

A summary on the characteristics and/or causes of concern related to the various kinds of violations taken up by the SR notes:

- ♦ death threats: against individuals and such groups of persons as inhabitants of certain municipalities, witnesses, indigenous groups, persons belonging to certain families and members of opposition parties, also against human rights defenders, human rights activists, trade and union leaders, and persons who have cooperated with UN bodies; threats issued or uttered by state officials, paramilitary groups and private individuals cooperating with or tolerated by the state;
- ♦ deaths in custody: noting that as a general rule — and not only in countries where a pattern of deaths in custody exists — there is very little indication of effective action by the authorities to bring to justice those responsible and to compensate the families of the victims;
- ♦ deaths due to excessive use of force by law enforcement officials: in such instances as against participants in demonstrations, a “shoot to kill” policy, following a warning, against anyone breaking the law, anyone carrying a weapon and any assembly of more than five people; a “shoot to kill” policy against thieves caught in the act;
- ♦ violations of the right to life during armed conflicts: instances and incidents of deaths of civilians and persons *hors de combat*; use of indiscriminate or disproportionate force; and, the utilization of anti-personnel mines or the blockage of goods and services, including relief assistance; and
- ♦ deaths due to acts of omission: such as the failure of authorities to prevent mobs from carrying out so-called “popular justice”; persons lynched or set on fire because they were suspected of theft.

The report notes that the right of victims or their families to receive fair and adequate compensation within a reasonable period of time is a recognition of the state’s responsibility for the acts committed by its personnel and, further, that the absence of compensation to victims’ families seems to be the corollary of impunity. The report then refers to inconsistencies in the international community’s approach to the issue of compensation by noting that neither of the two Security Council resolutions establishing international criminal tribunals for the former Yugoslavia and Rwanda contain provisions concerning compensation for victims or their families while individuals, governments or organizations which suffered losses and damages as a direct result of Iraq’s invasion and occupation of Kuwait may receive compensation from the UN Compensation Commission. In light of such inconsistencies, the SR stated his opinion that the establishment of an international fund for reparation payments should be considered so as to allow for fair and adequate compensation to the victims’ families. The establishment of such a fund would be, in the SR’s view,

consistent with paragraph 20 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions which states that “The families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.”

The section of the report dealing with violations of the right to life in relation to women notes that action was taken on behalf of more than 80 identified women, including some girls, in 26 countries and the territory under control of the Palestinian Authority. In most cases, the actions taken were in response to death threats and deaths during attacks or killings by state security forces or paramilitary groups. The report states that the figures do not necessarily show the actual number of women on whose behalf the SR intervened, noting: they reflect only those cases in which it was specifically indicated that the victim was female; and some allegations transmitted by the SR refer to groups of unidentified persons which likely included women. The SR noted the fact that women and children are the main victims of armed conflict and civil unrest.

The cases taken up by the SR involving children related to: death sentences on conviction for murder; threats against children because of their link to an adult; deaths in custody arising from excessive use of force; attacks or killings committed by security forces or paramilitary groups; “social cleansing” operations related to street children; and, deaths in the context of armed conflict and internal strife, in some cases during massacres.

The report notes that urgent appeals and other cases related to the situation of human rights defenders were sent to 12 governments. In terms of violations of the right to life involving those exercising the right to freedom of opinion and expression, the report refers to cases involving journalists, members of political parties and trade unions, and participants in demonstrations. In terms of individuals involved in the administration of justice the report notes that violations were committed against prosecutors, judges, lawyers, plaintiffs and witnesses. With regard to persons belonging to national, ethnic, religious or linguistic minorities, appeals and cases were handled on behalf of, *inter alia*, indigenous persons and members of the Baha’i faith, the Roma minority and the Karen, Shan and Karenni.

On the question of violations of the right to life and terrorism, the SR noted that violent acts committed by terrorist groups do not fall within the purview of the mandate which allows action only when perpetrators are believed to have a link with the state. The SR acknowledged, however, the violence committed by armed opposition groups resorting to terrorism as a tactic of armed struggle against governments and noted that violent acts committed by such groups have led to the killing of many civilians in a number of countries. The SR expressed repugnance at terrorists’ acts which claim the lives of a large number of innocent civilians and, while acknowledging the difficulties that the concerned governments