UN Economic and Social Council on 24 May 1989 and endorsed by the UN General Assembly on 15 December 1989 in resolution 44/162</b>
<b>Standard Minimum Rules</b>	<b>Standard Minimum Rules for the Treatment of Prisoners</b>	<b>Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and approved by the Economic and Social Council by its resolutions 663 (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977</b>

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<sup>1</sup> The fact that an instrument is adopted without a vote is an indication of especially strong endorsement, showing that no government wished to go on record as opposing it.

**AMNESTY INTERNATIONAL'S 14-POINT PROGRAM FOR THE PREVENTION OF EXTRA-JUDICIAL EXECUTIONS****SOURCES IN INTERNATIONAL INSTRUMENTS**

<b>14-Point Program</b>	<b>Sources</b>
<p><b>1. Official condemnation</b></p> <p>The highest authorities of every country should demonstrate their total opposition to extrajudicial executions. They should make clear to all members of the police, military and other security forces that extrajudicial executions will not be tolerated under any circumstances.</p>	<p>"Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. ... Such executions shall not be carried out under any circumstances ..." (Principles on extrajudicial executions, principle 1)</p>
<p><b>2. Chain-of-command control</b></p> <p>Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions.</p>	<p>"In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for the apprehension, arrest, detention, custody and imprisonment as well as those officials authorized by law to use force and firearms." (Principles on extrajudicial executions, principle 2)</p>
<p>Officials with chain-of-command responsibility who order or tolerate extrajudicial executions by those under their command should be held criminally responsible for these acts.</p>	<p>"... Superiors, officers or other public officials may be held responsible for acts committed by officials under their hierarchical authority if they had a reasonable opportunity to prevent such acts. ..." (Principles on extrajudicial executions, principle 19)</p>

<b>3. Restraints on use of lethal force</b>	
Governments should ensure that law enforcement officials use force only when strictly necessary and only to the minimum extent required under the circumstances.	"Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." (Code of Conduct for LEOs, Article 3)
Lethal force should not be used except when strictly unavoidable in order to protect life.	"Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life." (Basic Principles on Force and Firearms, principle 8)
<b>4. Action against "death squads"</b>	
"Death squads", private armies, criminal gangs and paramilitary forces operating outside the chain of command but with official support or acquiescence should be prohibited and disbanded.	"Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. ..." (Principles on extrajudicial executions, principle 3)
Members of such groups who have perpetrated extrajudicial executions should be brought to justice.	"Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary and summary executions in any territory under their jurisdiction are brought to justice. ..." (Principles on extrajudicial executions, principle 18)
<b>5. Protection against death threats</b>	
Governments should ensure that anyone in danger of extrajudicial execution, including those who receive death threats, is effectively protected.	"Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats." (Principles on extrajudicial executions, principle 4)
<b>6. No secret detention</b>	
Governments should ensure that prisoners are held only in publicly recognized places of detention and that accurate information about the arrest and detention of any prisoner is made available promptly to relatives, lawyers and the courts.	"Any person deprived of liberty shall be held in an officially recognized place of detention ..." (Disappearance Declaration, Article 10 (1))  "Accurate information on the detention of such persons (deprived of liberty) and their place or places of

	<b>detention, including transfers, shall be made promptly available to their family members, counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been expressed by the person concerned.” (Disappearance Declaration, Article 10 (2))<sup>2</sup></b>
<b>No one should be secretly detained.</b>	

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<sup>2</sup> See also Body of Principles, Principle 16 (1); Standard Minimum Rules, rule 92.

<b>7. Access to prisoners</b>	
All prisoners should be brought before a judicial authority without delay after being taken into custody.	"A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. ..." (Body of Principles, Principle 11 (1)) <sup>3</sup>
Relatives, lawyers and doctors should have prompt and regular access to them.	"The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order." (Body of Principles, Principle 18 (3))  "A detained or imprisoned person shall have the right to be visited by, and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations." (Body of Principles, Principle 18) <sup>4</sup>
There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.	"In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment." (Body of Principles, Principle 29 (1)) <sup>5</sup>
<b>8. Prohibition in law</b>	
Governments should ensure that the commission of an extrajudicial execution is a criminal offence, punishable by sanctions commensurate with the gravity of the practice.	"Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. ..." (Principles on extrajudicial executions, principle 1)
The prohibition of extrajudicial executions and the essential safeguards for their prevention must not	"... Exceptional circumstances including a state of war or threat of war, internal political instability or

<sup>3</sup> See also ICCPR, Article 9 (3); Body of Principles, Principle 37.

<sup>4</sup> See also Standard Minimum Rules, rules 37 and 92 on family visits; ICCPR, Article 14 (3)(b) and Standard Minimum Rules, rule 93 on communications with lawyers and Standard Minimum Rules, rules 24 and 91 on visits by doctors.

<sup>5</sup> See also Standard Minimum Rules, rule 55.

**be suspended under any circumstances, including states of war or other public emergency.**

**any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody. ...” (Principles on extrajudicial executions, principle 1)**

<b>9. Individual responsibility</b>	
The prohibition of extrajudicial executions should be reflected in the training of all officials involved in the arrest and custody of prisoners and all officials authorized to use lethal force, and in the instructions issued to them.	"Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders. Training of law enforcement officials shall emphasize the above provisions." (Principles on extrajudicial executions, principle 3)
These officials should be instructed that they have the right and duty to refuse to obey any order to participate in an extrajudicial execution.	See above
An order from a superior officer or a public authority must never be invoked as a justification for taking part in an extrajudicial execution.	"... an order from a superior officer or a public authority may not be invoked as a justification for extra-legal, arbitrary or summary executions. ..." (Principles on extrajudicial executions, principle 19)
<b>10. Investigation</b>	
Governments should ensure that all complaints and reports of extrajudicial executions are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation.	"There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. ..." (Principles on extrajudicial executions, principle 9)
The methods and findings of the investigation should be made public.	"A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. ..." (Principles on extrajudicial executions, principle 17)
The body of the alleged victim should not be disposed of until an adequate autopsy has been conducted by a suitably qualified doctor who is able to function impartially.	<p>"The body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall, if possible, be an expert in forensic pathology. ..." (Principles on extrajudicial executions, principle 12)</p> <p>"In order to ensure objective results, those conducting the autopsy must be able to function impartially and independently of any potentially implicated persons or organizations or entities." (Principles on extrajudicial executions, principle 14)</p>
Officials suspected of responsibility for extrajudicial executions should be suspended from active duty during the investigation.	"... Those potentially implicated in extra-legal, arbitrary or summary executions shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations." (Principles on extrajudicial executions, principle 15)



<p>Relatives of the victim should have access to information relevant to the investigation, should be entitled to appoint their own doctor to carry out or be present at an autopsy, and should be entitled to present evidence.</p>	<p>"Families of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence. The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy. ..." (Principles on extrajudicial executions, principle 16)</p>
<p>Complainants, witnesses, lawyers, judges and others involved in the investigation should be protected from intimidation and reprisals.</p>	<p>"Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. ..." (Principles on extrajudicial executions, principle 15)</p>
<p><b>11. Prosecution</b></p>	
<p>Governments should ensure that those responsible for extrajudicial executions are brought to justice.</p>	<p>"Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary and summary executions in any territory under their jurisdiction are brought to justice. ..." (Principles on extrajudicial executions, principle 18)</p>
<p>This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has elapsed since the commission of the crime.</p>	<p>"... Governments shall either bring such persons to justice or co-operate to extradite any such persons to other countries wishing to exercise jurisdiction. This principle shall apply irrespective of who and where the perpetrators or the victims are, their nationalities or where the offence was committed." (Principles on extrajudicial executions, principle 18)</p>
<p>Trials should be in the civilian courts.</p>	
<p>The perpetrators should not be allowed to benefit from any legal measures exempting them from criminal prosecution or conviction.</p>	<p>"... In no circumstances, including a state of war, siege or other public emergency, shall blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions" (Principles on extrajudicial executions, principle 19)</p>

<b>12. Compensation</b>	
<b>Dependants of victims of extrajudicial execution should be entitled to obtain fair and adequate redress from the state, including financial compensation.</b>	<b>"The families and dependents of victims of extra-legal, arbitrary and summary executions shall be entitled to fair and adequate compensation within a reasonable period of time." (Principles on extrajudicial executions, principle 20)</b>  <b>"Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims." (Victims Declaration, paragraph 11)</b>

<p><b>13. Ratification of human rights treaties and implementation of international standards.</b></p>	
<p><b>All governments should ratify international treaties containing safeguards and remedies against extrajudicial executions, including the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints.</b></p>	<p><b>"The General Assembly ... [a]gain urges all States that have not yet done so to become parties to ... the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights ..."</b> (UN General Assembly resolution 46/113, adopted on 17 December 1991 without a vote)</p>
<p><b>Governments should ensure full implementation of the relevant provisions of these and other international instruments, including the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, and comply with the recommendations of intergovernmental organizations concerning these abuses.</b></p>	<p><b>"... Intergovernmental mechanisms shall be used to investigate reports of any such executions and to take effective action against such practices. Governments, including those of countries where extra-legal, arbitrary and summary executions are reasonably suspected to occur, shall co-operate fully in international investigations on the subject."</b> (Principles on extrajudicial executions, principle 8)</p> <p><b>"The General Assembly ...</b></p> <p><b>3. Appeals urgently to Governments ... to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;</b></p> <p><b>...</b></p> <p><b>5. Urges all Governments ... to cooperate with and assist the (UN) Special Rapporteur (on summary or arbitrary executions) so that he may carry out his mandate effectively ..."</b> (UN General Assembly resolution 47/136, adopted on 18 December 1992 without a vote)</p>

<b>14. International responsibility.</b>	
Governments should use all available channels to intercede with the governments of countries where extrajudicial executions have been reported.	"Governments shall make every effort to prevent extra-legal, arbitrary and summary executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies, and public denunciation. ..." (Principles on extrajudicial executions, principle 8)
They should ensure that transfers of equipment, know-how and training for military, security or police use do not facilitate extrajudicial executions.	
No one should be forcibly returned to a country where he or she risks becoming a victim of extrajudicial execution.	"No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country." (Principles on extrajudicial executions, principle 5)

