

a threat and therefore less exposed to acts of violence by governments. The report notes that, where women have been active in areas more traditionally occupied by men, they have been as vulnerable to threats, attacks and summary execution as men. As well, in a number of cases, women have been targeted because of their relationship to men who were persecuted by security forces.

In other sections, the report includes summary information on violations of the right to life related to children, mass exoduses, the right to freedom of opinion and expression, the administration of justice, persons belonging to national, ethnic, religious or linguistic minorities, terrorism, activities in defence of human rights, and reprisals against persons who have cooperated with representatives of UN human rights bodies.

On the question of the capital punishment, the report outlines the three principles that have guided the Special Rapporteur's work. These are:

- ▶ the desirability of the abolition of the death penalty-citing the Security Council resolutions establishing the international tribunals for the former Yugoslavia and Rwanda and the provision that imprisonment is the only penalty that may be imposed by these tribunals; the comment of the Human Rights Committee that, while states are not obliged to abolish the death penalty, they are required to limit its use to only the most serious crimes; General Assembly resolutions aimed at progressively restricting the number of offences for which capital punishment may be imposed; the report of the Secretary-General and the resolution of ECOSOC on the safeguards to protect the rights of those facing the death penalty;
- ▶ the need to ensure the highest standards of independence, competence, objectivity and impartiality of judges and juries and full respect of guarantees for a fair trial-related to the absolute need to ensure defendants in capital cases access to competent counsel, the presumption of innocence, due account being given to mitigating factors, requirements that the burden of proof rest with the state, provisions for review and appeal by a higher tribunal, the rights to seek pardon, commutation of sentence or clemency, special jurisdictions and the requirement for a public and transparent trial; and
- ▶ restrictions on the use of the death penalty-related to issues beyond the prohibition in international law on the application of the death penalty in cases involving juvenile offenders, mentally retarded or insane persons, pregnant women and recent mothers, and use of the death penalty for economic crimes and drug-related offences; ECOSOC resolution 1984/50 stating that the scope of crimes subject to the death penalty should not exceed intentional crimes with lethal or other extremely grave consequences.

Consistent with the approach taken in previous reports, the SR includes commentary on the question of impunity and states that impunity remains the principal cause for the perpetuation of violations of human rights, and particularly those of the right to life. The report notes conditions conducive to impunity, including: legislation that exempts perpetrators of human rights violations from prosecution; failure of authorities to invoke legal provisions for the prosecution of human

rights violators; failure of authorities to investigate allegations of human rights violations; absence of an independent and impartial judiciary; and use of military courts to try members of the security forces. The report also considers two other issues related to impunity: (a) mob killings in which suspected robbers, suspected murderers, members of discriminated groups and even persons responsible for traffic accidents are often summarily executed in the streets by angry mobs; (b) international jurisdiction, noting the need for the establishment of a permanent international criminal court with universal jurisdiction over mass violations of human rights and humanitarian law and the adoption of a convention, similar to the Convention against Torture, which would provide domestic courts with international jurisdiction over persons suspected of having committed mass violations of the right to life.

The recommendations included in the report are offered under the general recommendation that "The international community should concentrate its efforts on the effective prevention of further human rights crises, and on the implementation of existing standards for the protection of the right to life." Following on this, the report recommends that states:

- ▶ which have not done so ratify the International Covenant on Civil and Political Rights and, in particular, its Second Optional Protocol;
- ▶ bring national laws into conformity with international standards, particularly in regard to the prohibition on the imposition of the death sentence on minors and the mentally ill;
- ▶ which enforce capital punishment laws, observe all fair trial standards;
- ▶ establish a minimum period of six months following sentencing in capital cases to allow for appeal;
- ▶ investigate all instances brought to their attention of death threats or attempts against the lives of others;
- ▶ ensure that conditions of detention conform to international standards and law;
- ▶ ensure that security personnel receive training on restrictions on the use of force and firearms, including methods of crowd control without resorting to lethal force;
- ▶ which have not done so, ratify the four Geneva Conventions of 1949 and the two Additional Protocols;
- ▶ in which terrorists groups are active, conduct counter-insurgency operations in conformity with human rights standards;
- ▶ which have not done so, ratify the Convention on the Prevention and Punishment of the Crime of Genocide;
- ▶ take all necessary measures to prevent acts of communal violence from degenerating into large-scale killings that may reach the dimension of genocide;
- ▶ at all times, refrain from any propaganda or incitement to hatred and intolerance that might give rise to acts of communal violence or condone such acts;
- ▶ refrain from expelling persons in circumstances where respect for their right to life is not fully guaranteed;