



Committee: Human Rights

Question of: Extrajudicial Killings

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Introduction:

The question of extrajudicial killings is an issue that many nations have a history with. Despite there being numerous documents that prohibit extrajudicial killings, in 2018 there were still many cases of extrajudicial killings these include, the murder of journalist Jamal Khashoggi and extrajudicial killings in the Philippines.

Although the UN has no official definition of Extrajudicial execution, Amnesty International defines it as “unlawful (without any legal process) and deliberate killings carried out by a government (or with their complicity), a state official or those acting with the consent or acquiescence of state officials acting without orders”. Many nations have been accused of extrajudicial killings in the past, it is the job of this committee to reach a solution.

The International Criminal Court is a permanent court that can investigate and prosecute people suspected of committing crimes against humanity, war crimes and the crime of aggression in situations where national authorities are unable or unwilling to act genuinely. Due to the nature of this topic delegates may want to consider whether they should join the ICC, leave the ICC or propose a nation is referred to the ICC.

The Issue:

In the past many nations have been accused of carrying out extrajudicial executions. Whilst many of these countries vehemently deny these accusations, others fully acknowledge their occurrence and fail to do anything to change this. Many key documents in the UN state that no extrajudicial killings should be carried out however it is the view of some nations that under their right to sovereignty they should be able to govern their people how they see fit. Using official documents may be useful when developing your arguments, however you may also like to look at case studies like the Philippines to formulate your research. In the Philippines president Rodrigo Duterte has authorised extrajudicial killings to try and eradicate the country of its drug problem. Since he came into office, crime rates have declined however, they have not done so across the board as homicide levels have increased. Although the Filipino government claim their regime is working, Duterte now may now face action from the International Criminal Court for Crimes against Humanity.



Important Documents

Article 3 of the Universal Declaration of Human rights states, "Everyone has the right to life, liberty and security of person." In this debate, one of the main arguments is that by carrying out extrajudicial killings that nation is going against the UDHR however not all nations have signed the declaration. This article is considered important as it has proved paramount to organisations involved in protecting Human Rights across the globe. The fact that governments across the globe adopted the UDHR means that human rights violations are of concern to all governments, not just governments of the countries in which they occur. The International covenant on civil and political Rights reiterates the right to life, liberty, and security of person, as well as prohibiting the arbitrary deprivation of life which is a characteristic of these killings.

Article 2 of the UN Declaration on the Prevention of All Persons from Enforced Disappearance states, "No state shall practise, permit or tolerate enforced disappearances." This is a key point to consider as some countries may use "disappearances" to cover up extrajudicial killings. By preventing such events from occurring, this clause helps to minimise chances of extrajudicial killings going unnoticed. When government officials do violate these clauses they can be investigated by the International Criminal Court for crimes against Humanity.

The UN code for Law Enforcement Officials helps to distinguish when killings are considered extrajudicial and when they are not. This document states that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." This means that although law enforcement officials do not have the authority to kill people without reason, if a death was unavoidable, they will not be prosecuted for an arbitrary execution.

The documents and clauses mentioned above are key factors to consider when researching this topic, however, these examples are not exhaustive.

Key States Involved

When researching this topic, it is best to consider where your country lies in respect to the Universal Declaration of Human Rights. Another factor to consider is whether your country has been accused of extrajudicial killings recently.

Recently, Saudi Arabia have been accused of carrying out an extrajudicial execution. It is claimed that the people who orchestrated the murder of journalist Jamal Khashoggi are high enough to represent Saudi Arabia. Meanwhile, Saudi Arabia has dismissed 5 senior government officials and detained 18 others as an investigation into his death is underway.

As previously mentioned, the president of the Philippines has launched a "war on drugs" in his country. Extrajudicial killings are characteristic to his regime, with the president himself saying "my only sin in the extrajudicial killings". Currently the official number of people killed by the "war" is 4,500, Human Rights groups believe that the actual death toll is 12,000.

The United states have also been accused of carrying out extrajudicial killings. one of these includes the murder of Osama Bin Laden. The Al Qaeda leader was shot dead in 2011. As he did not

stand trial many people have called the legality of the execution into question. The US government said that it was a matter of national self-defence. The US were also accused of the murders of 3 prisoners in Guantanamo Bay in 2006. The United States denied these allegations and said that they were suicides.

Key Events

Event/Date	Explanation
Universal Declaration of Human Rights is adopted – 10 th December 1948	As previously mentioned the Universal Declaration of Human rights set a standard for basic human rights. This document is key to trying to solve extrajudicial killings.
General Pinochet assumes power in Chile - 1973	During Pinochet's regime he ordered the extrajudicial killings of people who supported the previous government. Although it has never been proven it is believed the CIA supported the regime.
Duterte assumes power in the Philippines-2016	The president of the Philippines has not been shy about admitting the occurrence of extrajudicial killings in his war on drugs. This is an issue at the forefront of the question of extrajudicial killings.
Jamal Khashoggi is killed- 2 nd October 2018	The murder of the Saudi journalist is one of the most recent occurrence of an extrajudicial killing.

Previous Attempts to Solve the Issue

After the Second World War the Universal Declaration of Human Rights was written to try and prevent the massive loss of life experienced in Nazi Germany and throughout the war in general. Although 48 of the members signed the document 10 others did not. This attempt was successful to a degree as it set a standard for basic human rights everywhere. Since then other documents like the International Covenant on Civil and Political Rights have been written to help further the protection of people around the globe from human rights violations.

The Special Rapporteur on Extrajudicial, Summary and Arbitrary Killings allows investigations of countries where there have been reports of extrajudicial killings. It also applies, irrespective of whether the country has signed the relevant conventions or not. The reports written for the Special Rapporteur are submitted on an annual basis to allow potential human rights violations to be monitored closely. These reports are also submitted to the general assembly.

Although some attempts have been made to improve the current standing on extrajudicial killings many human rights workers worry that occurrences like that in the Philippines has normalised the executions to an extent.



Possible Solutions

- Making amendments to any existing documents regarding extrajudicial killings and/or Human Rights
- Attempting to put an end to extrajudicial killings in specific nations
- Reinforce Article 2 clause 1 of the UN Charter
- Increasing efforts into enforcing clauses laid out in important documents.

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