



PacificMUN 2017

United Nations Human Rights Council (UNHRC)

Backgrounder Guide

Topic B: Extrajudicial and
Summary Executions



PacificMUN 2017

Dare to Speak | February 24–26 2017

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Mingxin Gong
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Design and Media

Dear Delegates,

My name is Xudi Lin and as your Director, I am absolutely honored to welcome you to the United Nations Human Rights Council at PacificMUN 2017! I will be staffing along with Kane Li, your Chair, and Judith Chen, your Assistant Director. I have no doubt that they will create the best environment possible for you to debate! I am currently a grade 11 student at Pacific Academy, studying the IB Diploma Programme. The first ever MUN conference I attended was PacificMUN 2014. It is an absolute pleasure to see the growth of this conference—from a day conference held at my school to a hotel conference held in Vancouver! While staffing is certainly a very rewarding experience, I can honestly say that delegating is just as rewarding, if not more, because you are critically thinking and engaging in debate.

This year, I have worked with Secretariat members to choose topics that are very controversial. The first topic, Internet Censorship, is so relevant in our world today because millions of individuals are restricted from accessing and searching websites. For example, if you utilise the Internet in China, social media platforms like YouTube, Facebook, and Google are blocked. The second topic, Extrajudicial and Summary Executions, is happening even at this moment. In the Philippines, thousands of people are being killed without a court hearing, under the rule of President Rodrigo Duterte. With these two topics, I hope that you will be engaging in debate and be creative in your solutions, as there is currently no defined resolution on the floor. The reason is that every country has a different stance on each issue, consequently increasing the difficulty of finding common grounds.

The UNHRC provides short-term and long-term assistances to locations with human rights violations. This committee requires innovative and practical solutions to combat issues pervading the world. If you have any questions regarding the committee or conference, please do not hesitate to contact me or my fellow Dais members!

Best Regards,

Xudi Lin
Director, UNHRC



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Committee Overview

The United Nations Human Rights Council (UNHRC) is an intergovernmental body within the United Nations system held responsible for the promotion and protection of human rights and the avoidance of human rights violations¹. Created on March 15, 2006, the UNHRC replaced the United Nations Commission on Human Rights (UNCHR). The Council is currently made up of 47 United Nations member states which are elected by the UN General Assembly².

Any UN member state may be elected to the UNHRC if it receives an absolute majority of votes (97 members of the General Assembly)³. The elected member states serve 3-year terms and are required to come from a variety of geographical regions: 13 members from the African region, 13 members from the Asian region, 8 members from the Latin American and Caribbean region, 7 members from the Western European and Others region, and 6 members from the Eastern European region. A member state may be suspended by the UNHRC if it has committed an act of violating human rights. The suspension will be based on a vote by the General Assembly with a two-thirds majority in order to suspend.

As a subsidiary body of the General Assembly, the UNHRC functions to help member states meet their human rights obligations through communication, assistance, and capacity building⁴. The UNHRC assesses the human rights conditions of all 193 UN member states through the "Universal Periodic Review". In addition, its work contains the "Complaint Procedure", which allows individuals and organizations to bring complaints about human rights violations to the attention of the Council⁵.

The UNHRC makes recommendations to the General Assembly concerning the development of new laws addressing human rights. All 47 member states must cooperate to ensure that the Universal Declaration of Human Rights is followed throughout the world.

¹ <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

² Ibid

³ http://www.un.org/News/dh/infocus/hr_council/hr_q_and_a.htm

⁴ Ibid

⁵ Ibid



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Topic Introduction

"I will continue to defend the rights of journalists and to do everything possible, publicly and privately, to ensure that journalists have the freedom to work." -Ban Ki-moon

Over the past decade, the world has seen an increasing number of executions in which the people involved did not benefit from a fair and full trial. By definition, extrajudicial execution is when a State kills an individual without due process of law or tolerates a killing made by third-party actors⁶. These executions traverse a wide range of aspects, including, but not limited to, targeted killings, killings based on sexual orientation, and killings of journalists. Attempts to justify these extrajudicial killings question the right to life and liberty under grounds of international law.

It is imperative that we refer to the Universal Declaration of Human Rights in order to determine our motives and actions to resolve this issue. In Article 3, the Universal Declaration states that "everyone has the right to life, liberty and security of person⁷." Reinforcing this idea is Article 10, stating that "everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him⁸." The Universal Declaration of Human Rights shows us that the promotion of human rights is not of a jurisdictional matter, but a matter of international concern.⁹

In an extrajudicial killing, the victim is most likely to be a suspect of criminal acts¹⁰. For example, 943 drug suspects have been killed in the Philippines under the rule of President Rodrigo Duterte¹¹. Because the suspects are not given a fair trial, the evidence against them is obscure. Other victims include political activists and journalists, who call for change in the status quo. The very fact that these victims are threatened with the rise of extrajudicial killings calls for international action.

The perpetrators of extrajudicial executions vary widely. They can consist of individuals, lynch mobs, and military groups. One of the greatest problems facing extrajudicial execution is determining the identity of the perpetrator. In a planned extrajudicial killing, the victim is assaulted while the perpetrator makes a quick leave of the scene. Sometimes, State involvement is linked to an act of extrajudicial killing. The failure of a country to ensure the prevention of extrajudicial killings concedes the possibility of involvement in the perpetration.

With the rise of extrajudicial and summary killings, it must be of utmost importance to the United Nations Human Rights Council (UNHRC) to make sure these killings are on justifiable grounds. Countries should look to the fact that criminal cases should be prosecuted on an equal level.

⁶ http://www.ipon-philippines.info/fileadmin/user_upload/Observers/Observer_Vol.2_Nr.2/Observer_Vol.2_Nr.2_PoliticalKillings_4.pdf

⁷ <http://www.un.org/en/universal-declaration-human-rights/>

⁸ Ibid

⁹ <http://www.ohchr.org/Documents/Publications/FactSheet11rev.1en.pdf>

¹⁰ http://www.ipon-philippines.info/fileadmin/user_upload/Observers/Observer_Vol.2_Nr.2/Observer_Vol.2_Nr.2_PoliticalKillings_4.pdf

¹¹ <http://www.economist.com/news/asia/21704829-new-president-keeps-his-most-brutal-campaign-promise-plan-execution?fsrc=scn/fb/te/pe/ed/fromplantoexecution>



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Historical Analysis

18th Century	Thieves and other suspects of crime were burned at the stake.
1865	President Abraham Lincoln of the United States was a victim of targeted killing.
1933	Adolf Hitler of Germany started using gas chambers to execute Jews and other minorities.
1946	A nuclear weapon was used by the United States to decimate the city of Hiroshima in Japan.
1977	A public execution of 15 individuals suspected of crime and other offenses was held in Uganda.
1991	The State Peace and Development Council (SPDC) of Burma exercised extrajudicial killings on minorities, women, and other individuals believed to be associated with the opposition group.
2009	43 drones were deployed by the United States, compared to the 34 attacks in the last few years. Due to the inaccuracy of these drones, civilians have been the victim of these targeted killings.
2012	Over 2 million Internally Displaced Persons (IDPs) have fled from Syria due to the Syrian Civil War, which has killed over 400,000 individuals.
2013	Syria used sarin gas against women and children. The chemical weapon killed nearly 1,300 people in 4 cities.
2016	943 drug suspects extrajudicially killed under the rule of President Rodrigo Duterte of the Philippines.



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Historical Analysis

To understand the magnitude of extrajudicial and summary executions, it is necessary to recall the numbers decimated by this issue and the perpetrators. In 1966, 25,000 politically-induced murders occurred in Guatemala¹². Between 1972 and 1977, 7,000 males from various ethnic groups in Uganda were murdered extrajudicially¹³. In 1973, up to 30,000 murders in Chile were measured.

Extrajudicial executions were exercised in the 18th century, when thieves and other individuals who were believed to have committed criminal acts were burnt at the stake. Other means such as the French guillotine prevailed in the 18th century as well. In the 19th century to early 20th century, Jewish lynchings called Pogoms occurred throughout Russia¹⁴. A series of riots broke out in the early 20th century due to disputes between white-skinned and black-skinned sailors. Two white men allegedly stabbed a black man in a pub, and were attacked by the black man's friend. During the following days, police raided houses with black occupants.

In 1944, a German prisoner-of-war was lynched by Nazis in POW Camp 21, in Scotland because he was suspected of being unsympathetic to the Nazi regime¹⁵. Five of the perpetrators were hanged at Pentonville Prison, one of the largest multiple executions in Britain at that time. In addition, 150 cases were verified of crew members from crashed allied aircraft being lynched by German soldiers and police officers.

In Bangladesh, extrajudicial killings by law enforcement agencies thrived in the 20th century. In 1972, Jtiya Rakshi Bahini, a paramilitary group, became infamous for its extrajudicial executions. In 2004, the formation of the Rapid Action Battalion (RAB) initiated the start of more extrajudicial killings. Studies have found that in 2010, 127 people were killed extrajudicially in Bangladesh, while 101 were killed in the "crossfire" of fights¹⁶. In order to justify these killings, the government of Bangladesh terms them as "crossfire", an encounter between an alleged criminal group, the RAB, or the police. As a result, the Bangladesh police have killed individuals suspected of crime while using "crossfire" to justify its actions. While it should be acknowledged that there is no legal definition of extrajudicial executions, a killing without due court process, such that occurs in a "crossfire", can be considered extrajudicial by the international community.

In 1977 and 1978, also the period of the Red Terror in Ethiopia, leaders were instructed to spread revolutionary terror by executing political opponents and revolutionaries¹⁷. The corpses of victims to these extrajudicial executions were hung in public areas, with a sign denoting them as "counter-

¹² Extrajudicial Executions: an Insight into the Global Dimensions of a Human Rights Violation
https://www.jstor.org/stable/762112?seq=1#page_scan_tab_contents

¹³ Ibid

¹⁴ <http://www.lawteacher.net/free-law-essays/constitutional-law/extra-judicial-punishments-and-killings-constitutional-law-essay.php>

¹⁵ Ibid

¹⁶ http://www.academia.edu/19970917/Extra_Judicial_Killing_and_Violation_of_Human_Rights_in_Bangladesh

¹⁷ https://www.jstor.org/stable/762112?seq=2#page_scan_tab_contents



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Historical Analysis

revolutionaries". It is estimated that 500,000 citizens were killed through grotesque methods such as burning and flogging.

Countries in Asia have also had cases of extrajudicial executions. Between the years of 1965 and 1986, more than 3000 people were killed extrajudicially in the Philippines¹⁸. In Indonesia, thousands of individuals were massacred in the political purges of the 1960s. Similarly, massacres occurred in East Timor after Portugal withdrew from its colony in 1975¹⁹. During the years of 1989 to 1990, extrajudicial killings were committed by the state police of Nepal in response to the "Maoist movement" that aimed to overthrow the government at that time.

In China, the persecution of Falun Gong in 1999 initiated by the Chinese Communist Party was just one of the many cases that occurred in the country²⁰. The spiritual practice of Falun Gong allowed for spiritual conversion and combined meditation techniques. In order to eradicate this practice, the Chinese Communist Party detained hundreds of thousands, perhaps millions, of practitioners in "re-education through labor" camps. It is estimated by the Falun Data Information Center that at least 3,800 Falun Gong practitioners have been extrajudicially killed through methods such as torture, slavery, and organ extraction in these camps.

In India, an extrajudicial killing termed "death by encounter" has concerned the international community. Kashmir, a region possessing a rich culture and religion, has been the dispute between India, Pakistan, and China²¹. The conflict has been raging for over 65 years, with the three countries disputing over who should obtain possession of the land. To India, the region of Kashmir is an important freshwater source, as it is the starting point for rivers in India. However, above all, the Kashmiri citizens wish to remain an independent nation, and consequently, are threatened by the Indian government. In result of this conflict, thousands of Kashmiri civilians have been killed extrajudicially by the Indian Armed Forces²². The soldiers have been accused to have tortured the Kashmiri civilians during the conflict, and justify their killings as a means of "self-defense".

Extrajudicial killings have been apparent in the United States, especially during 1877 and 1950. More than 4000 lynchings of black men have occurred²³. In 1955, a young boy named Emmett Till was brutally murdered for allegedly flirting with a white woman. The perpetrators of the extrajudicial killing, beat the boy nearly to death, shot him in the eye, and threw his body into a river²⁴.

¹⁸ <http://www.lassnet.org/2009/readings/johnson08judicial-extra-judicial-killings.pdf>

¹⁹ Ibid

²⁰ <http://www.falunhr.org/index.php?option=content&task=category&id=270§ionid=60&Itemid=>

²¹ <http://www.telegraph.co.uk/news/1399992/A-brief-history-of-the-Kashmir-conflict.html>

²² Ibid

²³ http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=16752

²⁴ <http://www.history.com/this-day-in-history/the-death-of-emmett-till>



It can be gleaned from the past that extrajudicial injustices led to the deaths of thousands. Recently, there has been a noticeable decrease in extrajudicial executions. In 1988, 3000 people died in Myanmar under the rule of a new military regime²⁵. In 2007, extrajudicial killing decreased significantly, with death toll estimates between 15 to 31--only 0.5 to 1 percent of the death toll from 20 years earlier.

Although there has been a considerable decrease in extrajudicial killings, recent cases have proved otherwise. In the first seven weeks since the President of the Philippines Rodrigo Duterte took office, nearly 1,800 alleged individuals related to criminal activity have died at the hands of the police and under mysterious circumstances²⁶. This issue has come to the concern of the global community, since Mr. Duterte pledged to kill 100,000 criminals within the six months of presidency.

Journalists

Often termed as the “voice of freedom” for a country, journalists have an inherent danger in their work. They keep the public well-informed about their country’s affairs, and ultimately make sure the voices of the people are heard. Before his election to office, President Rodrigo Duterte of the Philippines claimed that corrupt journalists were legitimate targets of assassination²⁷. Voicing his disapproval, United Nations Ban Ki-moon said, “I unequivocally condemn his [President Rodrigo Duterte] apparent endorsement of extrajudicial killing, which is illegal and a breach of fundamental rights and freedoms. Such comments are of particular concern in light of ongoing impunity for serious cases of violence against journalists in the Philippines²⁸.”

In 2014, the Islamic State (ISIS) beheaded Steven Sotloff²⁹. He was among the 70 journalists killed that year by ISIS. The journalists were reporting the acts of crime committed by the military group, coupled with the destruction of artifacts with centuries of history and culture. By exposing these sort of acts, journalists enable the world to glimpse into those affected by ISIS’s rule.

²⁵ <http://www.lassnet.org/2009/readings/johnson08judicial-extra-judicial-killings.pdf>

²⁶ <http://www.npr.org/sections/thetwo-way/2016/08/22/490944191/under-new-philippine-president-nearly-1-800-have-died-in-extrajudicial-killings>

²⁷ <https://www.theguardian.com/world/2016/may/31/philippine-president-elect-says-corrupt-journalists-will-be-killed>

²⁸ <http://www.un.org/apps/news/story.asp?NewsID=54190#.V8oWypgrKM8>

²⁹ http://www.democracynow.org/2014/9/3/steven_sotloff_beheaded_by_isis_becoming



Targeted Killings

Targeted killings are vaguely defined under international law. As a result, each case must be investigated and tried legally, slowing down the legal process. With the development of technology, there have been multiple incidents of the employment of drones to specifically target individuals. For example, in 2011, the United States launched a drone strike on Anwar al-Awklaki, the al-Qaeda propagandist³⁰.

According to a UN special report, “targeted killings are premeditated acts of lethal force employed by states in times of peace or during armed conflict to eliminate specific individuals outside their custody.” The acts include cruise missiles, drone strikes, and special operations raids. The increase in targeted killings shows that the unlegislated area may increase the difficulty of combating extrajudicial and summary executions.

Killings Based on Sexual Orientation

Recently, the rise of hate crime against LGBT people has been increasing exponentially. Since 2008, Transgender Europe’s “Trans Murder Monitoring project” reported that at least 1700 transgender individuals have been killed in Central and South America³¹. In the United States, the FBI reported approximately 1200 transgender individuals were victims of hate crime³². It is incredibly difficult to conjure a comprehensive list of the killings based on sexual orientation, thus adding another level of difficulty to measure these extrajudicial killings and develop legislation based on them.

³⁰ <http://www.cfr.org/counterterrorism/targeted-killings/p9627>

³¹ <https://76crimes.com/100s-die-in-homophobic-anti-gay-attacks-statistics-updates/>

³² Ibid



In addition to the Universal Declaration of Human Rights, the United Nations pointed out in resolution 2993 (XXIII) in 1968 that in cases where the death penalty can be imposed, the legal process should be carefully laid out and undergone with the strictest procedures³³. The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders denounced the “the practice of killing and executing political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups³⁴.”

A notable development in the case against extrajudicial and summary executions was the appointment of an expert to serve as a special rapporteur to the Commission on Human Rights³⁵. The Chairman of the Commission was requested to appoint an individual that would provide a comprehensive report on extrajudicial and summary executions. The Commission on Human Rights, in its most recent solution-- 1997/61--requested the Special Rapporteur to carry out his mandate:

- C. To enhance further his dialogue with Governments;
- D. To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;
- E. To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;
- F. To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

The UNHRC also passed A/RES/67/168 which welcomed the “International Court as an important contribution to ending impunity concerning extrajudicial, summary, or arbitrary executions³⁶.” The “protection of witnesses” was also recognized as a matter of importance so as to provide evidence in a court hearing³⁷.

The lack of direct solutions to the controversy over Internet Censorship shows the multifaceted nature of this issue. Solutions should include an international consensus on the amount of Internet Censorship that should be implemented, and by which means it will be done. However, a consensus will be difficult to reach given the varying views of every nation.

³³ <http://www.ohchr.org/Documents/Publications/FactSheet11rev.1en.pdf>

³⁴ Ibid

³⁵ Ibid

³⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/488/68/PDF/N1248868.pdf?OpenElement>

³⁷ Ibid



The Special Rapporteur stated in the 2010 report to the General Assembly that “[we] can do vastly more to prevent unlawful killings around the world and to put in place much more effective mechanisms for accountability when atrocities do occur³⁸.” There has been work put in place to prevent extrajudicial and summary killings, but there is a lack of international policy on the prevention of these killings and a lack of country accountability. Delegates should focus on certain policies aimed to prevent extrajudicial and summary executions and take immediate action in protecting the rights of those threatened by extrajudicial execution around the world.

Investigations

In order to bring justice upon the matter, countries should conduct investigations into cases of extrajudicial and summary executions. Every country must ensure that every person has the right to a fair and full trial, and follow the legal process strictly. While this is a plausible solution, internationally investigating cases may not be approved by countries with ongoing extrajudicial and summary executions. It should be of international interest to not infringe upon a country’s national sovereignty.

Introducing Legislation

Delegates should seek to develop policies on the topic of extrajudicial and summary executions. It is upon your discretion to either regulate the policies, upon development, or instead to maintain that the policies are merely guidelines for countries to follow. Countries with extrajudicial and summary executions may not be inclined to create legislation regarding extrajudicial and summary executions, posing a large problem to the international community.

Accountability

One of the biggest issues in combating extrajudicial and summary execution is addressing the accountability of countries. Partly what the UNHRC should focus on is enhancing global transparency. One factor is ensuring the safety of journalists to be informed on instances of extrajudicial injustices in a country. However, there is no sure-fire way to guarantee the validity of a country’s claims about its extrajudicial and summary executions.

³⁸ Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions, Philip Alston. UNHRC



European Union

Before 1953, in Yugoslavia, Romania, and Bulgaria, ten thousand people were allegedly killed or executed for non-conforming political acts³⁹. In Poland, anxiety surfaced after police arrested and beat passersby in 1976. Recently, extrajudicial and summary executions have decreased significantly. In some Western European countries, extrajudicial killing has allegedly been practiced by their secret services.

African Union

In Africa, there has been a significant amount of extrajudicial killings. Security officials may arrest and execute individuals without a judicial process⁴⁰. In addition, the family and relatives of the victim may not even hear about the incident. In Ethiopia, Equatorial Guinea, and Burundi, many people charged with political offenses have been executed only after summary judicial hearings. In Ethiopia, military tribunals have imposed death penalties by summary trial for a wide variety of offenses. In 1997, fifteen individuals were publicly executed in front of thousands, after allegedly to have committed robberies and other offenses.

Asia

In Asia, countries with ethnic and political unrest, such as Bangladesh, Malaysia, and the Philippines, have experienced extrajudicial and summary executions. Non-Communist countries such as Nepal and Sri Lanka have minimal signs of extrajudicial executions. In China, there have been many cases of extrajudicial executions of political activists, and it is difficult to determine what the list of victims consists of. In these countries, the governments may deny the illegal executions, and there may also be deaths of those held in official custody. For example, in South Africa, two individuals were tortured in detention while the government claimed that they had committed suicide.

Middle East

In the Middle East, political crimes are punishable by death sentences and the judicial processes are in many instances obscure. In 2013, Syria used Sarin gas against civilians, incurring hundreds of thousands of casualties. In addition to that, 243 people were executed extrajudicially in that same year.

United States of America

Although the United States has minimal extrajudicial executions, it has come under recent controversy over the usage of drones. The US has employed drones, otherwise known as Weapons of Mass Destruction (WMDs), to eliminate terrorism and produce surveillance of Taliban and Al-Qaeda camps. In 2013, drone missile strikes in Yemen allegedly killed 13 innocent civilians.

³⁹ https://www.jstor.org/stable/762112?seq=5#page_scan_tab_contents

⁴⁰ Ibid



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Discussion Questions/Further Reading

1. Does your country practice extrajudicial and summary executions? If so, how often?
2. Who have been the perpetrators of extrajudicial injustices in your country? Does your government condone those injustices?
3. What measures have your country taken to reduce extrajudicial and summary executions?
4. How effective have those measures taken to reduce extrajudicial and summary executions in your country?
5. What areas of extrajudicial killings have not been addressed specifically by international legislation?
6. How can the international community come to an agreement on the accountability of this issue?
7. Has the Special Rapporteur visited your country and made a report on it? If so, is it an accurate representation of your country?

The United Nations Human Rights Council

<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

Project on Extrajudicial Executions

<http://www.extrajudicialexecutions.org/china.html>

Amnesty International

<http://www.amnesty.org>

British Broadcasting Corporation

<http://www.bbc.com/news/uk>

TIME

<http://time.com>

Human Rights Watch

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