

301. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Guatemala supplied detailed information about acts of violence, including killings of civilians, carried out by members of different armed groups belonging to the UNRG between January and May 1992.

Observations

302. The Special Rapporteur appreciates the willingness to cooperate shown by the Government of Guatemala by providing him with replies to a number of the allegations transmitted. He remains concerned, however, at the large number of violations of the right to life reported in the country. The Special Rapporteur appeals to the authorities to continue their efforts to ensure effective respect for the right to life, in compliance with the pertinent international instruments.

Follow-up on allegations transmitted in 1991

303. The Special Rapporteur sent a letter to the Government of Guatemala following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 189-241).

304. The Government of Guatemala had provided replies concerning a number of these cases. In the aforementioned letter, the Special Rapporteur expressed his appreciation of the efforts made by the authorities to ensure protection of the right to life in a number of cases. With regard to the cases which at the time of the Government's reply were still under investigation, the Special Rapporteur requested the authorities to provide him with additional information, in particular about decisions taken as a result of such procedures and measures adopted in consequence thereof. For those cases which had not yet been mentioned in communications received from the Government, the Special Rapporteur asked to be provided with information.

Haiti

305. The reports and allegations that have come before the Special Rapporteur indicate that, since troops violently overthrew the democratically elected Government of President Jean-Bertrand Aristide in a coup d'état during the night of 29 to 30 September 1991, widespread human rights violations, including extrajudicial, summary or arbitrary executions and death threats, have been committed by the security forces.

306. Between October 1991 and April 1992, 1,792 persons were said to have died, victims of political violence. After a wave of killings following the military coup, reports of extrajudicial executions seemed to decrease in January 1992 but a sharp rise was again reported in mid-May 1992, following popular unrest and increased demonstrations against the de facto authorities.

307. According to the reports and allegations received, numerous killings were carried out in a climate of total impunity by uniformed security forces personnel or, on some occasions, by men in civilian clothes ostensibly linked to them, such as the so-called "zenglereros", which were described as groups constituted by soldiers in civilian clothes and prisoners freed after the coup. According to various sources, those responsible for human rights violations also include the "chiefs of section", former rural police chiefs who returned to military control after the coup. They had been disarmed and placed under civilian authority as Community Police Agents during the administration of President Aristide. The disbanded National Security Volunteers, also

known as "tontons macoutes", were also said to be implicated in the violations. In several cases, criminal violence was allegedly used to disguise politically motivated killings.

308. The victims of death threats and extrajudicial, summary or arbitrary killings reportedly included human rights workers, members of the Catholic Church, peasant organizers, opponents of military rule, journalists, members of popular organizations and virtually anyone suspected of supporting the return of the deposed President Aristide.

Communications sent by the Special Rapporteur

309. Without prejudice to General Assembly resolution 46/7 of 11 October 1991, the Special Rapporteur transmitted to the de facto authorities in Haiti allegations he had received concerning violations of the right to life of at least 140 persons, among them five minors. Sixty-four cases allegedly constituted violations of the right to freedom of opinion and expression, religion and peaceful assembly and association. The Special Rapporteur intervened on behalf of seven persons by sending six urgent appeals. Allegations concerning at least 134 others were sent in a separate letter.

Urgent appeals

310. Clotilde Charlot, Director of the Centre for the Promotion of Women Workers, was allegedly forced into hiding on 1 November 1991 to protect her life and that of her children, following the release on the same day by the military regime of a list of 45 persons to be arrested immediately. Fears of a possible extrajudicial execution were expressed (10 January 1992).

311. Félix Lamy, a journalist for Radio Galaxie, was reportedly abducted on 10 December 1991 by armed soldiers who also ransacked the radio station after it had broadcast news about a supposed split in the army. Fears were expressed that he might have been extrajudicially executed (10 January 1992).

312. Guy Delva, a journalist for the Voice of America reporting on the situation in Haiti, has reportedly received death threats since December 1991, allegedly in relation to his attempts to file reports outside the country on the lack of press freedom and on human rights violations. Twice in March 1992, armed men in plain clothes, allegedly members of the security forces, unsuccessfully tried to locate him in the neighbourhood, thus preventing him from returning home (24 June 1992).

313. Following several incursions by armed men during the nights of 12, 16 and 22 June 1992 and a threatening phone call on 19 June 1992, fears were expressed that the inhabitants of an orphanage at Port-au-Prince might become the victims of extrajudicial executions (17 July 1992).

314. Jude Damus was reportedly arrested on 10 September 1992, following a demonstration hostile to the de facto authorities two days earlier. He was allegedly ill-treated on a daily basis at the Anse d'Hainault prison and later transferred to the prison at Jérémie. Fears for his life were expressed (8 October 1992).

315. Msgr. Willy Romulus, bishop of Jérémie, had his name appear on a death list of over 100 names which was reportedly broadcast by a clandestine Haitian radio station controlled by the disbanded "tontons macoutes". During the broadcast the speaker allegedly called for the assassination of all those on the list. The bishop was said to have been subjected to acts of harassment and intimidation, attempts on his life and insults by members of the security forces at a road block at Jérémie on 20 and again on 22 September 1992. On 24 September 1992, a group of armed men led by an army sergeant reportedly tried to kill him at the presbytery

of Notre Dame de la Merci and threatened to come back when they failed to do so (12 October 1992).

316. Luc Wesner and Justin Brezil, both active members of the National Committee of the Congress of Democratic Movements, were reportedly abducted by three armed men allegedly linked to the security forces on 22 November 1992 at Carrefour. Luc Wesner's body was later found riddled with bullets. Fears were expressed for the life of Justin Brezil, who had not been seen again after his abduction (4 December 1992).

Other allegations

317. The Special Rapporteur transmitted to the de facto authorities in Haiti allegations he had received according to which the following persons were killed by members of the security forces, often without any apparent reason (31 August 1992):

Montlouis Lerisse, employee of the National Television (TNH);

Simeon Gary, journalist at Radio Caraïbes, on 30 September 1991;

Jacques Seus Jean-Gilles (17), on 1 October 1991, during an attack by security forces on an orphanage for street children;

14 persons in Gonaïves, including Gérard Janit, on 1 October 1991; Fred Cheriska, Elisyen and Jean-Pierre Dazme, Line Joseph, Frantz Moïse and Navoir Odena, on 2 October 1991; Robert "Le Caoutchouman", on 18 October 1991; and Yfalien Alcuis (14), on 20 October 1991;

A young man, on 8 November 1991, at the Red Cross office in Port-au-Prince, where he had sought refuge;

One unidentified civilian, on 9 November 1991 in Delmas;

One unidentified man, on 11 November 1991 in Canapé-Vert, Port-au-Prince, allegedly for having listened to Radio Enriquillo;

Rénald Charles, on 19 November 1991 in Damien;

Farah Michel (5), on 30 November 1991, in Cité Soleil;

A 16-year-old boy on 19 January 1992 at the market of Pétionville;

Jocelyn Casimir, on 20 January 1992, allegedly for "walking too early" in the streets of Cap Haïtien;

Orelus Séraphin, on 31 January 1992 in Port-au-Prince, allegedly for having participated in the murder of a "tonton macoute" in January 1992;

Six unidentified persons, on 7 February 1992 in Bolosse, Soudalles, on allegations of theft which were reportedly denied by the neighbours;

Claire Edouard, on 26 May 1992, the night following the arrest of her son Patrick Morisseau;

Georges Izméry, on 26 May 1992, allegedly after being mistaken for his brother, a well-known supporter of President Aristide;

Gary Jeanty, on 24 June 1992 in Santos;

At least 35 unidentified persons, on 22 July 1992 when members of the armed forces reportedly opened fire on the boat in which 86 persons were trying to flee Haiti;

Robinson Joseph, former director of the Protestant church radio station Radio Lumière, on 3 August 1992 in Port-au-Prince.

318. The following people were reportedly killed by "chiefs of section":

Two unidentified supporters of General Assembly for the National Front and for Change and Democracy (FNCD) candidate Samuel Milord, on 2 December 1991 in Rossignol, Grande Saline;

Charles Astrel, member of the National Assembly for the National Agriculture and Industry Party of Haiti (PAIN) and well-known supporter of President Aristide, on 12 December 1991 in Pignon;

Jean Mandenave, member of the FNCD, on 15 December 1991 in Plaisance.

319. The following persons were said to have been killed by members of the security forces for exercising their right to freedom of opinion and expression, religion and peaceful assembly and association:

One unidentified civilian, on 10 November 1991 during a meeting in rue Lamarre, Port-au-Prince;

20 persons arrested for their participation in a mass celebrated at Port-au-Prince in memory of the victims of the coup and executed by members of the Fourth Police Company on 12 November 1991;

A man named Amos on 26 December 1991, allegedly for having been heard by a soldier when talking with a friend about the possible return of President Aristide;

Yves Jean-Pierre, on 25 January 1992 during a political meeting at Port-au-Prince;

Brinvil Dulaurier, president of a league of former political prisoners and human rights activist, on 11 February 1992 in Cazales;

Jean-Claude Museau, on 6 January 1992 while in military detention after being caught putting up posters of President Aristide, allegedly as a consequence of ill-treatment;

A young man named Wilfred, on 15 July 1992, for putting up posters of President Aristide in the streets of Port-au-Prince;

Jacqueline Gabriel, Martine Remilien and Ancy Philippe, on 17 August 1992 for putting up posters of President Aristide in the streets of Port-au-Prince;

320. In addition, the following acts of violence by security forces who reportedly used firearms against assemblies and participants in demonstrations in favour of President Aristide were reported at Port-au-Prince on 10 November 1991 and on 23 February 1992, at Gonaïves and at Cité Soleil on 11 November 1991 and in Cap Haïtien on 26 January 1992.

321. The following people were said to have been killed by "zenglanders":

Jean Huc, on 2 January 1992 in Pétionville;

Joseph Geffrard, on 9 January 1992;

An unidentified woman and her 8-year-old daughter, on 11 January 1991 in Delmas;

The son of the judge at Pétienville, on 2 February 1992. One of the "zenglanders" was reportedly handed over to the police, who released him immediately.

322. The following violent incidents in which security forces threatened the population were reported to the Special Rapporteur:

On 10 November 1991, soldiers threatened with grenades a crowd celebrating a mass for victims of the coup at Jérémie;

On 11 November 1991, soldiers threatened the population by shooting at random in several neighbourhoods of Gonaïves;

On 12 November 1991, soldiers threatened the population of Gonaïves by shooting on sight at anybody considered suspect;

On 12 November 1991, soldiers threatened the population of St. Marc by shooting on sight at anybody considered suspect;

On 2 December 1991, Sister Loretta Philistin of Ranquitte and at least 14 other priests and nuns throughout Haiti received death threats or suffered acts of intimidation and attempts on their lives by the security forces;

On 6 January 1992, soldiers shot at the house of a woman who had slapped one of them. They reportedly declared that they would "finish with the people of the neighbourhood";

The following journalists: on 2 February 1992, Charité Telo, correspondent of Voice of America and Jean Wilson, journalist for Radio Etincelle, in Mirebalais; on 13 February 1992, Alain Tonlinson of BBC and Nathaniel Shephard, an American journalist.

Communications received from the so-called Government

323. At the time of the preparation of the present report, no communications have been received from the de facto authorities in Haiti.

Honduras

324. The Special Rapporteur has received reports about human rights violations, including extrajudicial executions and death threats, allegedly perpetrated by members of the National Directorate of Investigation (DNI) of the Honduran security forces. Trade unionists involved in labour conflicts and human rights activists were said to have been targets of such acts on various occasions. Allegedly, official investigations have been conducted only in very few cases, and those responsible were rarely identified or brought to justice. The reports received by the Special Rapporteur indicate that the high degree of impunity contributes to a large extent to the occurrence of violations of the right to life in Honduras.

Communications sent by the Special Rapporteur

325. The Special Rapporteur transmitted to the Government of Honduras information he had received concerning the alleged extrajudicial, summary or arbitrary execution of three persons. All three cases

allegedly constituted violations of the right to freedom of opinion and expression and peaceful assembly and association.

Urgent appeals

326. The Special Rapporteur sent two urgent appeals to the Government of Honduras, in which he expressed concern about reports concerning danger to the lives and physical integrity of the following persons:

(a) Gabrelí Rivera Pérez, who had given testimony before a notary in which he identified four DNI agents as responsible for the murder of the trade unionist Manuel de Jesús García on 9 December 1991 (24 February 1992); and

(b) Antonio Zelaya Reyes, President of the Olancho regional department of the Committee for the Defence of Human Rights in Honduras (CODEH), who had suffered an attempt against his life on 25 March 1992 after receiving telephone death threats. The assailant was said to have been identified as a member of DNI. Two more members of CODEH also received death threats. CODEH is an institution which collaborates closely with United Nations human rights procedures (24 June 1992).

Other allegations

327. The Special Rapporteur transmitted to the Government of Honduras the case of Manuel de Jesús Guerra Arita ("Chingo"), assistant secretary of the National Union of Rural Workers, killed on 9 October 1991 in San Pedro Sula by four men who were identified by a witness, Gabrelí Rivera Pérez, as DNI agents. Allegedly, the judicial investigation into the case was not conducted properly. No effective steps were reported to have been taken to bring those responsible to justice (31 August 1992).

Communications received from the Government

328. At the time of the preparation of the present report, no communications had been received from the Government of Honduras.

Follow-up on allegations transmitted in 1991

329. The Special Rapporteur sent a letter to the Government of Honduras following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies from the Government had been received (see E/CN.4/1992/30, paras. 262-263).

India

330. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in India on a large scale.

331. The vast majority of cases reported to the Special Rapporteur concerned deaths in police or military custody caused by torture and ill-treatment. Torture is said to be used on a routine basis throughout the country to extract a confession or information from suspected criminals. In States where there are armed opposition groups advocating greater autonomy or independence (Assam, Jammu and Kashmir, Punjab) or improvement of social and economic conditions (especially a Maoist group known as Naxalites in the States of Andhra Pradesh, Madhya Pradesh and Maharashtra), torture is also said to be used to deter people from political activities or in reprisal for acts of such groups. Reportedly, Adivasis members of the scheduled castes (castes which are recognized by the Constitution as oppressed) and dalits, militant members of these castes, are particularly vulnerable and very often victims of ill-treatment leading to death. In certain States (in particular Bihar, Uttar Pradesh and West Bengal), Muslims are also said to be subjected to human rights violations on religious grounds.

332. The Special Rapporteur also received reports concerning alleged human rights violations by the security forces, including harassment, death threats and killings of journalists and human rights activists.

333. It has been reported to the Special Rapporteur that those responsible for human rights violations act in a climate of virtual impunity. In the States of Assam, Jammu and Kashmir and Punjab, and in other north-eastern States, the security forces benefit from specific legislation exempting them from prosecution. The Armed Forces (Special Powers) Act of July 1990 provides that "no prosecution, suit, or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in the exercise of the powers conferred by this Act (sect. 6). These powers include the use of force, including lethal force, "against any person who is acting in contravention of any law or order for the time being in force ..." (sect. 4).

334. Under ordinary Indian law, torture is a crime (sects. 330 and 331 of the Indian Penal Code), but section 197 of the Code of Criminal Procedure provides that public servants, including police and executive magistrates, cannot be prosecuted without prior permission from the Government which employs them. In addition to restrictions on the liability for human rights abuses established by the law, it has been reported to the Special Rapporteur that the police, the security forces and other public services engage in widespread covering up, in particular of violence against detainees. Victims reportedly have to seek their rights through civil suits and private criminal complaints, which are said to be rarely successful.

Communications sent by the Special Rapporteur

335. The Special Rapporteur transmitted to the Government of India 95 cases of alleged extrajudicial, summary or arbitrary executions. In two cases, the victims were said to be minors. Eighteen cases allegedly constituted violations of the right to freedom of opinion and expression, religion and peaceful association and assembly. In one case, the Special Rapporteur intervened by sending an urgent appeal; all other allegations were transmitted in a letter on 31 August 1992. The Government sent one communication providing general information (dates of communications in brackets).

Urgent appeals

336. The Special Rapporteur sent an urgent appeal to the Government of India after receiving reports according to which Harjit Singh was arrested by police on 29 April 1992. On 12 May 1992, the police reportedly issued a statement that he had died in an encounter with terrorists. However, on 17 October 1992 Harjit Singh was allegedly seen by a warrant officer instructed to establish his whereabouts at the Mal Mandi Interrogation Centre, Amritsar. Fears were expressed that his life might be in serious danger (13 November

1992).

Other allegations

337. The following persons were said to have died as a result of torture and ill-treatment while in custody:

(a) 43 persons in police custody:

Rattan Singh Bisht, on 11 January 1991 at Hauz Khas Police Station, Delhi;

G. Joseph, on 17 January 1991 at Megnannapuram Police Station, Chidambaranar, Tamil Nadu and Pondicherry;

Ram Swaroop, on 31 January 1991 at R.K. Puram Police Station, Delhi;

S. Bose, activist of the Dravida Munnetra Kashagam Party, in February 1991 at Vilathikulam, Tamil Nadu and Pondicherry;

Savinder Singh, on 29 February 1991 at Lok Nayak Bhavan Directorate, near Khan Market, Delhi;

Darshan Singh, on 17 March 1991 at North East District Irwing, Delhi;

Nath Pradeep, on 18 March 1991 at Bihaguri, Assam;

Reshna, on 22 March 1991 at Gokulpuri Police Station, Delhi;

Shiek Mairaj, on 30 March 1991 at Bhadram Police Station, Orissa;

Ram Singh, an Adivasi in April 1991 at Bohandiguda Police Station, Madhya Pradesh;

Anil Lakara, on 20 April 1991 at Laipur Police Station, Bihar;

Kameshwar Ravi, in May 1991 at Chutia Police Station, Bihar;

Syamala Kumar, on 3 May 1991 at Attakkulangara Sub-Jail, Trivandrum, Kerala;

Jagannath, on 10 May 1991 at Lahori Gate Police Station, Delhi;

Tarsem Singh, a member of the Punjab Home Guards, on 15 May 1991 at Civil Lines Police Station, Amritsar, Punjab;

Divakaram, on 27 May 1991 at Mavelikara, Ala Puzha, Kerala;

Ram Pappu, an Adivasi, in June 1991 at Chutia Police Station, Bihar;

Ghangadharan, on 16 June 1991 at Karetu, Kerala;

Autar Singh, an independent candidate in State Assembly elections for Shatrana Village, in July 1991 at Patiala Interrogation Centre, Punjab;

Kuttapam, on 4 July 1991 at Parassala Police Station, Trivandrum, Kerala;

Ramesh, an Adivasi in August 1991 at Ateli Police Post, Haryana, Narnaul, Hassanpur;

Krishnamohon N. Singh, on 2 August 1991 at Kakching, Thoubal, Manipur;

Sheikh Jam Zahir, on 3 August 1991 at Jensi Nagar Police Station, Aurangabad, Maharashtra;

Kuber Lal, on 5 August 1991 at Hardej Prison, Uttar Pradesh;

Manjit Singh, on 8 August 1991 at Sector 36 Police Station, Chandigarh, Punjab;

Lal Mohammad Sheikh, on 12 August 1991 at Murshidabad Police Station, West Bengal;

Jairam Singh, on 19 August 1991 at Patel Nagar Police Station, Delhi;

Bashir Ahmad, on 24 August 1991 at Madanapalle Town Police Station, Andhra Pradesh;

Khursid Ahmed, an Adivasi, on 24 August 1991 at Punana Police Station, Haryana;

Nashir Khan, on 30 August 1991 at Lilong, Manipur;

Susil Bag, in September 1991 in Orissa;

Khurshid Ahmed Adil, in September 1991 at Doabgah Interrogation Centre, Jammu and Kashmir;

Dwarina Thanur, on 4 September 1991 at Makhdumpur Police Station, Bihar;

Rajabayina Kasulu, on 5 September 1991 at Gudivada Taluk Police Station, Andhra Pradesh;

Guru Kumhar, an Adivasi, on 15 September 1991 at Bhumijpara, Bihar;

Rajendra Sharma, in October 1991 at Kotwali Police Station, Uttar Pradesh;

Rahisuddin (14), on 8 October 1991 at Dadri Police Station, Uttar Pradesh;

Raghunath, on 29 November 1991 at Guru Tegh Bhadur Police Station, Delhi;

Dona Babonga, an Adivasi on 4 December 1991 at Chaibasa, Bihar;

Muthusamy, in early 1992 at Oddanchathram;

Rasheed Ahmed, on 14 April 1992 at Lisadi Gate Police Station, Meerut, Uttar Pradesh;

Dushyant Tiyaagi, on 15 April 1992 at Siani Gate Police Station, Uttar Pradesh;

Ganeshan, printer of the Tamil weekly newspaper Nakkeran, on 27 April 1992 in Tamil Nadu, allegedly for publishing a critical article on the treatment of the press.

(b) 17 persons in military custody:

Dhiraj Chowdhury, on 1 January 1991 at Bamudi, Assam;

Puran Rabha, on 19 January 1991 at Badia Lakhimpur, Assam;

Suresh Phukan, teacher and Vice-President of the Jatiya Unnayan Parishad, on 13 March 1991 at Dibrugarh, Assam;

Robin Bora (also known as Dhiran Bora), on 14 March 1991 at Meleng Sumada, Jorha, Assam;

Dhruvajyoti Gogoi, member of the United Liberation Front of Assam, on 19 March 1991 at Doomdooma, Tinsukia, Assam;

Chandrika Hazarika, on 23 March 1991 near Dibrugarh, Assam;

Shamburam, Saikia, on 28 March 1991 at Moukhuli Camp, Assam;

Paresh Lorbarva Barman, on 16 April 1991 at Sonkhuria, Assam;

Mohammad Ashrat, in July 1991 at an army interrogation centre in Jammu and Kashmir;

Ghulam Mohammad, in July 1991 at an interrogation centre in Jammu and Kashmir;

Khazir Mohammad and Abdul Aziz, on 25 August 1991 in an army interrogation centre at Bomay-Sopora, Jammu and Kashmir;

Mumtaz, on 13 September 1991, in Jammu and Kashmir;

Raj Kamal Choudhury, on 29 September 1991 at Narangi Army Camp, Assam;

Ghulam Mohiuddin Ganai, an activist of the Hizbul Mujaheddin, in October 1991 at an interrogation centre in Jammu and Kashmir;

Bubul Barua, on 20 October 1991 at Bandardawa, Assam;

Rajiv Baruah, on 6 November 1991 at Sonitpur, Assam.

338. In addition, the Special Rapporteur transmitted to the Government of India allegations concerning the following 34 persons:

(a) Ghulam Rasool, a journalist working for the daily newspaper Udayan, was reportedly killed by policemen on 27 December 1991 at Masjidguda, Andhra Pradesh, allegedly for his criticism of the local police. No investigation was said to have been opened;

(b) Narra Prabhakar Reddy, an advocate and human rights activist, was reportedly killed by four armed men allegedly linked to the police, on 7 December 1991, at Warangal, Andhra Pradesh. He was said to have been threatened by the police for his activities as District Unit Convener of the Andhra Pradesh Civil Liberties Committee and Secretary of the District Bar Association. Reportedly, no one was arrested in connection with his killing;

(c) Mohammad Afzal was reportedly arrested in March 1991 by the 142 Battalion of the Border Security Force. He was said to have died after being subjected to torture at an interrogation centre in Pulwana, Jammu and Kashmir;

(d) 16 persons were reportedly killed and about 100 others injured when the police opened fire indiscriminately on unarmed striking demonstrators of the Chattisgarh Mukti Morcha Trade Union at Bhilai, Madhya Pradesh. Reportedly, a judicial investigation had been ordered by the State Government;

(e) Rohtas (also known as Fauji) was reportedly found dead in his cell on 30 August 1991 after two years of imprisonment in Tihar Central Jail, Delhi. An inquiry was reportedly ordered after the receipt of the post-mortem results, but no charges were said to have been brought against those responsible for his death;

- (f) Ram Vilas, a textile mill employee, reportedly died as a result of injuries he had suffered on 11 July 1991, when he was beaten by police officials of the Adarsh Nagar police station and guards of the mill where he was employed;
- (g) Velayudhan Pillai was reportedly arrested on 10 July 1991 by Forest Guards and later beaten to death by the police in Trivandrum, Kerala. No judicial or disciplinary action was said to have been taken;
- (h) Dr. Anis Ansari, a doctor and social worker, was reportedly arrested on 16 November 1991 during a house search performed by agents of the Provincial Armed Constabulary in Varanasi, Uttar Pradesh. He was reportedly beaten in front of the District Magistrate and the Senior Superintendent of the Police and died of the injuries inflicted. No investigation into the case was said to have been opened;
- (i) One man was reportedly beaten by members of the Central Reserve Police Force (CRPF) on 21 February 1992 at the Kharagpur Railway Station, Midnapore, West Bengal, after he had asked a CRPF agent to pay for a box of matches he had taken. He reportedly died on the same day as a consequence of the injuries he had suffered during this incident;
- (j) Ram Dhan Singh was reportedly shot dead by a constable from Bally police station, West Bengal, on 19 February 1992, when he refused to pay a bribe to the police. Allegedly, no investigation into the case has been opened;
- (k) Nine farmers were reportedly killed on 5 June 1992 by an army patrol at Tando Bahawal Village near Jamshoro. They were said to have been involved in a land dispute between two wealthy landlords, one of whom had allegedly asked the soldiers to kill his rival's tenants. Disciplinary action against four senior commanders of the patrol was said to have been initiated, but it was not known that any of those responsible had been brought before a court.

339. With regard to a large number of cases, it was alleged that no investigations into the killings had been opened. In some cases disciplinary measures against security forces personnel were reported, but none of them was said to have been brought before a court.

Communications received from the Government

340. The Government of India provided the Special Rapporteur with information concerning the decision, taken at a conference of Chief Ministers of the States of India on 15 September 1992, to set up a National Human Rights Commission. The purpose of this Commission is to instil a sense of confidence in the Indian people regarding the commitment of the Government and society at large to the cause of human rights. The conference also adopted a resolution reiterating the commitment of Central and State Governments to the protection of vulnerable sectors of society such as the scheduled castes and scheduled tribes, women, agricultural labourers and those liable to be exploited through child labour and bonded labour. Any human rights violations anywhere in India should be dealt with sternly (22 September 1992).

341. The Government of India informed the Special Rapporteur about the safeguards provided in India's Constitution and other important laws, such as the Code of Criminal Procedure, the Indian Penal Code and the Indian Evidence Act, with regard to the fundamental right to life and personal liberty of all citizens. Mention was made of a legal process known as "public interest litigation", under which any individual or group can bring to the attention of the judiciary cases of violations of human rights. With regard to the establishment of a national human rights institution, necessary follow-up action was being undertaken on the resolution adopted by the Chief Ministers' Conference on 14 September 1992 (27 November 1992).

342. With regard to particular cases transmitted by the Special Rapporteur, the Government replied that inquiries had been opened and disciplinary or judicial action had been taken against the police personnel involved in the cases of: Ganeshan, Jairam Singh, Khursid Ahmed and Sheikh Jam Zahir. An investigation had also been opened into the death of Velayudhan Pillai.

343. Death from natural causes had been determined by post-mortem examinations in the deaths of Kuttappam, Divakaram, Syamala Kumar, Muthusamy, Chinnathambi

and S. Bose. Ramesh had committed suicide. In all these cases, as well as in the case of Shri (not G.) Joseph, investigations excluded the involvement of police personnel.

344. Despite the efforts made by the government of Jammu and Kashmir and the security forces, it had not been possible to verify the allegations in the cases of Mumtaz, Khazir Mohammad and Abdul Aziz, Mohammad Ashrat, and Ghulam Mohammad.

345. Tarsem Singh had been beaten by four unknown masked persons on 1 (not 15) May 1991 and died subsequently. A plain-clothes policeman had witnessed the incident and called a police party which found Tarsem Singh lying unconscious on the ground. A criminal case was registered and investigations were carried out, but the culprits could not be traced.

346. Avtar (not Autar) Singh had been arrested for his involvement in terrorist activities and was killed in August (not July) 1991 when a group of terrorists attacked a police party digging up weapons in Gurdialpura Bir forest where he had led them. A post-mortem report determined gunshot injuries as the cause of death; no mention was made of any other injury or torture.

Follow-up

347. The Government of India informed the Special Rapporteur that even in States so affected by terrorism and insurgency as Jammu and Kashmir, to which most of the allegations related, the law enforcement officials performed their obligations in accordance with the Code of Conduct for Law Enforcement Officials. Every allegation of human rights violations was scrupulously investigated and most of them were found inaccurate, highly exaggerated or deliberately false. On the rare occasions when allegation had been borne out, disciplinary action was taken against those held responsible. Action, including imprisonment, had been taken against more than 230 officers and members of the security forces, and investigations and prosecutions were in process against several others. In the majority of the cases transmitted by the Special Rapporteur, the Government informed him that no such incidents had been reported to the competent authorities, while in a number of others investigations had been initiated (27 November 1992).

Indonesia

348. In 1991, the Special Rapporteur had sent a cable to the Government of Indonesia concerning the killing on 12 November of more than 50 persons who were participating in a demonstration convened to commemorate the death of two young persons killed in a clash with police the previous month. He had drawn attention to the need to investigate the events and to carry out such investigations in conformity with the Principles relating to the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Shortly thereafter, the Government replied, indicating that a National Commission of Inquiry had been established in order to investigate these deaths. The Special Rapporteur in turn sent a cable to the Government expressing satisfaction with the creation of the Commission and calling upon it "to ensure that a

thorough, independent and impartial investigation into the circumstances of the killings of 12 November would be made and that those identified by the Commission as responsible for extrajudicial killings and other abuses would be promptly brought to justice". The Special Rapporteur also requested information about allegations to the effect that an additional number of persons, including witnesses to the events of 12 November, had subsequently been executed by members of the 700 and 744 Battalions of the Hasanuddin Division of the Indonesian army. (See E/CN.4/1992/30, paras. 279-283).

349. During 1992, the Government of Indonesia sent to the Special Rapporteur three notes, dated 27 May, 4 June and 30 June, containing information concerning the findings of the National Commission of Inquiry and the subsequent prosecution of 10 members of the army, who were tried for their role in the killings. The conclusions of the National Commission of Inquiry are as follows:

"The Commission has strong reasons and grounds to arrive at the following conclusions:

"1. The 12 November 1991 incident in Dili is the culmination of a series of earlier demonstrations/incidents perpetrated by the anti-integration group/FRETILIN/SDP. The FRETILIN/SDP, who are being increasingly isolated, have shifted their mode of operations from rural guerrilla to urban guerrilla, thereby abusively capitalizing on the development policy in East Timor based upon affection and prosperity and taking advantage of the situation as well as the restive mood among the young people to instigate them to oppose integration as well as to attract world attention to their existence.

"2. The 12 November 1991 incident in Dili, which caused a number of deaths and other casualties, was clearly not an act ordered by or reflecting the policy of the Government or the Armed Forces, be it in the capital or in the Province of East Timor. The 12 November 1991 incident was essentially a tragedy which should be deeply regretted.

"3. The 12 November 1991 demonstration in Dili showed elements of premeditated provocation by a group of anti-integrationist/FRETILIN/SDP and was not an orderly and peaceful procession dedicated to commemorate the death of Sebastiao Gomes.

"4. The demonstrators, who largely consisted of young people have acted belligerently, emotionally and destructively, partly as a result of agitations by the anti-integration group/FRETILIN/SDP by whom they have been influenced for quite some time. Furthermore, they consciously exhibited FRETILIN and Falentil flags, pictures of FRETILIN/SDP leader Xanana and banners and chanted anti-integration yells and insults at the members of the security apparatus.

"5. A number of foreigners took an active part in that demonstration.

"6. As the tense atmosphere reached a boiling point, started by the stabbing of an armed forces officer and the wounding of a private, and aggravated by the provocative belligerence and aggressive attitude assumed by the crowd which was perceived by the security personnel as posing a threat to their arms and to their safety, a spontaneous reaction took place among the security personnel to defend themselves, without command, resulting in excessive shooting at the demonstrators, causing deaths and wounded. At the same time, another group of unorganized security personnel, acting outside any control or command, also fired shots and committed beatings, causing more casualties.

"7. In the handling of the riotous condition during the 12 November 1991 incident, despite the presence of riot-control units, the Commission did not observe the optimal implementation of proper riot-control procedures. The actions of a number of security personnel exceeded acceptable norms and led to the casualties, be it in terms of deaths, gunshot wounds, stabbing wounds, or wounds by blunt instruments. Although the casualty toll until now was set at 19 dead and 91 wounded, the Commission feels that there are sufficiently strong grounds to conclude that the death casualties totalled about 50 while the wounded

exceeded 91.

"8. There was careless handling of those who died, because although the visum et repertums were performed the deceased were not properly identified. Little opportunity was given to the families/friends of the victims to identify the bodies.

"9. The Commission is of the view that, in order to uphold justice, action must be taken against all who were involved in the 12 November 1991 incident in Dili and suspected of having violated the law, and they must be brought to trial in accordance with the rule of law, Pancasila and the 1945 Constitution upon which the Republic of Indonesia is based."

350. In so far as the prosecution of military personnel is concerned, the Government stated:

"1. Following the findings and recommendations of the Military Honorary Council (MHC) announced by the Army Chief of Staff, 10 military personnel were brought before the Military Court in Denpasar, Bali from 29 May to 5 June 1992. They were charged under the Military Penal Law for committing grave infringements of military ethics and violating military discipline, in particular disobeying orders. All of the 10 persons were found guilty as charged and sentenced to imprisonment ranging from 8 to 18 months. ...

"..."

351. The Special Rapporteur also received observations concerning the work and findings of the National Commission of Inquiry from Amnesty International, the source of the allegations which had led to the opening of this case. These observations contest the accuracy of the findings and conclusions of the Commission and allege that its composition, procedures and working methods were incompatible with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions in a number of important respects.

352. The Special Rapporteur is also concerned at the nature of the criminal charges brought against those tried for their participation in these killings and the length of the sentences imposed, which could be interpreted as contributing to a climate of impunity.

353. For these reasons, the Special Rapporteur has written to the Government of Indonesia, explaining the nature of and the basis for his continuing concern and requesting certain additional information. Information as to follow-up of this case will be provided in his report to the Commission on Human Rights at its fiftieth session.

Iran (Islamic Republic of)

354. The reports and allegations that have come before the Special Rapporteur indicate that extrajudicial, summary or arbitrary executions continue to occur on a large scale in the Islamic Republic of Iran.

355. At least 24 people were said to have been sentenced to death and executed for their participation in demonstrations of widespread popular protest against the Government's social and economic policies in the cities of Mashhad, Shiraz, Arak, Bukan, Shushtar and parts of Tehran in late May 1992. A large number of people were reportedly arrested in connection with these demonstrations and riots.

356. Executions of political prisoners, in particular suspected members or sympathizers of the Iraq-based opposition group People's Mojahedin Organization of Iran (PMOI), were also said to continue in 1992. A large number of people were reportedly executed after being sentenced to death for drug trafficking. Three members of the Baha'i faith were reportedly executed on religious grounds.

357. It has been reported to the Special Rapporteur that trials leading to the imposition of the death penalty were held before Islamic Revolutionary Courts. The procedures before such courts were said to fall short of the internationally recognized fair trial standards. This concerns in particular the right to an adequate and qualified defence. It has been reported that in many cases defendants do not benefit from legal counsel, contrary to the provisions of article 35 of the Iranian Constitution and article 14 of the International Covenant on Civil and Political Rights. Allegedly, in the law dealing with the defendant's right to legal representation, no mention is made of his right to have a lawyer designated if he is unable to appoint one, and no provision appears to have been made guaranteeing the defendant the right to appeal to the Supreme Court if his right to have access to legal counsel and to be represented in court by a lawyer is not respected. In addition, it has been reported to the Special Rapporteur that trials before Islamic Revolutionary Courts are often held in camera. Some trials were said to have been held in prisons, and they often lasted only a few minutes.

Communications sent by the Special Rapporteur

358. The Special Rapporteur transmitted to the Government of Iran allegations according to which at least 200 people had been executed in the Islamic Republic. Four of the victims were reported to be minors. Twenty-nine cases allegedly constituted violations of the right to freedom of opinion and expression or religion. The Special Rapporteur intervened on behalf of more than 66 persons by sending four urgent appeals. Allegations concerning 148 others were sent in a separate letter.

Urgent appeals

359. The Special Rapporteur sent an urgent appeal after receiving information according to which, in the aftermath of the anti-Government demonstrations in Mashhad, hundreds of people had been arrested. Four people, Javad Ganjkanloo, Golamhossein Pourshirzad, Ali Sadqi and Hamid Javid, were said to have been sentenced to death by Islamic Revolutionary Courts and executed on 10 June 1992 in Masshad prison, and four others on 11 June 1992. Reportedly, the execution of a further five prisoners had been announced by the Iranian State Radio. It was further reported to the Special Rapporteur that several hundred people had been arrested during demonstrations in Shushtar, Khuzistan province. Allegedly, orders had been given to the security forces to "shoot at demonstrators without hesitating". Fears were expressed that those arrested, both in Masshad and Shushtar, might face execution after trials which were not in conformity with internationally recognized fair trial standards (25 June 1992 and 17 July 1992).

360. It was also brought to the attention of the Special Rapporteur that Hassan Zolfaghari, allegedly a PMOI member, was handed over to the Iranian authorities by the Iraqi opposition group Patriotic Union of Kurdistan (PUK) in April 1991, together with Beshar Shabibi, another PMOI member. Reportedly, Beshar Shabibi was executed in Tehran in April 1992. It was feared that Hassan Zolfaghari, too, risked imminent execution (25 June 1992).

361. The Special Rapporteur sent another urgent appeal to the Government of the Islamic Republic of Iran after receiving reports that Bihnam Mithaqi and Kayvan Khalajabadi, who had been imprisoned for three years in Gohardasht prison in Karaj, were informed that they had been sentenced to death by an Islamic Revolutionary Court. The trials were said to have been incompatible with internationally recognized fair trial standards. In particular, it was alleged that the defendants were not present at their trials and that they did not benefit from legal representation. It was also alleged that their prosecution may have been due to their membership in the Baha'i community (4 September 1992).

362. The Special Rapporteur also received information according to which more than 50 people had been

executed in the Islamic Republic of Iran during the months of September and October 1992. Nineteen persons were said to have been executed on 30 September 1992 in Tehran, and 17 others on 17 and 18 October 1992 in Tehran, all of them after being sentenced to death for drug trafficking by Islamic Revolutionary Courts.

363. The following persons were said to have been executed for their participation in the aforementioned anti-Government manifestations in Masshad, Shiraz and other cities: Saleh Amin Pour and Hasan Saidi, on 8 September 1992 in Tehran; Mohamed Tahghi Azimi, Namineh Nazeri, Habibollah Davari, Allah Koram Khazari, Akbar Kejchmi, Davouch Pazouki, Judollah Hachemi (17), Mohamed Mokweni (16), Mohamed Khoubron (17), Saide Malekzadeh, Houchingue Bani Mostafah and Djavade Pour Aazan on 29 September 1992 in the Fahide Information Centre. Four more people were reportedly executed in late September 1992, bringing to 24 the total number of those executed in connection with the May riots.

364. It was further reported to the Special Rapporteur that a large number of people had been arrested in Masshad and Shiraz. Fears were expressed that many of them might also be in danger of execution (30 October 1992).

Other allegations

365. The following persons were allegedly executed after being sentenced to death by Islamic Revolutionary Courts in trials which were said to fall short of internationally recognized fair trial standards (31 August 1992):

15 people in Gohardasht Prison, Karaj, on 3 January 1992;

7 people in Marageh, East Azerbaijan, on 5 January 1992, for "corruption on earth", committing acts of brigandage and armed robbery;

Yadollah Khosravi, Jabbar Rajabi and Siroos Pournorooz in Ilam City Prison, on 6 January 1992;

Hamid Salehpoor, in Ahwat City Prison, on 11 January 1992;

Shams Jahanhir Sarraf, in Evin Prison, Tehran, on 21 January 1992;

Rahim Darikvand, in Gohardasht Prison, Karaj, on 21 January 1992;

Sadeq Biralvand, in Qazvin Prison, on 21 January 1992;

Soleimani Effat Ghanizadeh, in Kermanshah Prison, on 21 January 1992;

Kiumars Najafi, in Masjid City Prison, on 30 January 1992;

6 persons in Bouroudjerd, Lorestan Province, on 19 February 1992, for collaborating with members of an international gang of drug traffickers;

1 person in Dizelabad Prison, Kermanshah, on 27 April 1992, for drug trafficking;

Lahaj Ali Ahmadi, Hamid Naderi, Mohammad Salami, Beshar Shabibi and Sarmadi in Tehran, on 7 May 1992;

15 people in Tehran, on 25 May 1992, for drug trafficking;

Mohammad Darabi (17), in Dizelabad Prison, Kermanshah, on 7 May 1992;

Fakhroddin Moradi, Hadi Mahmoudi and Ali Tatoureh, in prisons in Kurdistan, between 7 and 21 June 1992;

Hossein Jahaveri, Hossein Yadegari and Soleiman Kadkhodashir, on 9 or 10 June 1992 in Boukan Prison, Kurdistan;

7 persons in Shiraz, in late June 1992, for possession and distribution of 500 kilograms of heroin;

13 people, including four Afghans, in Birjand, during the first half of July 1992, for drug trafficking, illegal entry into Iran, armed robbery and murder;

Jafar Mo'ezzani, Hassan Baghalian and Rastgar, in Hamedan City Prison, on 30 July 1992;

16 further prisoners in Hamedan City Prison, on 30 July 1992.

366. The following persons were reportedly sentenced to death by Islamic Revolutionary Courts and subsequently executed for political reasons:

28 persons in Beresht-e-Zahra, during the second half of April 1992;

20 persons in Dizelabad prison, on 27 April 1992;

Hatan Djahanguiri Zadeh, in Tabriz, for being a sympathizer of the

so-called Democrat Party. Allegedly, he had emphatically denied supporting any political movement;

Fereidoun Farokhzad-Araghi, a poet, actor and showman, in Bonn, in early August 1992. Allegedly, he had received death threats from agents of the Government.

367. In addition, the Special Rapporteur transmitted to the Government of the Islamic Republic of Iran the following cases of alleged extrajudicial, summary or arbitrary executions:

Bahman Samandari, in Evin Prison, Tehran, on 18 March 1992, one day after he was summoned by the authorities in order to receive a document. Allegedly, he was killed for his membership in the Baha'i community;

Raza Hoseini and Fereidoun Hachemi, on 26 September 1992, during a house raid by members of the Islamic Revolutionary Guard in Tehran;

Morteza Yazdi, in Evin Prison, Tehran, in 1989, in spite of the fact that he was serving an eight-year prison sentence. Allegedly, no reason was given by the authorities for his execution.

Communications received from the Government

368. At the time of the preparation of the present report, no communications had been received from the Government of the Islamic Republic of Iran.

Follow-up on allegations transmitted in 1991

369. The Special Rapporteur sent a letter to the Government of the Islamic Republic of Iran following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in

1991. The Government of the Islamic Republic of Iran had provided replies to some of these allegations. The Special Rapporteur requested the authorities to supply information also with regard to those for which no reply had been received so far (see E/CN.4/1992/30, paras. 289-303).

Iraq

370. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Iraq on a large scale. In particular, attacks by the military against the population (including Marsh Arabs, internally displaced persons and refugees, and army deserters) in the southern Marsh areas were said to continue in 1992. It was reported that, during such attacks, the Iraqi military used heavy weapons, including tanks, helicopter gunships and fighter planes, against a number of civilian villages.

371. The Special Rapporteur also received information concerning mass executions, where at least 267 persons had reportedly been killed either without any trial, or after trials which were said to fall short of the internationally recognized fair trial standards.

Communications sent by the Special Rapporteur

372. The Special Rapporteur sent three urgent appeals to the Government of Iraq.

373. The Special Rapporteur intervened with the Iraqi authorities after receiving information concerning heavy attacks by the Iraqi military on the civilian villages of Shumbaara al-Awaili, al-Kabab, al-Mouzar, Um-al-Hosh and Abu Saboor on 9 July 1992, and on al-Wadia, al-Hajia and again al-Mouzar and Um-al-Hosh on 15 July 1992, all situated in the southern Marshes. One of these villages, Abu Saboor, had reportedly been attacked by the military on 1 and 2 February 1992, when Iraqi soldiers swept to the village in search of deserters. Allegedly, people were burnt to death inside their houses before the village was subjected to a random artillery barrage (17 July 1992).

374. The Special Rapporteur also sent an urgent appeal to the Government of Iraq after he had received information regarding mass executions in August 1992 at Deebka, near the town of al-Sharqat. Allegedly, about 200 people were killed by the military in groups of 5 to 10 persons. The victims were said to have had the colouring and features of people from southern Iraq. The Special Rapporteur reiterated his appeal to the Government of Iraq to effectively protect the right to life and carry out investigations with a view to identifying and bringing to justice those responsible for human rights violations (30 October 1992).

375. The Special Rapporteur sent another urgent appeal to the Government of Iraq transmitting allegations he had received concerning the execution, on 26 July 1992 in Baghdad, of Ra'ad Tabra and 41 other merchants (names of a further 33 can be consulted in the files of the secretariat). On 17 September 1992, a further 25 merchants and traders were said to have been executed. Reportedly, they had been charged with economic offences such as profiteering. It was alleged that the first 42 were sentenced to death in trials which did not conform to the internationally recognized fair trial standards. With regard to the group executed in September, it was reported that they may not have had any trial at all. After a statement made by the Iraqi President Saddam Hussein that these punishment measures were "to assure the life of the people and to purge the Government and the society", fears were expressed that similar executions might follow (27 October 1992).

Communications received from the Government

376. At the time of the preparation of the present report, no communications had been received from the Government of Iraq.

Israel

377. The Special Rapporteur has received a number of reports and allegations referring to human rights violations, including extrajudicial, summary or arbitrary executions, in the Occupied Territories.

378. Broad application of new instructions issued to soldiers and civilians in the territories concerning rules for opening fire were said to have resulted in a rise in the number of deaths among the population. These regulations reportedly allow the use of lethal force as a "last resort" against Palestinians suspected of having committed or attempting to commit a wide range of activities deemed illegal by Israeli military orders and regulations. These include, *inter alia*, being a fleeing "suspect", writing graffiti, throwing stones, raising a Palestinian flag or wearing a *kuffiyeh* around one's face. In the beginning of 1992, the instructions for the use of firearms were said to have been relaxed even more to allow for the shooting of any person considered to be armed. By the end of August 1992, more than 160 people were said to have died, victims of political violence.

379. Members of the Israeli Defence Forces, border guards and undercover units of the security forces were said to be responsible for a large number of extrajudicial, summary or arbitrary executions of Palestinians and other Arabs in the Occupied Territories. Allegedly, lethal force has been used in situations in which it was neither necessary nor proportionate. Increasingly, children are said to be among the victims of such killings. With regard to the operation of undercover forces, it was reported to the Special Rapporteur that their task was to work among the Palestinian population to identify those defined as "activists" and to assassinate them. In this regard, the Special Rapporteur refers to the report presented to the General Assembly at its forty-seventh session by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/47/509).

380. The Special Rapporteur has also received reports of deaths in custody due to torture and ill-treatment of detainees during interrogations. Physical and psychological torture was said to be systematically used in Israeli prisons and detention centres.

Communications sent by the Special Rapporteur

381. The Special Rapporteur transmitted to the Government of Israel information he had received concerning the alleged violation of the right to life of five persons, among them one minor.

Urgent appeals

382. The Special Rapporteur transmitted an urgent appeal to the Government of Israel concerning the case of Ahmad Suleiman Musa Qatamesh, a Palestinian who was arrested on 1 September 1992 and has since been held at Ramallah prison. He was reportedly threatened with death by his interrogators. Allegedly, members of his family were also threatened. Both Ahmad Qatamesh and his wife were said to have been subjected to torture (1 October 1992).

Other allegations

383. The Special Rapporteur transmitted four further cases of alleged extrajudicial, summary or arbitrary executions to the Government of Israel. All of them were reported to have taken place in the West Bank. The victims were Palestinians, in one case a child of 11 years:

(a) Mustapha Al-Akawi reportedly died during interrogation in Hebron Prison on 4 February 1992, allegedly after being subjected to torture. Signs of ill-treatment were said to have been noted by the judge who prolonged his detention on the day before his death. An investigation by the Police Serious Crimes Division reportedly concluded that his death was not caused by any criminal act and recommended that the file on his case be closed;

(b) Mohammed Turkeman was reportedly killed by four men in civilian clothes on 10 December 1991, while riding in a taxi near Zabalsdeh, Jenin. The assailants then pulled him out of the car and studied his identity card. One of them reportedly stated that they had made a mistake. The taxi driver was warned not to talk about the incident;

(c) A boy of 11 was reportedly killed on 5 February 1992 in the West Bank. It was alleged that he had been playing with another child when they saw soldiers firing into the air and approaching them. According to the source, the boy was shot dead when he tried to run away;

(d) Bahia Mohammed Mahmoud Rabaya was reportedly shot by soldiers on 8 February 1992 in Irtas, Bethlehem, while riding in a car with other members of her family during a curfew which they were permitted to violate. She was said to have died on the way to the hospital. Two of her children were reportedly wounded by live ammunition.

Communications from the Government

384. At the time of the preparation of the present report, no communications had been received from the Government of Israel.

Follow-up on allegations transmitted in 1991

385. The Special Rapporteur sent a letter to the Government of Israel following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 326-327).

Jamaica

Follow-up on allegations transmitted in 1991

386. The Special Rapporteur sent a letter to the Government of Jamaica following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had

been received (see E/CN.4/1992/30, paras. 328-329).

Jordan

Follow-up on allegations transmitted in 1991

387. The Special Rapporteur sent a letter to the Government of Jordan following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 330-334).

388. The Government of Jordan had replied to some of these cases. With regard to the remaining allegations, for which no replies had been received, the Special Rapporteur requested to be provided with information.

Kenya

Communications sent by the Special Rapporteur

389. The Special Rapporteur transmitted three cases of alleged extrajudicial, summary or arbitrary executions to the Government of Kenya (31 August 1992). All three concerned minors who were allegedly shot dead by members of the Kenyan Police; reportedly, no disciplinary or judicial action had been taken against those responsible:

(a) Martine Wamalwa (12) and Mutiembu Nanjala Wamalwa (5) were reportedly killed on 22 March 1992 in Kitale, Western Province;

(b) Mary Kiarie Wanjiru (14) was reportedly killed in Limuru.

Communications received by the Special Rapporteur

390. The Government of Kenya informed the Special Rapporteur that the case of Mary Wanjiru Kiarie had been brought before the courts and that the other two cases were under investigation (16 October 1992).

Kuwait

Follow-up on allegations transmitted in 1991

391. The Special Rapporteur sent a letter to the Government of Kuwait following up on allegations of extrajudicial, summary or arbitrary executions transmitted to this country in 1991 (see E/CN.4/1992/30, paras. 335-343).

392. The Government of Kuwait had replied on some of these cases. With regard to the remaining allegations, for which no replies had been received, the Special Rapporteur asked to be provided with information.

Lesotho

Communications sent by the Special Rapporteur

393. The Special Rapporteur transmitted to the Government of Lesotho information he had received concerning the alleged extrajudicial, summary or arbitrary execution of four persons (31 August 1992). One of the victims was a minor. Two cases allegedly constituted violations of the right to freedom of opinion and expression and peaceful assembly and association.

394. Two people were reportedly shot dead by police officers in the context of demonstrations supporting a nationwide teachers' strike in Maseru. Tsepang Tsira was said to have been shot in the head while travelling in a van with friends on 25 August 1992. Bathobakae Mokhathu (17) was reportedly killed during a demonstration on 27 August 1990. According to an eyewitness, he had not taken part in the demonstration. Although a police officer was said to have been arrested, it is alleged that no criminal prosecution has taken place.

395. Ngaka Sula, an official of the Construction and Allied Workers Union of Lesotho, was reportedly killed by a policeman in August 1991 for having allowed another member of that Union onto the site where he was working as a watchman.

396. Makakole Mofokeng was reportedly arrested by South African Police and transferred to the custody of the Royal Lesotho Police in September 1991. He was allegedly subjected to severe torture. Upon being sent to the headquarters of the Criminal Investigation Division at Maseru, he died on 28 October 1991. A post-mortem examination reportedly indicated asphyxiation as the cause of death.

Communications received from the Government

397. At the time of the preparation of the present report, no communications had been received from the Government of Lesotho.

Follow-up on allegations transmitted in 1991

398. The Special Rapporteur sent a letter to the Government of Lesotho following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 346-347).

Liberia

399. Detailed reports about the human rights situation in Liberia, including allegations of extrajudicial, summary or arbitrary executions, were received only after the final date for the consideration of information

brought to the attention of the Special Rapporteur. A full assessment of these reports will be presented to the Commission on Human Rights at its fiftieth session.

Madagascar

Follow-up on allegations transmitted in 1991

400. The Special Rapporteur sent a letter to the Government of Madagascar following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 348-351).

Malawi

401. The Special Rapporteur has received reports indicating that the trial procedures leading to the imposition of the death penalty in Malawi were not in conformity with all the international instruments relating to fair trial. In particular, the Special Rapporteur was informed that offences for which the death penalty was mandatory (murder or treason) and those for which it may be imposed (rape, robbery with violence, housebreaking or burglary) were tried in so-called "traditional courts". Allegedly, in procedures before such courts, defendants do not benefit from all the internationally recognized guarantees for a fair trial: reportedly, defendants are not allowed to have lawyers and often may not call defence witnesses or cross-examine prosecution witnesses. The judiciary in such courts is said to be directly answerable to the President.

402. The Special Rapporteur has also received allegations according to which death threats were made by the authorities against critics of the Government and political exiles who might wish to return to Malawi.

Communications sent by the Special Rapporteur

403. The Special Rapporteur transmitted to the Government of Malawi information he had received concerning the alleged violation of the right to life of 16 persons. Two cases allegedly constituted violations of the right to freedom of opinion and expression.

Urgent appeals

404. The Special Rapporteur sent an urgent appeal to the Government of Malawi after receiving reports of the alleged imminent execution of 15 prisoners held at Zomba Central Prison, including: Winston Kabenth, Style Pimri, Tobet Kamwendo, Leston Simba, Davison Maponda, George Sukali, Wilson Mwale Ngozo, Thenson Thomas, Lyson Nkhoma, Laurence Zuze and Bonfasio Petro (24 June 1992).

405. The Special Rapporteur sent another urgent appeal upon receiving allegations which expressed fear for the life and physical integrity of Chakufwa Chihana, who reportedly had published letters and speeches advocating political change in Malawi (3 August 1992).

Other allegations

406. The Special Rapporteur also transmitted to the Government of Malawi the case of Mkwapatira Mhango, an exiled journalist allegedly killed on 13 October 1989 in Zambia. Several sources indicated involvement of the Malawi authorities in his killing. Reportedly, Mkwapatira Mhango had been publicly denounced by the President of Malawi after making statements which were interpreted as being directed against the Government (31 August 1992).

Communications received from the Government

407. The Government of Malawi provided the Special Rapporteur with information in reply to his urgent appeal concerning the case of Chakufwa Chihana. It was stated that there were practically no political detainees in Malawi and that allegations according to which several political opposition figures had been killed were wild and unreliable. Chakufwa Chihana was subject to the judicial process taking its normal course as a citizen who had contravened a specific law in the statute books. His case was in the courts. He himself was alive and well (24 August 1992).

408. The Government of Malawi also informed the Special Rapporteur that the case of Mkwapatira Mhango had been transmitted to the appropriate authorities to deal with. Information concerning these allegations would be forwarded as soon as their reply was available (23 September 1992).

Malaysia

Communications sent by the Special Rapporteur

409. The Special Rapporteur transmitted an urgent appeal to the Government of Malaysia after receiving reports according to which 43 asylum seekers from Aceh, Sumatra, Indonesia, were at risk of extrajudicial execution if they were to be returned to Indonesia. The Special Rapporteur appealed to the Malaysian authorities to refrain from returning them without giving them a fair opportunity to establish entitlement to refugee status (12 August 1992).

Communications received from the Government

410. At the time of the preparation of the present report, no communications had been received from the Government of Malaysia.

Follow-up on allegations transmitted in 1991

411. The Special Rapporteur sent a letter to the Government of Malaysia following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 353-356).

Mali

412. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, occurred in Mali when the armed forces responded to attacks by Tuareg rebels on towns or villages in northern Mali by arresting, torturing and killing members of the Tuareg communities. In some cases, the armed forces allegedly executed civilians solely because of their ethnic origin.

Communications sent by the Special Rapporteur

413. The Special Rapporteur sent to the Government of Mali allegations he had received according to which three days after an attack on a military vehicle near Gossi in the Timbuktu region by a Tuareg armed group, an army unit arrived at Gossi on 23 May 1992. The soldiers reportedly arrested 10 Tuareg civilians who were said not to have been involved in the attack. Two of those arrested, Rhissa Ag Intekel and Ibrahim Ag Emarwel, were allegedly killed in Gossi. The others were said to have been taken to Gourma Rharous, about 150 kilometres north-west of Gossi. However, it was reported that some or all of the prisoners never reached their destination but were extrajudicially executed at Tinharra, some 25 kilometres from Gourma Rharous. Their names were reported to the Special Rapporteur as follows: Ibrahim Ag Abdou Kader, Alhassane Ag Baye, Bijiki Ag Intekna, Cheick Ag Bendeche, Ahamadou Ag Hamad, Inamoud Ag Amaye, Intalou Ag Ekawel and Mouaji Ag Attiyoub.

Communications received from the Government

414. At the time of the preparation of the present report, no communications had been received from the Government of Mali.

Follow-up on allegations transmitted in 1991

415. The Special Rapporteur sent a letter to the Government of Mali following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 358-362).

Mauritania

Follow-up on allegations transmitted in 1991

416. The Special Rapporteur sent a letter to the Government of Mauritania following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 363-366).

Mexico

417. The Special Rapporteur received reports concerning human rights violations, including death threats and extrajudicial, summary or arbitrary executions, allegedly perpetrated by members of the Mexican security forces. Human rights activists, critics of the Government, trade unionists and peasants, especially those belonging to indigenous communities, were said to be the main targets of violence. Indigenous communities were reported to suffer violations of their human rights in the context of land disputes. Powerful landowners, "caciques" and gunmen in their service allegedly cooperate with members of the security forces.

418. It was reported to the Special Rapporteur that complaints of human rights abuses were not properly investigated by the authorities on both the local and national levels. Only in few cases were those responsible said to be brought to justice.

Communications sent by the Special Rapporteur

419. The Special Rapporteur transmitted to the Government of Mexico information he had received concerning the alleged violation of the right to life of five persons, among them one minor. Two cases concerned violations of the right to freedom of opinion and expression and peaceful assembly and association.

Urgent appeal

420. The Special Rapporteur sent an urgent appeal to the Government of Mexico after receiving information concerning death threats against María Teresa Jardí, Director of the Department of Solidarity and Defence of Human Rights in the Archdiocese of Mexico and legal adviser to the Commission of Solidarity and Defence of Human Rights in Chihuahua, in late October. It was alleged that one of the threats referred to her investigations into the murder of Victor Manuel Oropeza Contreras (24 November 1992).

Other allegations

421. The Special Rapporteur transmitted the following cases to the Government of Mexico (31 August 1992).

422. Tomás Diego García was reportedly killed on 25 January 1992, when members of the Preventive Police, the State Judicial Police and local gunmen raided the Indian community of La Trinidad Yaveo, Santiago Yaveo, district of Choapan, Oaxaca. Allegedly, he was shot dead when he was running, unarmed, after a vehicle in which several persons detained during the raid were abducted. Also during this raid, one agent of the State Judicial Police reportedly put his gun into the mouth of five-year-old Misael García Santiago, threatening him with death if he did not stop crying. The assault on the community of La Trinidad Yaveo was said to have been the latest of a series of incidents in the context of a conflict in which a sector of the community asserted their traditional land rights against local landowners who reportedly had seized part of the land in question.

423. The Special Rapporteur also transmitted to the Government of Mexico the case of Victor Manuel Oropeza Contreras, author of a daily newspaper column in which he criticized the Government and, in particular, the police, who was reportedly killed on 3 July 1991 in Ciudad Juárez. An investigation into the case, carried out by the State Police and the Federal Attorney's Office, was allegedly not conducted properly. According to the source, the case had not been investigated by the National Commission on Human Rights, which had been established by the Mexican Government in 1990.

424. In the case of Francisco Quijano García, whose body had been found on 11 March 1992 after he had been detained by agents of the Judicial Police on 21 June 1990, it was also alleged that the investigation of the case, carried out by the Federal District Attorney General's Office, was not conducted properly. A person identified by the authorities as the murderer of Francisco Quijano García reportedly claimed to be innocent and alleged that the police had threatened him with death if he revealed the truth.

Communications received from the Government

425. The Government of Mexico informed the Special Rapporteur that the Chamber of Deputies had unanimously rejected the acts of intimidation against María Teresa Jardí and requested the competent authorities to thoroughly investigate the death threats and to guarantee the safety of Mrs. Jardí and her family. The Human Rights Commission of the Chamber of Deputies equally rejected the acts of intimidation against Mrs. Jardí. The Federal Attorney's Office provided agents for her personal security. The President of Mexico, Carlos Salinas de Gortari, met with María Teresa Jardí in November 1992 and expressed his full support for the efforts to identify those responsible and punish them in accordance with the law. He also reiterated that Mrs. Jardí and her family would be granted all necessary guarantees for their physical integrity (26 November 1992).

Follow-up on allegations transmitted in 1991

426. The Special Rapporteur sent a letter to the Government of Mexico following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 368-370).

Morocco

Communications sent by the Special Rapporteur

427. The Special Rapporteur sent an urgent appeal to the Government of Morocco after he had received information according to which excessive force had been used by members of the police and military in order to disperse non-violent demonstrations, in the towns of Assa and Smara on 23 September 1992 and on 6 and 7 October 1992. Reportedly, police and Royal Gendarmerie agents fired indiscriminately on participants in the demonstrations, who demanded the implementation of the United Nations Peace Plan as well as the holding of the Referendum for Self-Determination provided for in that plan, and requested the Government to find solutions for the grave economic situation in the area. Ten people were said to have been killed and many others wounded (20 October 1992).

Communications received from the Government

428. The Government of Morocco provided the Special Rapporteur with information in reply to the aforementioned urgent appeal. It was stated that the allegations had been diffused by the Frente Polisario to mislead public opinion and the United Nations before the problem of the Sahara was discussed in the Fourth

Committee of the General Assembly. Some incidents that had occurred in Smara and other towns of the Kingdom of Morocco were isolated events due to disputes between supporters and adversaries of some candidates during the electoral campaign which started in September for municipal and communal elections. However, nobody was reported seriously injured and no arrest was carried out. The Commander-in-Chief of the United Nations Mission for the referendum in Western Sahara (MINURSO) had declared on 23 October 1992 that the situation in Smara and Layoune was calm. On 28 October 1992, the Special Representative of the Secretary-General for the Sahara also declared that MINURSO did not corroborate the declarations made by the Frente Polisario (10 November 1992).

Follow-up on allegations transmitted in 1991

429. The Special Rapporteur sent a letter to the Government of Morocco following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

430. The Government of Morocco provided information in reply to all the cases brought to its attention. In two cases, it was reported that preliminary investigations had been opened before the competent courts. The Special Rapporteur requested the Government of Morocco to provide him with updated information, in particular the decisions taken as a result of those procedures and any measure adopted as a consequence thereof.

Myanmar

431. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Myanmar on a large scale.

432. Several reports concerned gross human rights violations committed by the Myanmar security forces against Muslims in Rakhine (Arakan) State, also referred to as Rohingyas, in what was described as a general pattern of repression against religious or ethnic minority groups. Numerous extrajudicial, summary or arbitrary executions were said to take place in the context of forced labour. Members of minority groups are reportedly taken for porter duty by the military, either as punishment for suspected involvement with armed insurgencies or simply at random. While on duty, they are said to be subjected to severe ill-treatment including deprivation of food, water and sleep, beating with bamboo sticks and rifle butts, kicking with heavy boots, burning with cigarettes or slashing with bayonets. When, as a consequence of the hard work under such conditions, they fall ill or become too weak to work, they are reportedly killed by the military or simply left to die. The Special Rapporteur also received reports about deaths in military custody due to torture and ill-treatment.

433. As a consequence of the consistent and widespread human rights abuses in Rakhine State, approximately 300,000 Rohingyas were reported to have fled to Bangladesh by the end of April 1992. Entire villages were said to have been forced to leave in order to escape torture, ill-treatment and killing by the security forces.

Communications sent by the Special Rapporteur

434. The Special Rapporteur transmitted to the Government of Myanmar allegations concerning the alleged violation of the right to life of 99 persons. One case allegedly constituted a violation of the right to freedom of

expression and opinion, religion, and peaceful association and assembly. The Special Rapporteur intervened on behalf of 90 persons by sending an urgent appeal and transmitted the remaining nine cases by letter to the Government of Myanmar, which replied to the allegations contained in the urgent appeal.

Urgent appeal

435. The Special Rapporteur sent an urgent appeal to the Government of Myanmar after it had been reported to him that 90 women, some of whom were said to be infected with the HIV-virus, were to be repatriated to Myanmar from Thailand, where they had been rescued from forced prostitution in Thai brothels. Allegedly, in April 1992, 25 women from Myanmar, who had been tested and found to be HIV-positive, had been executed by cyanide injections by the Myanmar military upon their return to the country. The Special Rapporteur urged the authorities to ensure the safety and physical integrity of all women repatriated to Myanmar and requested the Government of Myanmar to provide him with information regarding the steps taken to provide effective protection from extrajudicial execution (29 September 1992).

Other allegations

436. The following nine persons were reportedly extrajudicially executed by members of the Myanmar military forces (31 August 1992):

- (a) Saing Shwe (22), Pu Sarn Shwe (40), Saing Say (33), Loong Sarm (30) and Pu Loi Haw (40), on 25 December 1991 in Lashio Township, Northern Shan State, was reported to have been killed by a military column led by Captain Tin Win of the 68th Light Infantry Regiment which was on patrol in the area. Saing Shwe and Loong Sarm were allegedly beaten and tortured to death by the soldiers. Pu Loi Haw was reportedly killed because the military suspected him of having made contacts with resistance forces;
- (b) Lung Shaw (56) reportedly died on 11 November 1991 after he had been beaten and kicked until he lost consciousness, allegedly without any obvious reason, by soldiers from the Myanmar Army 247th Light Infantry Regiment Company 4 led by Captain Tun Than at Wan Yawn, Naung Nay ward, Nam San Township, in Shan State;
- (c) Seng Moung (25) was allegedly arrested to serve as a porter by the Military Column No. 2 of the 33rd Light Infantry Regiment in October 1991 at Tarn Yarn Township, Northern Shan State. On 9 November 1991, he reportedly tried to escape but was rearrested by the military when, due to forced labour, malnutrition and a long journey, he was unable to cross a river. He was allegedly tortured and beaten by the soldiers and then thrown into the river; where he was said to have drowned;
- (d) (N)awa Padvia Dhanibai was reportedly killed on 13 July 1992 by Forest Guards who had come, together with police officers, to the village of Kalibel in Taloda, a forest area being cleared for resettlement caused by the Sardar Saronar dam project. The Forest Guards allegedly opened fire on tribal people who were protesting against the prohibition of cultivating land in the resettlement areas, killing one woman and injuring seven other persons;
- (e) Mohamed Ilyas (64), a Muslim from Buthidaung Township, Rakhine (Arakan) State, and local secretary of the National League for Democracy, reportedly died on 23 June 1992 as a consequence of a severe beating by Military Intelligence Services (MIS) personnel while in custody.

Communications received from the Government

437. The Government of Myanmar has provided the Special Rapporteur with information in reply to the urgent appeal concerning the alleged danger of extrajudicial execution for 95 women to be repatriated from Thailand to Myanmar. It was stated that the allegations mentioned in the Special Rapporteur's urgent appeal, that in April 1992, 25 women had been given cyanide injections after having tested HIV-positive were baseless accusations emanating from certain malefactors and certain non-governmental sources. The 95 women rescued from brothels in Thailand had returned to Myanmar safely (15 October 1992).

438. In addition, the Government of Myanmar provided the Special Rapporteur with a copy of State Law and Order Restoration Council (SLORC) Order No. 12/92 of 26 September 1992 by which executive and judicial martial law powers vested in certain military commanders within their respective military regions were revoked. The Government informed the Special Rapporteur that, by Order No. 10/92 of 10 September 1992, the SLORC had also lifted the curfew order imposed from 11 p.m. to 4 a.m. (28 September 1992). An 18-member Convening Commission and a 36-member Management Committee to make preparations for the National Convention to be held in late 1992 or early 1993 were formed by SLORC Order No. 13/92 of 2 October 1992 (7 October 1992, 19 October 1992). The date for the meeting of the National Convention was fixed for 9 January 1992 (18 November 1992).

439. The Government of Myanmar also informed the Special Rapporteur about attacks by armed terrorist groups, including the Karen National Union (KNU) and the Karenni National Progressive Party (KNPP) on Htimukhi and Hweponglao camps in July and September 1992, after the Myanmar armed forces had suspended all military offensive operations in April 1992 with a view to securing amity among all national races for national unity and national solidarity. Counter-offensives were carried out to recapture the camps in August and September 1992, in self-defence and in response to the forays made by the armed terrorists (18 November 1992).

Follow-up on allegations transmitted in 1991

440. The Special Rapporteur sent a letter to the Government of Myanmar following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

441. The Government of Myanmar had informed the Special Rapporteur that the authorities concerned were looking into the cases. However, no reply was received with regard to these allegations (see E/CN.4/1992/30, paras. 381-387).

Nepal

Communications sent by the Special Rapporteur

442. The Special Rapporteur transmitted to the Government of Nepal allegations he had received according to which 10 people had been killed by members of the police and political party workers in various parts of the country during the local election campaign in May 1992. Allegedly, none of the perpetrators had been arrested and no inquiry into these incidents had been opened. The names of those reported as victims of such executions are: Tularas Acharya, Anthun Lal Kunwar, Ramsaran Yadav, Ram Prasad Singh, Abdul Miya, Om P. Yadava, Nathuni Mahoto, Dilli Ram Chaihan, Soti Mukhiya and Mahottari (31 August 1992).

Communications received from the Government

443. At the time of the preparation of the present report, no communications had been received from the Government of Nepal.

Nicaragua

Follow-up on allegations transmitted in 1991

444. The Special Rapporteur sent a letter to the Government of Nicaragua following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991.

445. The Government of Nicaragua had replied on some of these cases. With regard to the remaining allegations, for which no replies had been received, the Special Rapporteur requested to be provided with information (see E/CN.4/1992/30, paras. 388-393).

Niger

Follow-up on allegations transmitted in 1991

446. The Special Rapporteur sent a letter to the Government of Niger following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 396-397).

Nigeria

Follow-up on allegations transmitted in 1991

447. The Special Rapporteur sent a letter to the Government of Nigeria following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 398-411). The Government of Nigeria replied to this letter stating that a comprehensive reply was being prepared and would be forwarded to the Special Rapporteur as soon as possible.

Pakistan

448. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Pakistan.

449. As in past years, the Special Rapporteur received several reports concerning trials leading to the imposition of capital punishment before Special Courts for Speedy Trial, set up under a Constitutional Amendment in Pakistan in 1991. It was alleged that in procedures before such courts, defendants did not benefit from all the rights and guarantees contained in international instruments, in particular with regard to the right to a public hearing, the right to present a full defence, the right to be presumed innocent until proven guilty and the right to appeal. Reportedly, Special Courts for Speedy Trial have to decide a case within 30 days. An adjournment, for example to obtain the testimony of defence witnesses, may not exceed days. Appeals must be filed within seven working days before a Supreme Appellate Court set up under the same legislation. Reportedly, there is no possibility for a person tried by a Special Court for Speedy Trial to appeal to a High Court or the Supreme Court.

450. The Special Rapporteur also received reports concerning alleged extrajudicial, summary or arbitrary executions of political activists after their arrest by the police. In a number of cases it was also alleged that no inquiries into the circumstances of such killings had been carried out.

Communications sent by the Special Rapporteur:

451. The Special Rapporteur transmitted to the Government of Pakistan allegations he had received according to which 17 persons had been victims of extrajudicial, summary or arbitrary executions, including the following (31 August 1992):

(a) Mohamed Riaz Ahmed and Mehdi Khan were reportedly executed on 12 April 1992 in Karachi after being convicted of murder and sentenced to death by Special Courts for Speedy Trial. The procedures before these courts did not seem to conform to internationally recognized fair trial standards;

(b) Two landowners were reportedly killed while in police custody in June 1992 near Jamshoro in connection with a land dispute. Allegedly, no investigation into their deaths was carried out;

(c) Mohammad Yusuf Jakhrani, an opposition politician, reportedly died on 12 June 1992 in a military hospital at Kandhkot, allegedly as a consequence of injuries inflicted upon him during military interrogation. No inquiry into the case was said to have taken place;

(d) Younous, a prisoner under trial, was reportedly found dead in his cell at Kot Lakhpat Prison in Lahore in July 1991. No inquiry into his death was said to have taken place;

(e) Mohammad Idrees Bajwa was reportedly killed in an encounter with policemen in Toba Tek Singh in November 1990. Based on an investigation report published in June 1991, the registration of a case for manslaughter against six policemen was reportedly ordered. However, no results of such proceedings were said to have been made known;

(f) Ahmad Shakeel was reportedly tortured to death at the Crime Investigation Agency (CIA) detention centre in Karachi on 25 April 1990. Allegedly, no case was filed against the CIA officers involved. After his father filed a private complaint in court, proceedings reportedly began against eight CIA officers, but no results were said to have been made known.

[\[more\]](#)

[HOME](#) | [SITE MAP](#) | [SEARCH](#) | [INDEX](#) | [DOCUMENTS](#) | [TREATIES](#) | [MEETINGS](#) | [PRESS](#) | [STATEMENTS](#)

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