

Forum: Human Rights Council 2

Issue: Measures to eliminate extrajudicial, summary, or arbitrary executions

Student Officer: Labiba Rahman, Adrika Iyer, Bushra Alfakhri

Position: President, Deputy President, Deputy President

Introduction

The issue of extrajudicial, summary or arbitrary executions is one that violates the most fundamental of our human rights, the right to live. As a whole extrajudicial, summary or arbitrary execution, are execution where the accused individual of committing a crime is killed without the rightful legal guarantee of a trial. In many instances, these forms of killings are conducted by the unauthorized capturing and accusation of an individual within a short span of time till the execution. These forms of executions take away individuals livelihood, through the misuse and obstruction of the justice system. Not only does this form of deliberate killing disregard the integrity of a nation's legal system, but it also undermines the obligation that the State has for its population; which is to promote and protect the right to life whilst prosecuting perpetrators. Through committing extrajudicial executions, it demonstrates the abuse of power or consent by an authoritative figure and the complete disregard for the fair and unbiased legal system. On the international spectrum, extrajudicial executions are considered an act of a war crime if in relation to the context of an armed conflict but also can be classified as actions of genocide, if this is deemed to be a collective and consistent practice.

The punishment of execution for criminals in many nations has become outdated and occurs at the current time less frequently, due to the severity of ending a person's life. Yet according to the United Nations High Commissioner for Human Rights (OHCHR), the action of extrajudicial executions increases in order to respond to terrorist threats or at times of conflict. In many instances, these form of executions have been practiced by legal figures such as the police force, military, and the paramilitary, yet it does not underhand the fact for the abuse of procedures of prisoners, civilians and criminals.

A notable example of extrajudicial executions is in the Philippines, where the War on Drugs led to the widespread killings. It has been predicted that over 12,000 drug users and dealers have been unlawfully killed, in the fight against illegal drugs dispersion due to opposing political agendas in this fight.

Definition of Key Terms

Executions

An execution is a form of capital punishment, known more commonly as the death penalty, wherein a government-sanctioned state there is jurisdiction for a person to be killed by the State as a form of punishment. This form of punishment has been banned in many states, as it has been deemed inhumane to take away the right to live, therefore very few remain to governmentally exercise this.

Extrajudicial

The term extrajudicial in executions is an illegal form of killing carried out by individuals of the state such as police officers or armed forces or the state government. This action performed in contradiction to the law, as it is carried out with no valid legal authority or legal proceedings permission.

Summary

Summary executions are a form of illegal execution when a person is killed instantaneously without the holding for a formal legal trial. These executions are conducted by military or legal organizations as a measure to regain formal legal order, used in guerrilla warfare and terrorism.

Arbitrary

The term of arbitrary in conjunction with executions is when an individual who is innocent has been unfairly executed, even though there is no evidence backing the fact they have committed such a crime in a legal statute. This reflects a form of execution with a disregard for the legality of committing the crime in a situation and a misuse of power.

Background Information

All states must respect and protect life by investigating suspicious deaths; after all, everyone has the right to life, liberty, and security and no one should be arbitrarily deprived of that. Reasons behind executions vary, but the majority are linked to political or religious conflicts. This problem stems from the inadequate regulation and oversight of state and law enforcement use of lethal force.

Historical Attempts

Extrajudicial, summary and arbitrary executions are not a new phenomenon; such targeted killings have been exercised by governmental and public figures throughout centuries. Also, it was more easily justified as international law and human rights were not implemented - allowing these methods to be attempted at a wider scale. For example, during the 18th century and earlier, legal frameworks

allowed executions without trial or evidence for many crimes. Later, in the 19th century, many individuals were arbitrarily arrested, tortured and sentenced to extralegal punishment

Horrendous events and practices in the 20th century lead to the implementation of human rights concerning extrajudicial killings. One of the most notable was the Holocaust in which Adolf Hitler implemented the extrajudicial punishment of assassination using gas chambers in Nazi concentration camps as a means to execute Jewish people and other minorities. These civilians did not undergo a trial nor were proven guilty with evidence leading to an illegal execution. On October 18, 1942, Adolf Hitler issued the Commando Order 5 underlining that each commando seen by German armed forces either in Europe or Africa should be immediately executed without trial. This order was later, during Nuremberg Trials, considered a war crime.

During the 21st century, more developing countries have used more inhumane methods of execution. These include the use of Sarin gas in Syria against civilians and unmanned aerial vehicles(UAVs) by the USA in several countries. Additionally, as technology develops, more countries manufacture dangerous weapons and arm themselves. About 40 countries worldwide are believed to have drone technology for surveillance which has raised questions regarding human rights and the breach and abuse of international laws.

Methods

Execution methods have changed over centuries. During the 18th century, thieves and other criminals were burnt at the stake. Other famous means of executions were the French guillotine and the Roman crucifixion. During the 19th century, new and improved means of executions were introduced, such as shooting at close range, snipers and gas chambers. Recently, as aforementioned, drones are being used to target civilians in armed conflicts. However, shooting or firing squads are the most common form of execution in conflict areas.

Major Countries and Organizations Involved

Philippines

The Philippines is considered as one of the major countries involved in the issue. The President Rodrigo Duterte elected in 2016 started a campaign against illegal drugs called the 'War on Drugs', which resulted in multiple extrajudicial killings. This happened because he urged citizens to execute alleged drug addicts or dealers, forced police officers to adopt summary execution techniques and also admitted to killing criminals himself.

Other crimes included: crimes against journalists; attacks on environmentalists that opposed mining and energy operations, such as the Italian priest Father Tentorio who is an advocate of tribal rights and an opponent of mining; paramilitaries controlled by political parties and individuals that are

known to terrorise opposition and execute their enemies; and government opposition organizations engaging in extrajudicial punishments and intimidation such as the New People's Army, Moro- Islamic Liberation Front and Abu Sayyaf.

United States of America(USA)

The United States of America(USA) was proven to use drones attacks in the arms conflicts with Iraq and Afghanistan. They have also targeted terrorists in Yemen, killing unarmed civilians as well. Additionally, they adopted a secret policy of extrajudicial killings and arbitrary detentions conducted by the Central Intelligence Agency(CIA) after 9/11, allowing the execution of individuals even in other states; this is referred to as the 'War on Terror'. Another notable example is the killing of Osama Bin-Laden which was questioned for its legality. The US defended themselves claiming that the killing was not an assassination, but only an act of "National Self Defense ".

In fact, they have justified all of their killings on the basis of the right to self-defense, the necessity to fight terrorism and the promotion of the security and safety of individuals. However, the UN has warned them of the use of drones in a way that may violate both international humanitarian and human rights law. Additionally, In October 2009, a UN report declared that the UAV weapons will be considered a violation against the international laws if their prime user, the United States, cannot show responsibility and caution using them.

Syrian Arab Republic

Since the start of the Syrian civil war, the government, the pro-government and the rebels have conducted extrajudicial executions. Government and pro-government forces have been accused of summary executions of villagers who were considered to be cooperating with the rebels, while the rebel forces frequently kidnapped, tortured, and executed to intimidate the opposition. It was verified by the UN that Sarin gas was used against civilians in four cities in 2013 killing over 1,300 people.

Enforced disappearances and murders of journalists and activists are also common as the forces wish to conceal certain information from international widespread. A large number of local political activists have also been arbitrarily detained and subjected to violent beatings, electrocution, and humiliation

Israel

The dispute over the Gaza-Strip has caused numerous conflicts between Israel and Palestine. Israel has made it public in 2000 that they adopted a policy of executing individuals and justified such targeted killings as self-defense and being under the international humanitarian law. One study by a

human rights group found that between 2002 and May 2008 at least 387 Palestinians were killed by Israel as a result of targeted killing operations.

Israel, along with the USA, is the prime user and manufacturer of drones. Israel uses drone weapons and UAVs for military operations such as surveillance over the Gaza strip, which is one of the longest ongoing conflict areas. In November 2012, Israel launched several UAVs for defense against the Palestinian militants that fired rockets.

Amnesty International

Amnesty International is an organization whose mission is to stop global human right abuse. Currently, Amnesty International is campaigning for the rights of Syrian refugees and urging European countries to take more refugees. The Amnesty International has released reports concerning U.S drone strikes in Yemen and Pakistan, suggesting that serious war crimes were conducted.

Office of the United Nations High Commissioner for Human Rights(OHCHR)

The Universal Declaration was the first step towards the protection of human rights as an international concern, including the right to life. This was later followed by the International Covenant on Civil and Political Rights, specifically article 6. However, the most crucial step was the appointment of an independent expert as the special rapporteur of Human Rights Council, this strengthened the international fight to the practice of summary and arbitrary execution. They are in charge of examining human rights violation on a worldwide scale and must submit a report to the Council on the exercising of summary and arbitrary executions. The Council requests the Special Rapporteur to carry out his mandate considering different aspects such as but not limited to paying special attention to extrajudicial, summary or arbitrary executions where the victims are children, women or individuals who are carrying out peaceful activities

Timeline of Events

Date	Description of event
August 25th, 1789	The Declaration of Human and Civil Rights
1933 –1945	Holocaust
December 10th, 1948	The Universal Declaration of Human Rights declared and confirmed by the UN
November 3rd, 2002	First targeted drone killing by the United States of Qaed Senyan al-Harithi, an al- Qaeda leader
2004	Use of UVAs in the Iraq war by the USA and its allies
May 2nd, 2011	

Osama Bin Laden killed by US Special Forces in Pakistan

April 9th, 2013	UN General Assembly: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions
August 21st, 2013	UN confirms the use of Sarin gas in Syria
Sep 13th, 2013	UN General Assembly: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions
19 December 2016	UN General Assembly: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions

Relevant UN Treaties and Events

- Universal Declaration of Human Rights (UDHR), 10 December 1948 ([217 A](#))
- International Covenant on Civil and Political Rights, 16 December 1966 ([2200A](#))
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, 24 May 1989 ([1989/65](#))
- Report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, 7 October 1996 ([A/51/457](#))
- Extrajudicial, summary or arbitrary executions, 28 February 1997([A/RES/51/92](#))
- The situation of human rights in Nigeria, 4 March 1997([A/RES/51/109](#))
- ECOSOC Decision - Extrajudicial, summary or arbitrary executions, 24 July 2001 ([2001/266](#))
- Human Rights Council, Study on targeted killings, 28 May 2010 ([A/HRC/14/24/Add.6](#))
- Extrajudicial, summary or arbitrary executions, 15 March 2013 ([A/RES/67/168](#))
- Extrajudicial, summary or arbitrary executions, 19 December 2016 ([A/RES/71/198](#))

Previous Attempts to solve the Issue

Due to the international world recognizing extrajudicial, summary or arbitrary executions as a serious issue which grossly violates human rights, several resolutions have been created in the United Nations to take measures to eliminate these killings recently. A special rapporteur was assigned to investigate extrajudicial, summary, or arbitrary executions to India which led to the creation of a

resolution in specific to these killings due to the use of excessive force. This suggests the extremity of the extrajudicial, summary, or arbitrary executions in India and other countries,

Along with the United Nations attempting to implement measures to eliminate these executions, the International Committee of the Red Cross extensively highlights and elaborates on the consequences of the violation of human rights. Suggestions, such as, “appropriate training and equipping of the military, police and security forces and with investigations followed by prosecution...” were reiterated throughout different resolutions.

Additionally, several sections in the international law have been modified to make it stricter when it came to concerns over extrajudicial, summary, or arbitrary killings, such as the UN report declaring it's consideration of UAV weapons as a violation against humanitarian laws. This was due to the US's considerable amount of use in their interventions. However, this did not have a significant impact as the US still heavily intervened. This is due to the existence of other weapons which is not considered a violation to international laws.

Furthermore, in case of the Philippines Drug War, the UN made great efforts trying to find a solution to the war, such as, assigning a special rapporteur and created several resolutions. It went to an extent of having to consider prosecuting Philippines through the International Criminal Court. However, these solutions were not viable due to Philippines declining to get investigated by a Special UN Rapporteur and withdrawing from the International Criminal Court which saved it from prosecution. Regardless, of if each solution has been implemented, Philippines taking such measures to avoid prosecution, decline and refuse any solutions given them them, raises a concern internationally.

Possible Solutions

Due to the growing issue of extrajudicial, summary, or arbitrary executions, measures to eliminate these executions must be taken as it violates the international human rights law. Thus, **allowing a special rapporteur by the UN to investigate once a year**, is a viable solution. This will allow the rapporteur to identify specific victims and to give the victims' families proper care. This will allow the rapporteur to identify any human rights concerns within the justice system to determine possible solutions to the issues in cooperation with the country.

Furthermore, to ensure no extrajudicial, summary, or arbitrary takes place within a country by government forces, **training officials and military under the international law and the specific country's law**, is a viable solution. This will ensure the military and officials know in which circumstance they can use force which would not violate the international law or their country's law. Several extrajudicial, arbitrary, and summary executions have been conducted due to the lack of knowledge about the international law. This would ensure all military officers and police officers to know the level of

force required to handle the situation at hand. An example of this would be the human rights violations in Philippines. The police officers are executing any civilian suspected of drug use, under the president's order.

Moreover, allowing easier access to special rapporteurs during their investigations will ensure proper measures and solutions can be taken to solve the issue at hand. Therefore, **transparency of the extrajudicial, summary, or arbitrary executions**, is a viable solution. Keeping in mind of the human rights, this will allow the exact specific care needed to give to the victims' families. Measures or suggestions should be given to the member states to follow in order to avoid these executions. However, countries may not wish to make the state of their executions transparent. It can also have a negative impact of one's civilians depending on the state of their executions.

Additionally, due to police officers and government officials falsifying evidences of extrajudicial, arbitrary, or summary executions, hence, **the implementation of police body cameras**, is a viable solution. This solution will allow the government itself evaluate the actions by the police officers. This would work towards eliminating extrajudicial executions. Moreover, this would prevent the an unjust trial with false evidence and enforce human rights.

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Appendix or Appendices

- I. <https://www.google.com/search?q=best+delegate&oq=best+delegate&aqs=chrome.69i59j69i65l2j69i60j69i61j0.1589j0j7&sourceid=chrome&ie=UTF-8> (Best Delegate)

This website is useful, especially for newer delegates as well as experienced ones, as it provides all delegates with several resources (MUN starter pack, research ideas).

II. <http://www.unhcr.org/> (United Nations High Commissioner for Refugees)

It includes the humanitarian actions taken by the UNHCR since the beginning of the civil war. Overall, this website has a general information on any topics related to refugees and humanitarian crisis.

III. <http://www.un.org/en/documents/index.html> (UN Documents)

This website consists of all UN documents. It will especially be useful when looking for any relevant treaties and additional information about any issue.