

- ▶ conduct exhaustive and impartial investigations into allegations of violations of the right to life, identify those responsible and prosecute alleged perpetrators of such acts;
- ▶ not resort to blanket amnesty laws prohibiting the prosecution of alleged perpetrators and violating the rights of the victims; and
- ▶ include in their national legislation provisions to allow adequate compensation and facilitate access to judicial remedies to victims and families of victims of violations of the right to life.

The report includes three other recommendations, namely that:

- ▶ the Commission on Human Rights consider appointing a special rapporteur on conditions of detention and prison conditions;
- ▶ the Commission call for rapid adoption of an optional protocol to the Convention against Torture to establish a system of periodic visits to places of detention; and
- ▶ a monitoring mechanism to supervise implementation of the Convention on the Prevention and Punishment of the Crime of Genocide be established.

The mandate of the Special Rapporteur is up for renewal at the Commission's 1998 session.

At its 1997 session, the Commission adopted by consensus a resolution (1997/61) related to the mandate of the SR. The Commission, *inter alia*: expressed alarm that extrajudicial, summary or arbitrary executions continue in all parts of the world on a large scale; expressed dismay at the practice of impunity and noted it as a main cause of continued occurrence of such executions; strongly condemned once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world; demanded that governments ensure that the practice is eliminated; reiterated the obligation of governments to conduct impartial and exhaustive investigations into all suspected cases of such executions; encouraged states that have not abolished the death penalty to comply with obligations under relevant provisions of international human rights instruments; requested the SR to continue work and submit reports to the Commission annually and exceptionally if required; requested the SR to give particular attention to executions of children as well as participants in demonstrations and other peaceful public manifestations or persons belonging to minorities; requested the SR to give special attention to executions against persons carrying out peaceful activities in defence of human rights and fundamental freedoms; urged governments to take the necessary steps to prevent loss of life during public manifestations, internal and communal violence, disturbances, tension and public emergency or armed conflict; appealed to governments to ensure that all persons deprived of liberty are treated with humanity and respect; urged governments to cooperate with and assist the SR, including where appropriate by inviting the SR to conduct field missions; and, expressed concern at number of governments noted in the 1997 report that have not replied to communications from the SR.

Resolution on the Death Penalty

The Commission also adopted, by roll call vote, a resolution on the question of the death penalty (1997/12) in which the Commission, *inter alia*: recalled relevant articles in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child; welcomed the opening for signature of the Second Optional protocol to the ICCPR, aimed at abolition of the death penalty; recalled numerous ECOSOC resolutions on the subject; welcomed exclusion of capital punishment from penalties that may be imposed by the international criminal tribunals on the former Yugoslavia and Rwanda; expressed concern that several countries impose the death penalty in disregard to provisions in the ICCPR and the Convention on the Rights of the Child; expressed concern that several countries do not take into account the international Safeguards guaranteeing protection of the rights of those facing the death penalty; expressed belief that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights; called on states parties to the ICCPR that have not yet done so to consider acceding to or ratifying the Second Optional Protocol; urged all states that maintain the death penalty to comply fully with obligations under the ICCPR and the Convention on the Rights of the Child and impose the death sentence only for the most serious crimes, not to persons under 18 years of age, exclude pregnant women and ensure the right to seek pardon or commutation; called on all states progressively to restrict the number of crimes for which the death sentence may be imposed; called on states that still impose the death penalty to consider suspending executions with a view to abolishing the death penalty; requests that the Secretary-General submit yearly a supplement to the quinquennial report on capital punishment and implementation of the Safeguards, on changes in law and practice concerning the death penalty worldwide; and, called on states that maintain the death penalty to make available to the public information regarding imposition of the death penalty.

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FREEDOM OF OPINION AND EXPRESSION

Special Rapporteur on freedom of opinion and expression (E/CN.4/1997/31)

The mandate of the Special Rapporteur (SR) on freedom of opinion and expression was established by the Commission in 1993. In 1997, the SR was Mr. A. Hussain (India). In making this decision, the Commission explicitly acknowledged the cause-and-effect relationship between violations of the rights to opinion, expression and information and arbitrary detention, summary execution, disappearance, persecution and intimidation, harassment and other acts of violence and other forms of violations.

The 1997 report reviews some of the basic questions addressed in previous reports and taken by the SR as the framework within which the right must be viewed. Among the points made are: the principle of proportionality must be applied in establishing whether a limitation on the right is legitimate; protection of the right is the rule and restriction is